

MONTHLY LEGAL UPDATE

I. OVERVIEW

This Monthly Legal Update will highlight the recent changes in the business regulatory environment in the labour sector. It includes the following:

- Prakas No. 073/25 dated 04 March 2025 on the Procedure for the Settlement of Individual Labor Dispute;
- Prakas No. 074/25 dated 04 March 2025 on the Procedure for Settlement of Collective Labour Dispute;
- Instruction No. 016/25 dated 13 February 2025 on the Reminder to Strengthen Fire Prevention Measures and the Promotion of Occupational Safety and Health in Enterprises/Establishments; and
- Instruction No. 015/25 dated 07 February 2025 on the Special Protection of Pregnant Female Workers/ Employees.

II. THE PROCEDURE FOR THE SETTLEMENT OF INDIVIDUAL LABOUR DISPUTES

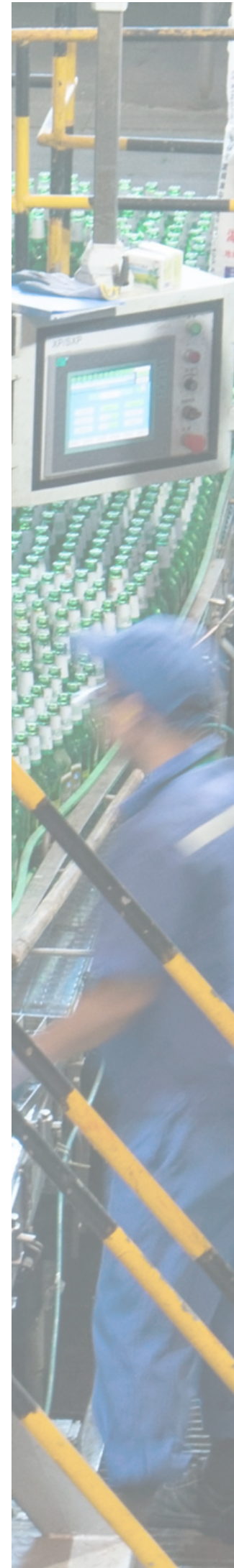
On 04 March 2025, the Ministry of Labor and Vocational Training (“MLVT”) issued a Prakas No. 073/25 outlining the Procedure for the Settlement of Individual Labor Disputes, replacing the previous Prakas No. 318 on the same issue.

Dispute Settlement Procedure

This Prakas provides a step-by-step procedure for resolving all cases in relation to individual labour disputes as follows:

Step 1: All complaints can be directly filed with a Labour Inspector for conciliation. Upon receipt of the complaints, the Labour Inspector shall review and decide whether to proceed with conciliation or to conduct an inspection on the dispute.

Step 2: The Labor Inspector will invite the involved parties to submit additional information and relevant documents to support the process within three (3) days from the specified date. This will be done separately for each party, and all received information will be documented in a report by the Labour Inspector.



Step 3: The Labor Inspector will schedule a meeting with both parties for conciliation after gathering all necessary information. The Inspector is required to resolve the individual dispute within three (3) weeks of receiving the complaint. Each conciliation session will be documented by the Labor Inspector, who will record the parties' positions, including whether they agree or disagree with the proposed settlement.

Step 4: Conciliation may yield the following results:

- Successful conciliation: The settlement agreement made before the labour inspector shall be considered as legally binding.
- Unsuccessful conciliation: this may lead to one of the following outcomes:
 - Reconciliation: If the parties fail to reach an agreement within two (2) days, they may jointly submit a written request to the Minister of the Ministry of Labor and Vocational Training (MLVT) for reconciliation. The Minister may appoint or change a mediator to restart the reconciliation process as outlined in the relevant procedures.
 - Labor court: If an agreement is not reached within two (2) months, either party may file a complaint before the Labor Court.
 - Arbitration: If either party requests it during the conciliation process, the Labor Inspector must report to the Minister of Labor and Vocational Training within two (2) working days, and the Minister will take further action by referring the case to the Arbitration Council within three (3) working days.

All individual disputes may be filed with the Arbitration Council in accordance with the procedures set forth in the above, except for disputes that have been declared null and void by the Labor Inspector.

Parties' Omission During the Dispute Settlement Procedure

If the plaintiff or his/her representative fails to provide the requested information within 3 working days after the specified date without any proper reason, the complaint shall be considered null and void. The same shall apply if the plaintiff or his/her representative fails to participate in the specified meeting without any proper reason or or refuses to sign/affix a thumbprint on the minutes of the meeting. This case can longer be filed for conciliation process.

If the defendant or his/her representative fails to provide the requested information within 3 working days after the specified date without any proper reason, the complaint shall be considered unsettled, and the defendant shall be considered guilty as charged.

The same shall apply if the defendant or his/her representative fails to participate in the specified meeting without any proper reason.

III.PROCEDURE FOR SETTLEMENT OF COLLECTIVE LABOUR DISPUTES

On 4 March 2025, the Ministry of Labor and Vocational Training (MLVT) issued Prakas No. 074/25 on the Procedure for the Settlement of Collective Labour Disputes, replacing the previous Prakas No. 317.

Dispute Settlement Procedure

The settlement of collective labour disputes follows these steps:

Step 1: Filing the Complaint

A party involved in a collective labour dispute may file a complaint with the Department of Labor Dispute or the Municipal/Provincial Department of Labour and Vocational Training of MLVT for conciliation unless stated otherwise in the collective bargaining agreement.

Step 2: Initial Review and Appointment of a Conciliator

Upon receiving the complaint, the Labour Inspector will review the case and determine the appropriate action, including conciliation or labour inspection. After this review, the Labour Minister must appoint a conciliator within 48 (forty-eight) hours. The conciliation process must begin within 15 days of the appointment.

Step 3: Submission of Information and Conciliation

The Conciliator will send an official invitation to the disputing parties, requesting them to submit relevant information and supporting documents. Each party will submit documents separately, and the Labour Inspector will compile the information into an official report. After gathering the necessary information, the Conciliator will invite all parties to participate in the conciliation process. During the reconciliation period, the parties must suspend all dispute-related actions.



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Step 4: Possible Outcomes of Conciliation

- **Successful Conciliation:** the settlement agreement signed/thumbprint by the dispute parties and authenticate by the labor inspector is valid and enforceable as the collective bargaining agreement between the dispute party and the worker/employee being represented. However, if the representative of the worker/employee is not the union, this settlement agreement does not contradict both to the union and to the worker/employee being represented.
- **Unsuccessful Conciliation:** If conciliation is unsuccessful, the process may proceed as follows:
 - **Reconciliation:** Within two (2) working days of the failed conciliation, the disputing parties may submit a written request to the Minister of Labour for reconciliation. The Minister may appoint or change the conciliator. If reconciliation remains unsuccessful, the parties must proceed with another dispute resolution process.
 - **Arbitration:** If conciliation fails, the Conciliator must report to the Minister of Labour within 48 hours. The Minister must then refer the case to the Arbitration Council within three (3) days for further resolution.

Nullity of Complaint

A complaint will be declared null and void if the plaintiff fails to cooperate or refuses to sign/thumbprint the required documents. Such a complaint cannot be resubmitted for the conciliation process.

Participation Requirements

All parties must attend every scheduled meeting. Unjustified absences will be subject to penalties.

The most representative union must participate in the conciliation. If the dispute does not arise from a collective bargaining agreement, a minority union may participate. If no union is available, a worker/employee representative designated by the Conciliator must attend.

Special Cases

- **Disputes Not Filed or Notified to the Labour Inspector:** The Minister of Labour may initiate conciliation proceedings upon receiving information about a dispute, even if no formal complaint has been filed.

- Disputes Affecting Public Security and Order: If a dispute affects or may affect public security and order, the Labour Inspector must immediately report to the Minister of Labour. The Minister will then appoint a Conciliator, who must promptly:
 - Initiate conciliation,
 - Gather information, and
 - Conduct on-site conciliation as required.

IV. ENTERPRISE/ESTABLISHMENT'S MEASURES ON FIRE PREVENTION, HEALTH, AND OCCUPATIONAL SAFETY

On 13 February 2025, the Ministry of labor and Vocational Training (MLVT) issued an Instruction No. 016/25 on the reminder to strengthen fire prevention measures and the promotion of occupational safety and health in enterprises and establishments. The instruction outlines key measures for enterprises and establishments, including:

1. Conducting regular inspections and maintenance of electricity related system and equipment to ensure compliance with safety standards.
2. Training workers on safety signs, evacuation procedures, and conducting regular drills.
3. Inspecting first aid facilities and ensuring the operation of the infirmary.
4. Conduct regular inspections and maintenance of fire prevention systems and equipment,
5. Ensuring emergency exits are safe, unobstructed, unlocked, and well-lit during a power outage.
6. Developing emergency response plans through classifying workplaces handling hazardous or flammable materials/items and respond measure as well as the allocation of such material further from business or production building.
7. Regularly maintaining and inspecting ventilation systems, ensuring they are turned on one hour before work starts.
8. Improving airflow by opening windows and doors or using fans during hot weather.
9. Instruct workers/employees to drink water every 15–20 minutes and wear appropriate clothing based on weather conditions.
10. Implementing a roof watering system to cool down production buildings twice a day or adding net on the roof to reduce heat.
11. Monitoring and acting against workers' exposure to hazardous substance flowing from outside the enterprises/establishments' premises.

12. The use of boiler in enterprises/establishment requires regular inspections, technical and safety specifications, permits, and trained operators from the ministry and specialized institutions.

13. Strengthening Occupational Safety and Health Committees of the enterprise, particularly on the assessment and mitigation of workplace risks.

Enterprises/establishments that fail to comply with this instruction, resulting in harm to life, property, public safety and order will be subject to administrative sanction and other criminal liabilities under the applicable law.

V.SPECIAL PROTECTION FOR PREGNANT FEMALE WORKER/ EMPLOYEE

On February 7, 2025, the Ministry of Labor and Vocational Training (MLVT) issued Instruction No. 015/25 on Special Protection for Pregnant Female Worker/Employee. The instruction sets out as follows:

1. Prohibit discrimination against pregnant female workers in relation to job opportunities, contract renewals, wage increases, and other benefits.
2. Pay total wages for the maternity leave period to pregnant female worker/employees prior to the commencement of maternity leave.
3. Shall not suspend the employment contracts of pregnant female worker/employees or female worker/employees within the 9-month period after maternity leave, except where the entire employment contract is suspended within a specific department or section of the enterprise or institution, or for all employees.
4. Encourage automatic renewal of employment contracts for pregnant female workers/employees or female workers/employees within one year after giving birth.
5. Prohibit the termination of employment for pregnant female worker/employees or female worker/employees within one year after giving birth, except in cases of serious misconduct.
6. Request prior review and approval from the labour inspector before terminating the employment of pregnant female worker/employees or female worker/employees within one year after giving birth.

Any non-compliance shall be subject to penalties as per the applicable laws and regulations.

*This Monthly Legal Update is a general information only and is not considered as legal advice or opinion. If you require any further information or have any questions, please contact **Mr. HOUN Vannak**, managing partner of **RHTLaw Cambodia**.*

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