

Kingdom of Cambodia
Nation Religion King

Ministry of Economic and Finance

No.: 498 SHV.BrK

Inter-Ministries' Declaration

On

Penalty to Individual who violate the Regulation of the Law on Labor

Deputy Prime Minister

Minister of Ministry of Economic and Finance

Minister of Ministry of Labor and Vocational Training

- Have seen the Constitution of the Kingdom of Cambodia,
- Have seen the Royal-Decree No. NS/RKT/0918/925 dated 06 September 2018 on the Appointment the Royal Government of the Kingdom of Cambodia,
- Have seen the Royal-Decree No. NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Adjust the Composition of the Royal Government of the Kingdom of Cambodia,
- Have seen the Royal-Krame No. NS/RKM/0618/012 dated 28 June 2018 promulgated the Law on the Organization and Functioning the Office of Council of Ministers,
- Have seen the Royal-Krame No. NS/RKM/0196/18 dated 24 January 1996 promulgated the Law on the Establishment of Ministry of Economic and Finance,
- Have seen the Royal-Krame No. NS/RKM/0105/003 dated 27 January 2005 promulgated the Law on the Establishment of Ministry of Labor and Vocational Training,
- Have seen the Royal-Krame No. NS/RKM/0323/001 dated 10 March 2023 promulgated the Law on Public Financial System,
- Have seen the Royal-Krame No. NS/RKM/0822/010 dated 18 August 2022 promulgate the Law on the Management of Non-Taxable Income,
- Have seen the Royal-Krame No. NS/RKM/0807/024 dated 10 August 2007 promulgated the Law on Code of Criminal Procedure of the Kingdom of Cambodia,
- Have seen the Royal-Krame No. JS/RKM/0397/01 dated 13 March 1997 promulgated the Law on Labor,
- Have seen the Royal-Krame No. NS/RKM/0707/020 dated 20 July 2007 promulgated the Law on the Amendment of Article 139 and 144 of the Law on Labor,
- Have seen the Royal-Krame No. NS/RKM/0618/010 dated 26 June 2018 promulgated the Law on Amendment of Article 87 paragraph "C" section 3 of chapter 4, Article 89, 90, 91, 94, 110, 120 and 122

of the Law on Labor that promulgated by the Royal-Krame No. JS/RKM/0397/01 dated 13 March 1997,

- Have seen the Sub-Decree No. 43 OrNKR.BK dated 28 February 2022 on the Organization and Functioning of the Ministry of Economic and Finance,
- Have seen the Sub-Decree No. 283 OrNKR.BK dated 14 November 2014 on the Organization and Functioning of the Ministry of Labor and Vocational Training,
- Have seen the Inter-Ministries Declaration No. 326/22 K. B/Br.K.Kh.L dated 25 November 2022 on the daily reference wage,
- Have seen the Circulation No. 006 SHV dated 13 August 2020 on the Procedure and Registration of the Income Implementation from Service of the Provincials-Municipals One Window Service and Income from Services and Income from the Penalty in cash which gathered from the expert department of provincial-municipals.
- By referring to the necessary of the Ministry of Labor and Vocational Training.

IT'S HEREBY DECIDED

Article1:

The penalty to the individual who violated the regulation of the Law on Labor as the competent of labor inspector of the Ministry of Labor and Vocational Training.

Article2:

The penalty to the individual who violated the regulation of the Law on Labor was prepared in the penalty list that detailed relating to the type of offences, daily based wage, number of days of penalty and level of penalty in accordance with the aggravating circumstance of each offence as stated in annex of this inter-ministries' declaration.

In case of violator defaulted to pay the penalty on timeframe, labor inspector will file up the case to the competent court in accordance with the existing law.

Article3:

The income collected from penalty and in cash penalty to the individual who violated the regulation of the Law on Labor under the competent of central administrative of Ministry of Labor and Vocational Training must be recorded in budget income of national administrative.

The income collected from penalty and in cash penalty to the individual who violated the regulation of the Law on Labor that under the competent of provincials-municipals department of labor and vocational training must be recorded in the provincials-municipals administrative that is the income of sub-national administrative.

Article4:

The legal procedure of the penalty on the type of offences as stated in Article2 of this inter-ministry' declaration must be determined by declaration of Ministry of Labor and Vocational Training.

Article5:

The Joint declaration No. 659 SHV.BrK dated 06 June 2016 on the in-cash penalty to the individual who violate the Law on Labor and any regulations that contrary to this inter-ministry' declaration will be abrogated.

Article6:

Cabinet Director, General Secretariat, General Inspector, Department Director, and Relevant Department of Ministry of Labor and Vocational Training and Ministry of Economic and Finance must be in charge to implement this inter-ministry' declaration from the signing date respectively onward.

Deputy Prime Minister,

Phnom Penh, 31 July 2023

Minister of Ministry of Economic and Finance

Minister of Ministry of Labor and Vocational Training

[sign & seal]

[sign & seal]

Dr. Aun Pornmoniroth

ITH SAMHENG

CC:

-Office of Council of Ministers,

-National Audit Authority,

-Anti-Corruption Unit,

-Cabinet of Samdech Akka Moha Padei Techo Prime Minister,

-Cabinet of Deputy Prime Ministers,

-Provincial-Municipals Administrative,

-As Article6,

-Royal Gazette,

-Document-Archives

Annex of Inter-Ministries' Declaration No. 498 SHV dated 31 July 2023 on the Penalty to the Offender of Regulation of Law on Labor

Penalty List for the Offender of Regulation of Law on Labor

| No. | Description | Article of Law | Daily Based Wage | Number of Days of Penalty | Penalty Amount |
|-----|--|-----------------|------------------|---------------------------|----------------|
| | | | (Riel/ Day) | (Day) | (Riel) |
| 1 | 2 | 3 | 4 | 5 | 6 = 4 x 5 |
| 1 | Discrimination | Article 12 | 80,000.00 | 63 | 5,040,000.00 |
| 2 | Have no the Law on Labor filed in the enterprise/establishment | Article 14 | 80,000.00 | 21 | 1,680,000.00 |
| 3 | Forced Labor | Article 15 | 80,000.00 | 63 | 5,040,000.00 |
| 4 | Hiring people to work to pay off debts | Article16 | 80,000.00 | 63 | 5,040,000.00 |
| 5 | Have no declaration of opening or closing enterprise/establishment | Article 17 & 18 | 80,000.00 | 63 | 5,040,000.00 |
| 6 | Have no register book in establishment | Article 20 | 80,000.00 | 21 | 1,680,000.00 |
| 7 | Have no declaration of staff movement | Article 21 | 80,000.00 | 42 | 3,360,000.00 |
| 8 | Have no internal regulation of enterprise | Article 22 | 80,000.00 | 21 | 1,680,000.00 |
| 9 | Fail to formulate the internal regulation in enterprise within 3 months after opening the enterprise or internal regulation of enterprise is implemented without being certified by the labor inspector. | Article 24 | 80,000.00 | 21 | 1,680,000.00 |
| 10 | The employer penalizes in cash to employee by deducting their wage that is usually provided | Article 28 | 80,000.00 | 42 | 3,360,000.00 |
| 11 | Failed to disclose the enterprise's internal regulation in the place that is easy to be seen by employee. | Article 29 | 80,000.00 | 21 | 1,680,000.00 |
| 12 | Revise the enterprise's internal regulation without complying with the legal standard of the ministry of labor and vocational training being in effect. | Article 30 | 80,000.00 | 21 | 1,680,000.00 |

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| 13 | Use the employment book of Cambodia employee against the law | Article 34 | 80,000.00 | 21 | 1,680,000.00 |
| 14 | Failed to register the employment or resignation in Cambodian employment book | Article 37 | 80,000.00 | 21 | 1,680,000.00 |
| 15 | Have no payroll ledger | Article 39 | 80,000.00 | 63 | 5,040,000.00 |
| 16 | The company's store is opened without complying with the conditions set forth. | Article 42 | 80,000.00 | 21 | 1,680,000.00 |
| 17 | the opening the company's store failed to comply with the declaration of ministry of labor and vocational training | Article 43 | 80,000.00 | 21 | 1,680,000.00 |
| 18 | The employer requires a cash guarantee or bond in employment contract or maintaining the employment contract | Article 44 | 80,000.00 | 42 | 3,360,000.00 |
| 19 | Have no employment contract in writing | Article 45 | 80,000.00 | 42 | 3,360,000.00 |
| 20 | The exploitation by the labor contractor | Article 46 | 80,000.00 | 63 | 5,040,000.00 |
| 21 | The labor contractor failed to disclose the declaration of status, name, and address of the entrepreneur | Article 49 | 80,000.00 | 42 | 3,360,000.00 |
| 22 | The entrepreneur failed to send the list of labor contractor to the labor inspector | Article 50 | 80,000.00 | 42 | 3,360,000.00 |
| 23 | Have no apprentice training or the number of apprentices is fewer than the required number | Article 57 | 80,000.00 | 42 | 3,360,000.00 |
| 24 | Have no the obligation fulfillment of instructor in facilitating apprentice and have no issuance of certificate | Article 59 | 80,000.00 | 42 | 3,360,000.00 |
| 25 | Incorrectly implement with the procedure of employment contract suspension | Article 72 | 80,000.00 | 21 | 1,680,000.00 |
| 26 | Refuse to issue the certificate of employment upon the termination of employment contract. | Article 93 | 80,000.00 | 42 | 3,360,000.00 |
| 27 | Collective layoff without compliance with the procedures into effect | Article 97 | 80,000.00 | 63 | 5,040,000.00 |
| 28 | Provide the minimum wage for employment improperly | Article 104 | 80,000.00 | 63 | 5,040,000.00 |
| 29 | Provide the inequality wage for work of same condition and produce the same amount and result | Article 106 | 80,000.00 | 42 | 3,360,000.00 |
| 30 | Failed to give a notice to employee about the condition of wage and the period of payroll | Article 112 | 80,000.00 | 21 | 1,680,000.00 |

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| 31 | Failed to pay the wage directly or pay the wage through other methods without consent from employee. | Article 113 | 80,000.00 | 42 | 3,360,000.00 |
| 32 | Restrict the freedom of employee in using their own wage | Article 114 | 80,000.00 | 42 | 3,360,000.00 |
| 33 | Pay the wage to employee improperly or at a prohibited place or at an inappropriate time | Article 115 | 80,000.00 | 42 | 3,360,000.00 |
| 34 | Pay the wage to employee late or fail to comply with number of times set | Article 116 | 80,000.00 | 42 | 3,360,000.00 |
| 35 | Wage deduction of employee for the purpose of job placement that are provided directly or indirectly | Article 126 | 80,000.00 | 63 | 5,040,000.00 |
| 36 | Wage deduction of employee for pay off debts, any deduction affecting any necessary portion of wage to feed themselves and family | Article 127 | 80,000.00 | 42 | 3,360,000.00 |
| 37 | Deduction for installment and deduction of wage against the procedures | Article 128 | 80,000.00 | 42 | 3,360,000.00 |
| 38 | Any revocation or deduction of employee's wage against the principles | Article 129 | 80,000.00 | 42 | 3,360,000.00 |
| 39 | Failed to review and pay the tips duly | Article 134 | 80,000.00 | 21 | 1,680,000.00 |
| 40 | Require employee to work more than the daily and weekly limit | Article 137 | 80,000.00 | 42 | 3,360,000.00 |
| 41 | Failed to divide the work shift or allocate daily work more than two shifts | Article 138 new | 80,000.00 | 42 | 3,360,000.00 |
| 42 | Pay overtime work to employee improperly | Article 139 new | 80,000.00 | 42 | 3,360,000.00 |
| 43 | Force employee to do compensation work or require employee to do compensation work against the legal procedures | Article 140 | 80,000.00 | 42 | 3,360,000.00 |
| 44 | Failed to comply with the working hours stipulated by law | Article 141 | 80,000.00 | 42 | 3,360,000.00 |
| 45 | Set up the working hours and rate of wage of night shift work incorrectly | Article 144 new | 80,000.00 | 42 | 3,360,000.00 |
| 46 | Employer failed to comply with the condition of working on the public holiday without permit from labor inspector or allow employee to have | Article 162 new | 80,000.00 | 42 | 3,360,000.00 |
| | holiday without permit from labor inspector or allow employee to have other work on day off exceed the permit | | | | |

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| | from labor inspector or not based on the volunteer principle | | | | |
| 47 | Failed to pay indemnity equal to the wage to the public holiday | Article 163 | 80,000.00 | 42 | 3,360,000.00 |
| 48 | Failed to pay indemnity for the work done on public holiday in addition to the employee's wage | Article 164 | 80,000.00 | 42 | 3,360,000.00 |
| 49 | Failed to provide annual leave | Article 166 | 80,000.00 | 42 | 3,360,000.00 |
| 50 | Payment instead of annual leave | Article 167 | 80,000.00 | 42 | 3,360,000.00 |
| 51 | Failed to provide wage and other benefits before annual leave | Article 168 | 80,000.00 | 42 | 3,360,000.00 |
| 52 | Failed to calculate annual leave | Article 169 | 80,000.00 | 42 | 3,360,000.00 |
| 53 | Failed to implement in accordance with the procedure for annual leave | Article 170 | 80,000.00 | 42 | 3,360,000.00 |
| 54 | Failed to classify correctly the category of work that is hazardous or overweight for children aged less than 18 years old | Article 173 | 80,000.00 | 42 | 3,360,000.00 |
| 55 | Hiring minor aged less than 18 to work in underground mines or quarries and failed to follow up the Declaration that specify the special feature of the work and vocational training for minor who work underground | Article 174 | 80,000.00 | 42 | 3,360,000.00 |
| 56 | Must not provide the night shift work for children aged less than 18 | Article 175 | 80,000.00 | 42 | 3,360,000.00 |
| 57 | Provide the night shift work break incorrectly for children | Article 176 | 80,000.00 | 42 | 3,360,000.00 |
| 58 | Employ young employee incorrectly | Article 177 | 80,000.00 | 42 | 3,360,000.00 |
| 59 | Employ young employee to work excessively | Article 178 | 80,000.00 | 42 | 3,360,000.00 |
| 60 | Failed to register the name of young employee aged less than 18 years old | Article 179 | 80,000.00 | 42 | 3,360,000.00 |
| 61 | Failed to register the name of young employee aged less than 14 years old | Article 180 | 80,000.00 | 42 | 3,360,000.00 |
| 62 | Failed to comply with the procedure for maternity leave | Article 182 | 80,000.00 | 42 | 3,360,000.00 |

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| 63 | Failed to provide the time for breastfeeding during working hours | Article 184 | 80,000.00 | 42 | 3,360,000.00 |
| 64 | Failed to have a breastfeeding room and baby day care center | Article 187 | 80,000.00 | 42 | 3,360,000.00 |
| 65 | Failed to set working hours correctly for plantation work | Article 194 | 80,000.00 | 42 | 3,360,000.00 |
| 66 | Force employee to accept partial payment of wage in kind | Article 198 | 80,000.00 | 42 | 3,360,000.00 |
| 67 | Failed to provide rice for regular plantation employees | Article 200 | 80,000.00 | 42 | 3,360,000.00 |
| 68 | Failed to provide free housing for plantation employees | Article 204 | 80,000.00 | 42 | 3,360,000.00 |
| 69 | Provide housing with size less than the minimum size for plantation employees | Article 205 | 80,000.00 | 42 | 3,360,000.00 |
| 70 | The housing failed to comply with hygiene and public health standard set by law | Article 206 | 80,000.00 | 42 | 3,360,000.00 |
| 71 | Failed to provide potable water for plantation employee to use | Article 210 m | 80,000.00 | 42 | 3,360,000.00 |
| 72 | Fail to have enough toilets that is appropriate and correctly in accordance with the standard set | Article 214 | 80,000.00 | 21 | 1,680,000.00 |
| 73 | Have no primary school for children according to the rate set "plantation work | Article 222 | 80,000.00 | 21 | 1,680,000.00 |
| 74 | Failed to comply with hygiene and security condition for employee set by ministry of labor and vocational training | Article 229 | 80,000.00 | 84 | 6,720,000.00 |
| 75 | Failed to have infirmary and physicians for first aid treatment and physical check-up when recruiting new employees or re-employment | Article 240, 241, 242 | 80,000.00 | 252 | 20,160,000.00 |
| 76 | Not responsible for work-related accident of employees | Article 249 | 80,000.00 | 42 | 3,360,000.00 |
| 77 | Failed to provide or provide indemnity or additional indemnity late for employee who dies or permanently disabled | Article 253 | 80,000.00 | 21 | 1,680,000.00 |
| 78 | Failed to comply with the agreement by the parties in the case that the victim of the work-related accident may receive the benefit above the law | Article 255 | 80,000.00 | 21 | 1,680,000.00 |
| 79 | Office staff require the job seeker to pay a fee | Article 260 | 80,000.00 | 63 | 5,040,000.00 |

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| 80 | The restriction of right to establish the professional organization and union formation or associations including employer and employee into one union or association | Article 266 | 80,000.00 | 63 | 5,040,000.00 |
| 81 | Impede or prohibit for the formation of worker union or employer's association and the formation of statute and administrative rule, election of representatives and preparation of their work program | Article 267 | 80,000.00 | 63 | 5,040,000.00 |
| 82 | The professional organization was registered and failed to copy a statute and responsible list and administrative affair to labor inspector, Office of council of ministers, ministry of justice and ministry of interior. | Article 268 | 80,000.00 | 84 | 6,720,000.00 |
| 83 | Incorrectly set out the condition of leaders of professional organization | Article 269 | 80,000.00 | 84 | 6,720,000.00 |
| 84 | Incorrectly set out the condition of foreign leaders of professional organization | Article 270 | 80,000.00 | 84 | 6,720,000.00 |
| 85 | Restricting of freedom in participation or withdrawing from professional organization | Article 273 | 80,000.00 | 63 | 5,040,000.00 |
| 86 | Failed to appoint the shop stewards | Article 278 | 80,000.00 | 63 | 5,040,000.00 |
| 87 | The employer takes the participation of union or activity participation of union in order to make a decision in recruiting the worker, leading and work allocating, ranking promotion, wage, benefit, penalty and dismissal | Article 279 | 80,000.00 | 63 | 5,040,000.00 |
| 88 | Employer committed the action to interfere over the employee's union | Article 280 | 80,000.00 | 63 | 5,040,000.00 |
| 89 | Employer deducted the wage to pay for union or pay contribution instead of worker | Article 281 | 80,000.00 | 63 | 5,040,000.00 |
| 90 | Failed to provide the benefit to the shop stewards or a former shop steward who resigned or position change | Article 282 | 80,000.00 | 63 | 5,040,000.00 |
| 91 | Failed to hold the shop steward's election or shop steward election failed to comply with the legal procedure | Article 283 | 80,000.00 | 63 | 5,040,000.00 |
| 92 | Objecting the right to hold the election and right to stand for shop stewards' election | Article 286 | 80,000.00 | 63 | 5,040,000.00 |
| 93 | Organize the full right of shop stewards and assistant shop stewards against the legal procedure | Article 287 | 80,000.00 | 63 | 5,040,000.00 |

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| 94 | Failed to recognize the assistant shop stewards who qualified instead of the full right shop stewards who resigned or absent for a while | Article 291 | 80,000.00 | 63 | 5,040,000.00 |
| 95 | Failed to organize the shop steward's election for next mandate | Article 292 | 80,000.00 | 63 | 5,040,000.00 |
| 96 | Employer failed to make a minute of meeting of shop stewards' election to the labor inspector within 08 days after election and failed to display the minute of meeting to disseminate the notification in enterprise | Article 296 | 80,000.00 | 42 | 3,360,000.00 |
| 97 | Failed to participate the conciliation of collective labor dispute | Article 306 | 80,000.00 | 42 | 3,360,000.00 |
| 98 | Failed to protect the freedom of employee who are non-strikers | Article 331 | 80,000.00 | 63 | 5,040,000.00 |
| 99 | Punishment on the strikers | Article 333 | 80,000.00 | 63 | 5,040,000.00 |
| 100 | Employ other employee to replace the strikers during the striking | Article 334 | 80,000.00 | 63 | 5,040,000.00 |
| 101 | Lockout against the legal procedure | Article 335 | 80,000.00 | 63 | 5,040,000.00 |
| 102 | Employers who eliminate or suspend the worker's weekly day-off or provide this day-off contrary to the section 04 of chapter 6 of the Labor Law or instruction to implement this law | Article 362 | 80,000.00 | 21 | 1,680,000.00 |
| 103 | Leaders or governor of professional organization who led these organization to conduct the activities contrary to its goal | Article 378 | 80,000.00 | 63 | 5,040,000.00 |
| 104 | The objector or attempt to object to comply with the function or use the power that renders to the labor inspector or labor governor labor medical inspector | Article 382 | 80,000.00 | 252 | 20,160,000.00 |
| 105 | Foreigner who operates any business without work permit/employment book including self-employed individual | Article 261 | 200,000.00 | 252 | 50,400,000.00 |
| 106 | No permit to use foreign labor including self-employed including self-employed individual | Article 264 | 200,000.00 | 63 | 12,600,000.00 |
| 107 | Employed foreign labor without employment book | Article 372 | 200,000.00 | 63 | 12,600,000.00 |