



Royal Kram

NS/RKM/0516/007

We,
His Majesty Preah Bat Samdech Preah Boromneath
NORODOM SIHAMONI,
KING of CAMBODIA,

- having considered the Constitution of the Kingdom of Cambodia;
- having considered Royal *Kret (Decree)* No. NS/RKT/0913/903 dated 24 September 2013 on the Appointment of the Royal Government of Cambodia;
- having considered Royal *Kram (Edict)* No. 02/NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- having considered Royal *Kram* No. CS/RKM/0498/06 dated 8 April 1998 promulgating the Law on the Organisation and Functioning of the Council of Constitution;
- having considered Royal *Kram* No. NS/RKM/0107/005 dated 31 January 2007 promulgating the Amended Law on the Organisation and Functioning of the Council of Constitution;
- having considered Royal *Kram* No. NS/RKM/0105/003 dated 17 January 2005 promulgating the Law on the Organisation and Functioning of the Ministry of Labour and Vocational Training;
- having considered the proposition of *Samdech Akka Moha Sena Padei Techo Hun Sen*, Prime Minister of the Kingdom of Cambodia;

promulgate

the Law on Trade Unions that was adopted on 4 April 2016 at the 6th Session of the Fifth Legislature of the National Assembly, was approved by the Senate on 12 April 2016 at the 8th Session of the 3rd Legislature of the Senate, and was declared constitutional by the Council of Constitution per Resolution No. 160/002/2016/CC dated 5 May 2016, in the full text as follows:

LAW

ON

TRADE UNIONS

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CHAPTER 1:

GENERAL PROVISIONS

Article 1: Purpose

This law has a purpose to:

- Provide for the rights and freedoms of enterprises or establishments, and all persons who fall within the provisions of the labor law as well as personnel serving in the air and maritime transportation; and
- Determine the organization and functioning of the professional organizations of workers and employers in the Kingdom of Cambodia.

Article 2: Objective

This law has an objective to:

- Protect the legitimate rights and interests of all persons who fall within the provisions of the labor law and personnel serving in the air and maritime transportation;
- Ensure the rights to collective bargaining between workers and employers;
- Promote harmonious industrial relations; and
- Contribute to the development of decent work, enhancement of productivity and investment.

Article 3: Scope

- This law covers enterprises or establishments and all persons who fall within the provisions of the labor law.
- This law also covers personnel serving in the air and maritime transportation.

Article 4: Definitions

The key terminologies used in this law have the following definitions:

- A **professional organization** refers to a voluntarily and jointly established team or group of workers and employers aiming to cooperate with one another to carry out activities or to develop their own procedural rules for achieving specific professional objectives or goals. By virtue of this law, a professional organization of workers is called a union, whereas a professional organization of employers is called an employer association.
- A **shop steward** is a workers' representative elected through direct voting by workers.
- A **body of the electorate** is an electoral body.
- A **union delegate** is a union members' representative elected through voting or

appointed by his or her respective union.

- A **local union** refers to a professional organization that is established by workers jointly and voluntarily in the locality of that enterprise or establishment.
- A **union federation** refers to a professional organization, which is established jointly and voluntarily either by local unions within the same or similar professions, or by local unions with the same or similar economic activities.
- A **union confederation or a coalition of union federations or union alliance**, refers to a professional organization of workers that is established jointly and voluntarily by union federations.
- A **national council of unions**, which comprises of all union confederations, all coalitions of union federations or union alliances as members, is to be the only legally unified representation of the entire union organization.
- An **employer federation** refers to a professional organization, which is established jointly and voluntarily by employer associations.
- **Complete closure** refers to closedown of an enterprise or establishment in conformity with the laws and regulations in effect.

CHAPTER 2:

FUNDAMENTAL RIGHTS TO ESTABLISH AND TO JOIN A UNION OR AN EMPLOYER ASSOCIATION

Article 5: Rights to Establish and to Join a Union or an Employer Association

All workers and employers have, without any distinction whatsoever, the rights to form a union or an employer association of their own choice for the exclusive purpose of study, research, training, promotion of interests, and protection of the rights and the moral and material interests, both collectively and individually, of the persons covered by union or employer association statutes.

Workers have the right to:

- Take part in the formation of a union;
- Be a member of a union and under its rules;
- Participate in the legitimate activities of the union of which he or she is a member;
- Seek and hold an office in any union of which he or she is a member and under its rules;
- Take part in the election of representatives at the workplace where there is a regulation stipulating such election;
- Be elected or appointed and serve as a workplace representative when there is a regulation stipulating for such election or appointment; and
- May exercise any other rights provided for in this law.

Employers have the right to:

- Take part in the formation of an employer association;
- Be a member of any such association according to its rules;
- Participate in the legitimate activities of the association of which they are a member;
- Hold an office in that association according to its rules; and
- May exercise any other rights provided for in this law.

Any unions or employer associations that include both employers and workers are forbidden.

Article 6: Non-Discrimination in Membership

All workers or employers, regardless of race, color, sex, creed, religion, political opinion, nationality, social origin or health status, are free to be members of the union or the employer association of their choice. No one, including any union, shall interfere with this right.

Article 7: Freedom of Not Joining

The freedom of individuals as set out in Article 5 (Rights to Establish and to Join a Union or an Employer Association) of this law also implies the freedom not to join a union or an employer association and the freedom to withdraw at any time from the union or the association that they have joined.

A worker may withdraw from a union through a signed or thumb printed letter to be submitted to his or her union and employer. Following such notification, the worker concerned shall be deemed to have automatically and immediately relinquished his or her membership. The employer shall stop deducting his or her union dues for the union contribution. No one shall interfere with a worker's rights to join or to leave a union.

Article 8: Freedom to Participate in Leadership and Management

In accordance with the conditions set forth in this law, all members of a union or an employer association can participate in the leadership, management and administration of the union or the association. The statutes of union or employer association, however, may reduce the conditions for the participation of retirees in these functions.

Article 9: Rights of Unions and Employer Associations

A national council of unions, unions and employer associations have the following rights:

- To draw up their own statutes and administrative regulations, their organization and functioning, and their work program as long as they are not contrary to the laws and regulations in effect or public orders; and
- To freely elect their representatives.

Article 10: Structure of Unions, Employer Associations and Affiliation with Unions or Employer Associations

The union has the following 3 (three) structures:

1. A local union is established by at least 10 (ten) workers of a given enterprise or establishment.
2. A union federation is established by at least 7 (seven) registered local unions.
3. A union confederation or a coalition of union federation(s) is established by at least 5 (five) registered union federations.

The employer association has the following 2 (two) structures:

1. An employer association is established by at least 9 (nine) enterprises or establishments.
2. An employer federation is established by at least 6 (six) registered employer associations.

Unions or employer associations can freely consult each other about the study, research, training, occupational promotion and protection of their moral and material interests.

Unions can affiliate with other unions, both national and international. Employer associations also possess the same rights.

A union in a given enterprise or establishment has the right to join in a membership with a single higher-level union at the time.

CHAPTER 3:

REGISTRATION OF UNIONS OR EMPLOYER ASSOCIATIONS

Article 11: Rights and Benefits of Registration

In order for unions or employer associations to enjoy the rights and benefits as provided for in this law, the founders of a union or an employer association must register with the ministry in charge of labor. The ministry in charge of labor shall maintain registration records and may work together to publish them on a regular basis.

Article 12: Requirements for Application for Registration

An application for registration shall be approved and provided with a certification, if it adequately meets all requirements, pursuant to the pertaining provisions of this law. The application shall be accompanied by the following:

- (a) An original copy of the union's or employer association's statutes, including a statement of its intents;
- (b) An original copy of its administrative regulations which govern leadership and administration;
- (c) A name list of leaders, managers, and those responsible for the administration of the union or employer association;
- (d) An address where financial books and records are to be kept;
- (e) An affidavit guaranteeing that its bank account details will be provided within 45 (forty-five) days following receipt of registration;
- (f) An attachment of original copy of the official minutes of elections for establishment of a professional organization;
- (g) As for unions:
 - A local union shall have a name list of all workers as its members made up of at least 10 (ten) workers at a given enterprise or establishment;
 - A union federation shall have a name list of at least 7 (seven) registered local unions as its affiliated members;
 - A union confederation or a coalition of union federations shall have a name list of at least 5 (five) registered union federations as its affiliated members.
- (h) As for employer associations:
 - An employer association shall have a name list of at least 9 (nine) employers as its members;
 - An employer federation shall have a name list of at least 6 (six) registered employer associations as its affiliated members.

If the ministry in charge of labor does not reply within 30 (thirty) working days following receipt of the registration form, the union or the employer association shall be considered to have registered already. A copy of the statutes and the name list of leaders, managers and those responsible for the administration shall be furnished for the Municipal or Provincial Departments in charge of Labor where the union or employer association was established, as well as for the Office of the Council of Ministers, the Ministry of Justice and the Ministry of Interior.

The filing of the statutes and the name list of leaders, managers and those responsible for the administration shall be re-submitted if there is any change made to the statutes, or to the leaders, managers and those responsible for the administration.

Article 13: Requirements for Statutes

- The statutes of any union or employer association asking for registration shall include:
- The name, logo, address, and a sample stamp of the union or the employer association;
 - A description of the occupational or sectoral scope of the union or the employer association;

- The determination of safekeeping of ordinary financial records and regular publication of annual financial reports of the union or the employer association;
- A set quorum by absolute majority (at least 50%+1) of the total members for a decision-making meeting on strike, amendment to the statutes and for a general assembly of the union;
- A requirement that a secret ballot is to be cast by at least 50%+1 (fifty percent plus 1) of the total members participating in the decision-making meeting on strike;
- A procedure for electing leadership through secret ballot;
- A term limit for the holding of the office of leaders, managers and those responsible for the administration, with a possibility of re-election;
- An identified amount of dues that each member shall pay, and the mode of monthly payment for union contribution shall be determined by a general assembly or an assembly of the union;
- Qualifications of leaders, managers and those responsible for the administration at least in conformity with Article 20 (Requirements for Leaders, Managers, and Those Responsible for the Administration of Unions at the Enterprise or Establishment) and Article 21 (Requirements for Leaders, Managers and Those Responsible for the Administration of Employer Associations) of this law.
- The union's statutes shall define whether this particular union has the intent to represent all workers in an enterprise or establishment or to represent only one or more than one category of workers as defined by the statutes. In the latter, only the workers in that category or those categories are eligible to join that particular union.

Article 14: Effect of Registration

Only registered unions or employer associations shall have a legal person status and legality. They have the rights to sue in the Labor court and to acquire fixed or unfixed properties, for free or for payment, and more generally they have the right to enter into contracts.

Any unions or employer associations that have not registered or have their registration deferred or revoked that continue to operate, are considered to be illegal.

Unions cannot run a business, except for the legal actions set forth in point "g" of Article 59 (Rights and Roles of Minority Unions in Enterprises with a Most Representative Status Union) of this law.

Article 15: Action on Application for Registration

The procedure and form of application for registration of unions or employer associations shall be defined by *Prakas (Ministerial Regulation)* of the Minister of the Ministry in charge of Labor.

Article 16: Extended Time for Registration

The extended time for registration may be provided for one of the following reasons:

- a. The stated objectives of the union or the employer association are not to defend or promote the rights and interests of persons that the statute of the union or the association has defined;
- b. The union is not independent. A union is considered to be not independent if it is
 - under control of an employer or employer association; and
 - under interference or influence of any kind from any employer or employer association;
- c. The union or the employer association does not meet the requirements as stipulated in Article 12 (Requirements for Application for Registration) of this law;
- d. The statutes of the union or the employer association do not fulfill the conditions as required by this law or its implementing regulations;
- e. The leaders, managers and those responsible for the administration of the union or the employer association do not fulfill all the conditions as stipulated in Article 20 (Requirements for Leaders, Managers, and Those Responsible for the Administration of Unions at the Enterprise or Establishment) and Article 21 (Requirements for Leaders, Managers and Those Responsible for the Administration of Employer Associations) of this law;
- f. The name of the union or the employer association is the same as that of a registered union or a registered employer association or so closely resembles that of a registered union or a registered employer association or so unclearly describes its coverage or objectives that the public is likely to be deceived or misunderstand.

The Ministry in charge of Labor must communicate in writing the reasons for extended time for the registration of a union or an employer association within 30 (thirty) working days following receipt of the application. Any union or employer association whose application has been time extended for 30 (thirty) days from the day of notification is to correct and complete the gap otherwise the application will be automatically denied.

Article 17: Maintenance of Registration

In order to maintain the approved registration to be valid, each union or employer association must:

- a. Submit their annual financial statements and annual activity reports, based on the financial books and records they keep, to their members for information, and a copy of which shall be furnished for the Ministry in charge of Labor at the latest by the end of March of the following year. They should show:
 - Total income during the reporting period, shown by amounts from all the sources of income;
 - Expenditure of the union or the employer association;
 - Activities of the union or the employer association; and

- Number of members.
- b. Provide details of its bank accounts within 45 (forty-five) days following receipt of registration.
- c. Update the information as required by this law and whenever changes are made thereto, with exception of any change in the membership, within 15 (fifteen) working days.

Article 18: Notification for Correction

In the event where the union or the employer association has not fulfilled the obligations as stipulated in Article 17 (Maintenance of Registration) of this law, the Ministry in charge of Labor shall give the first notification to the union or the employer association for correction within 45 (forty-five) days following receipt of the notification.

In case of failure in the first notification, the Ministry in charge of Labor shall give the second notification to the union or the employer association for correction within 30 (thirty) days following receipt of the notification.

In the event where the union or the employer association fails to comply with the second notification, the Ministry in charge of Labor can file a lawsuit to the Labor Court for revocation of registration of the union or the employer association.

Article 19: Revocation of Registration

The Labor Court has the authority to revoke the registration. The Ministry in charge of Labor can file a lawsuit to the Labor Court for revocation of the registration.

The registration is automatically revoked in the event of dissolution of the union or the employer association.

Article 20: Requirements for Leaders, Managers, and Those Responsible for the Administration of Unions at the Enterprise or Establishment

Cambodian nationals who are leaders, managers and those responsible for the administration of a union shall meet the following requirements:

- a. Be at least 18 (eighteen) years of age;
- b. Make their own declaration of a specific residential address;
- c. Make their own declaration that they have an educational level, with the minimal ability to read and write Khmer; and
- d. Make their own declaration that they have never been convicted of any criminal offense.

Foreign nationals who are leaders, managers and those responsible for the administration of unions shall meet the following requirements:

- a. Be at least 18 (eighteen) years of age;

- b. Be able to read and write Khmer;
- c. Have been working in the Kingdom of Cambodia for a minimum of 2 (two) years;
- d. Make their own declaration that they have never been convicted of any criminal offense; and
- e. Have the right to reside and have a permanent residence in the Kingdom of Cambodia in accordance with the Immigration Law of the Kingdom of Cambodia.

The Ministry in charge of Labor may ask for more information if necessary.

Article 21: Requirements for Leaders, Managers and Those Responsible for the Administration of Employer Associations

Cambodian nationals who are leaders, managers and those responsible for the administration of employer associations shall meet the following requirements:

- a. Be at least 18 (eighteen) years of age;
- b. Make their own declaration of a specific residential address; and
- c. Make their own declaration that they have never been convicted of any criminal offense.

Foreign employers, who are eligible to stand for election to be leaders, managers and those responsible for the administration of employer associations must meet the following requirements:

- a. Be at least 18 (eighteen) years of age;
- b. Have the right to reside and have a permanent residence in the Kingdom of Cambodia in accordance with the Immigration Law of the Kingdom of Cambodia;
- c. Have been investing or working for at least 2 (two) consecutive years in the Kingdom of Cambodia; and
- d. Make their own declaration that they have never been convicted of any criminal offense.

The Ministry of Labor may ask for more information if necessary.

CHAPTER 4:

FINANCES OF A UNION OR AN EMPLOYER ASSOCIATION

Article 22: Sources of Financial Resources and Contributions

The sources of financial resources and contributions of a union or an employer association are derived from:

- a. Dues from the membership of the union or the employer association, the amount of which shall be determined in the statutes of the union or the employer association;

- b. Income earned from income-generating activities in accordance with the provisions of this law; and
- c. Donations or financial resources legally received from the members of the union or the employer association or from other parties to serve legitimate activities.

Article 23: Separation of Finances and Assets

The finances and assets of unions or employer associations at all levels, shall be separated from the private finances and assets of their leaders, managers and those responsible for the administration, and their members.

Article 24: Use of Finances and Assets in Accordance With the Statutes and the law

The deposit and transfer of a union's or an employer association's finances and assets to other parties, investment of funds and other legitimate business transactions by the union or the employer association can only be made in accordance with the provisions as stipulated in this law or the statutes of the union or the employer association.

In case of suspected irregularities in use or management of the finances and assets the parties concerned have the rights to ask for audit by an independent auditor that is legally registered in the Kingdom of Cambodia.

Article 25: Responsibility for Use and Management of Finances and Assets

Leaders, managers and those responsible for administration shall be responsible for the use and management of the finances and assets of the union or the employer association.

Article 26: Authorization to Deduct Dues and Agency Fees

Employers may deduct union dues from the wages of workers as the members to transfer them to the union, provided a written request for the deduction has been made by the worker. The implementing formalities shall be determined by *Prakas* of the Minister in charge of Labor.

A most representative status (MRS) union, which represents for all workers, has an exclusive right to negotiate in order to include in a collective bargaining agreement (CBA) a reasonable and unified fee equivalent to the dues and other fees. The payment of such fee shall be made only one time.

Article 27: Safekeeping of Financial Records

All unions or employer associations shall keep the financial records in conformity with the format to be determined in *Prakas (Ministerial Regulation)* of the Minister in charge of

Labor and shall present the annual financial statements to members of the union or the employer association, in accordance with the statutes of the unions or the employer association, and shall make a copy for the Ministry in charge of Labor.

CHAPTER 5:

DISSOLUTION OF UNIONS OR EMPLOYER ASSOCIATIONS

Article 28: Dissolution of Unions or Employer Associations

A union or an employer association may be dissolved by any of the following means:

1. A union or an employer association is dissolved in accordance with its respective statutes;
2. A union is automatically dissolved in the event of a complete closure of the enterprise or establishment; and
3. A union or an employer association is dissolved by the Labor Court.

Article 29: Grounds for Dissolution by the Labor Court

Party concerned or 50% (fifty percent) of the total members of the union or the employer association has the rights to file a complaint to the Labor Court to dissolve that union or that employer association.

A union or an employer association shall be dissolved by the Labor Court for any of the following reasons:

- a. The establishment or activities of the union or the employer association contravene the law or the objectives of the union or the employer association as stated in the statutes;
- b. The union is not independent from employers and actually the union is unable to restore its independence;
- c. Leaders, managers and those responsible for the administration were found of committing a serious misconduct or an offense in the capacity of the union or the employer association.

The Labor Court may determine a period for which the union or the employer association is required to rectify the shortcomings as stipulated in points "a", "b" and "c" above before it makes a decision.

Article 30: Effect of Dissolution

Even though a union or an employer association has been dissolved, the leaders, managers and those responsible for the administration of the union or the employer

association may not be absolved of their responsibilities and obligations to their members or other parties as on the day formal dissolution is declared.

The leaders, managers and those responsible for the administration of the union or the employer association that was dissolved by the Labor Court cannot lead or be responsible for the administration of a union or an employer association for 5 (five) years following the date of verdict of the court.

Article 31: Assets of a Union or an Employer Association after Dissolution is Declared

In case of the dissolution of a union or an employer association, the assets of the union or the employer association are allotted as prescribed in the statutes, or if there is no such statutory provision, they are allotted according to the rules defined by the General Assembly. If there are no such statutory provisions and nor decision from the General Assembly, the Labor Court may transfer the union's or the employer association's assets in the form of donation to another similar, legally constituted union or association or to relief associations or to providers of social providence.

CHAPTER 6:

REPRESENTATIVE OF WORKERS IN THE ENTERPRISE OR ESTABLISHMENT

Article 32: First Round of the Election of Shop Stewards

In every enterprise or establishment where at least 8 (eight) workers are normally employed, workers shall elect the shop stewards as the only representatives of that enterprise or establishment.

If there is no agreement between the employer and the most representative union in the enterprise on the number of distinct establishments required for the election of shop stewards, such dispute shall be referred to the Labor Court to recognize the nature of those distinct establishments.

Article 33 Condition of Being Elected

Any candidates who obtain the largest numbers of votes are declared elected up to the number of seats to be filled. In the event that only one seat remains to be filled on a competitive basis, and several candidates receive the same number of votes, this seat shall be prioritized for a female candidate or the longest serving candidate in that enterprise or establishment. The ballot is considered valid only if the number of voters is at least equal to half the number of those registered to vote.

Article 34 Second Round of the Election of Shop Stewards:

In the event that the number of voters is less than half the number of those registered to vote, the employer shall organize a re-election after 15 (fifteen) days. No quorum is required for this re-election to be valid.

Article 35: Employer's Duties to Organize Elections

It is the duty of the employer to organize elections. Should there be no shop stewards, the employer shall determine an election date and publicize it within 15 (fifteen) days of receipt of the request of a worker, a union or the Labor Inspector. The elections shall be organized within 45 (forty-five) days upon receipt of the request.

In case of re-election of a shop steward, the election shall take place within 15 (fifteen) days prior to the end of the shop steward's term.

Article 36: Timing and Place of Election

Elections shall take place during working hours, and the ballot is secret. The election of official shop stewards and assistant shop stewards shall be organized with separate but concurrent ballots. If there is a pre-electoral agreement or a collective bargaining agreement or a regulatory provision applicable to the discrete professional categories that entail distinct polls, then the election shall be organized separately in different places.

Article 37: Employer's Duties to Prepare the Official Minutes of Election

The employer shall prepare the official minutes of the election of shop stewards to submit to the Ministry in charge of Labor within 8 (eight) days following the election. Furthermore, the employer shall post a copy of the official minutes for a wide dissemination within the enterprise or establishment.

Article 38: Eligibility to Vote and to Stand as a Candidate

All workers who are at least 18 (eighteen) years of age and who have worked for the enterprise or establishment for at least 3 (three) months and have not forfeited their rights to vote, are eligible to vote.

All workers who are at least 18 (eighteen) years of age and who have a seniority of at least 3 (three) months in the enterprise or establishment and have attained an educational level, with the minimal ability to read and write Khmer, shall be eligible to stand as candidates. In addition to these conditions, for a foreigner to be eligible to stand as a candidate they must have the rights to reside in the Kingdom of Cambodia in conformity with the provisions of the Immigration Law until the end of the term solicited.

Article 39: Nomination of Shop Steward Candidates

The shop stewards are elected from among the candidates nominated by the union or workers who are not members of the union and who volunteer to be candidates within the framework of each enterprise or establishment.

A union cannot nominate more candidates than the number of seats available for the prospective shop stewards to fill, and if necessary, this must also apply to discrete electoral bodies.

In an enterprise or establishment where there are no unions nor workers who volunteer to stand as a shop steward candidate(s) or no workers who meet the required conditions to stand as shop steward candidates as stipulated in Article 38 (Eligibility to Vote and to Stand as a Candidate) of this Law, the Minister in charge of Labor shall settle this matter.

Article 40: Number of Shop Stewards

The number of shop stewards is set in proportion to the number of workers in the enterprise or establishment as follows:

- From 8 (eight) to 50 (fifty) workers: 1 (one) official shop steward and 1 (one) assistant shop steward;
- From 51 (fifty-one) to 100 (one hundred) workers: 2 (two) official shop stewards and 2 (two) assistant shop stewards;
- For more than 100 (one hundred) workers: 1 (one) extra official shop steward and 1 (one) extra assistant shop steward for every additional 100 (one hundred) workers.

Article 41: Mission of the Shop Steward

The mission of the shop steward is as follows:

- To present to the employer any individual or collective grievances relating to wages, enforcement of the labor code and general labor regulations as well as collective bargaining agreements applicable to the enterprise or establishment;
- To inform the Labor Inspector of all complaints and criticisms relating to the enforcement of the labor legislation and labor regulations that the Labor Inspector is responsible for monitoring;
- To ensure the enforcement of the provisions relating to occupational safety and health;
- To suggest useful measures that would contribute to protecting the health and improving the safety and working conditions of workers in the enterprise or establishment, particularly in the case of work-related accidents or occupational diseases.

- The shop steward must be consulted and should then put forward a written opinion on the draft of internal regulations provided for in the Labor Law or on the planned modifications to these internal regulations.
- The shop steward must also be consulted and should then put forward a written opinion on any planned measures for lay-offs due to a reduction in activities or an internal reorganization of the enterprise or establishment.
- In an enterprise or establishment where a union is yet established, the shop steward could enter a transitional collective bargaining agreement with the employer. This agreement has a duration of not more than two years. The agreement is automatically replaced by another collective bargaining agreement concluded by the most representative union with the employer in the case that the new agreement provides equal or more benefits to the workers than those of the transitional agreement.

Article 42: Term of Official Shop Stewards and Assistant Shop Stewards

The official shop stewards and the assistant shop stewards are elected for a 2 (two)-year term and may be re-elected.

Their functions shall be terminated by death, resignation or termination of the employment contract.

When an official shop steward leaves office or is temporarily absent, she or he shall be replaced by an assistant shop steward from the same electoral body, and the priority for replacement is given to the assistant shop steward who was nominated by the same union and who received the largest number of votes.

Article 43: Protection of Shop Stewards

The dismissal of a shop steward or of a shop steward candidate can only be carried out after authorization from the Labor Inspector. The same protective measures apply to former shop stewards for a period of 3 (three) months following the end of their term and to unelected candidates for a period of 3 (three) months following the proclamation of the results of the ballot. Any reassignment or transfer of a shop steward, which would result in the loss of position during the shop stewards' term, is subject to the same procedure by virtue of this Article.

The Labor Inspector who has received the complaint to authorize the dismissal of a worker covered by the present article shall give his or her decision to the employer and to the worker being dismissed, as well as to the union the worker belongs to within 1 (one) month at the latest following receipt of the case.

Upon receipt of the decision, the employer, the worker in question, or the union the worker belongs to, has a period of 2 (two) months to appeal to the Minister in charge of Labor. The Minister in charge of Labor may revoke or revise the decision of the Labor Inspector.

If there is no notification of the Labor Inspector's decision within the allotted time, or if there is no notification of the decision of the Minister in charge of Labor within 2 (two) months following receipt of the appeal in an orderly manner, the case and the appeal are considered to be rejected.

Article 44: Effect of Revocation of an Administrative Decision

If the Minister in charge of Labor or the Labor Court revokes an administrative decision authorizing the dismissal of a shop steward, the latter is entitled to resume his previous position or another position of equal value if the person concerned has made an appeal or recourse within 2 (two) months following receipt of the notification of such administrative decision. The shop steward shall be reinstated to his/her position for the remainder of the term if it has not expired.

Article 45: Serious Misconduct

In case of serious misconduct as stipulated in the labor law, the employer of an enterprise or establishment may render a decision to instantly suspend an individual in question pending the Labor Inspector's decision. If the Labor Inspector disagrees with the dismissal, the suspension is considered null and void, and its effects are obliterated lawfully. The employer shall immediately reinstate the suspended worker to work after having received the decision of the Labor Inspector.

Article 46: Workers' Rights to File Their Own Grievance

The presence of the shop stewards in the enterprise or establishment is not an obstacle to the workers' rights to file their own grievances directly with the employer or his representative.

Article 47: Complaint against the Results of the Shop Steward Election

Complaints relating to the election, the right to stand for election and the fairness of the elections of shop stewards shall be referred to the Labor Court to settle.

Article 48: Issuance of *Prakas* by the Minister in charge of Labor

The ministry in charge of labor shall issue *Prakas (Ministerial Regulation)* to determine the formality for implementation of Chapter 6 (Representative of Workers in the Enterprise or Establishment), particularly regarding:

- a) The development of voting procedures and the division of workers into discrete bodies of the electorate;
- b) The requirements for the shop stewards to be recognized by the employer or his representative;
- c) The means for the shop stewards, including the number of working hours, to carry out their functions;
- d) The conditions under which an electoral body can remove a shop steward from office.

CHAPTER 7:

RIGHTS AND DUTIES OF UNIONS

Article 49: Rights of Membership in a Union

Leaders, managers and those responsible for the administration of a union shall be directly elected by members of that union and may stand for re-election.

The union members shall cast the secret ballot on any policy that may potentially affect their membership.

The union members shall not be required to pay membership fees that are excessive or determined arbitrarily. No officer or agent of the union shall collect fees unless he or she is duly authorized to do so in conformity with the statutes of the union.

Each worker can be a member of only one (1) union in the same enterprise or establishment at the same time. If any worker who has already been the member of a particular union moves to join with another union within the same enterprise or establishment, the last other union shall notify the employer and the worker concerned should become a member of the last union.

Article 50: Representation for Members and Union Delegates

Each worker has the rights to be represented in relationship with his or her employer. Where a union has been certified as the most representative status (MRS), any other minority unions in the enterprise or establishment may represent its members only with respect to the rights provided for in the collective bargaining agreement negotiated by the most representative union. They cannot re-negotiate or attempt to change the terms and conditions applicable to their members while the collective bargaining agreement is still in force or the MRS status remains valid.

In an enterprise or establishment where there is only one union or the most representative status union, that union can appoint one of its members, who meets all requirements as stipulated in paragraph 2, Article 38 (Eligibility to Vote and to Stand as a Candidate) of this law, to be a union delegate. The union delegate has sole discretion to make a decision and sign a collective bargaining agreement with the employer under the professional organization to which she or he is appointed. The union delegate is appointed for a 2(two)-year term and may be re-appointed.

The union delegate can perform the same mission as a shop steward.

Article 51: Principles of Integrity and Good Faith

Unions have a duty to engage with employers in good faith for the purpose of representing the interests of their members in determining the terms and conditions of employment and in ensuring compliance with the agreed terms and conditions, and legitimate rights. This duty of good faith includes a duty to meet with employers, attend a meeting on time and promptly for the purpose of discussion to resolve problems or collectively negotiate to conclude a collective bargaining agreement with respect to the terms and conditions of employment in accordance with the provisions of this law, as well as to consider the requests for grievances handling or any questions arising from such agreement. This duty includes a duty to compromise or object with reasonable consideration if requested by either party.

CHAPTER 8:

DUTIES OF EMPLOYERS AND EMPLOYER ASSOCIATIONS

Article 52: Name List of Workers for Application of Most Representative Status

Employers shall maintain and update on a monthly basis a name list of current workers by certifying their name, employment status and job classification for an immediate inspection in the case that a union requests to be certified as the most representative status. The implementing procedures shall be defined by *Prakas (Ministerial Regulation)* of the Minister in charge of Labor.

Article 53: Principles of Integrity and Good Faith

All employers and employer associations have a duty to engage with unions and their legal representatives in good faith for the purpose of representing the interests of its members and accepting compliance with the agreed terms and conditions, and legitimate rights.

This duty of good faith includes a duty, in respect of the certified most representative status union, to meet and convene promptly and timely for the purpose of negotiating a

collective bargaining agreement with regard to the terms and conditions of employment in accordance with the provisions of this law, as well as to consider proposals for dealing with any grievances or questions arising from such agreement. The duty goes beyond merely ordinary meeting and consultation and includes providing the most representative status union with facilities for carrying out negotiations, providing all information relevant to negotiations as requested by the union, implementing a contract or a written memorandum of understanding which incorporates such agreements, if requested by either party, but does not oblige an employer or an employer association to agree to any specific proposal put forward by the union.

Both negotiating parties shall respect the principles of integrity and good faith.

CHAPTER 9:

REPRESENTATION BY MOST REPRESENTATIVE STATUS UNION

Article 54: Most Representative Status at the Level of Enterprise or Establishment

The most representative status of a union is recognized in the framework of the enterprise or establishment. For the purpose of the collective bargaining or collective labor dispute resolution, the most representative status union has the exclusive right to negotiate.

A union will obtain the most representative status (MRS) if it meets the following criteria:

- a. Being legally registered;
- b. Having programs and activities indicating that the union is capable of providing professional, cultural and educational services to its members, as provided for in this law;
- c. Having an accurate list of the most members with an official membership identification card, or receiving the most votes in an enterprise or establishment as follows:
 - any union has members of 30 (thirty) percent or more of the total workers in a given enterprise or establishment where there is only one union; or
 - any union seeking the most support from any other unions with 30 (thirty) percent or more of the total workers in a given enterprise or establishment where there is more than one union; or
 - in the event that any unions cannot have members of 30 (thirty) percent of the total workers an election shall be organized to seek the most votes of 30 (thirty) percent of the total workers in the enterprise or establishment. The implementing procedures of election shall be determined in *Prakas (Ministerial Regulation)* of the Minister in charge of Labor.

In an enterprise or establishment where there are many various local unions that do not meet all the criteria as per the aforementioned paragraphs of this Article and that cannot seek the recognition of the most representative status, the negotiation of a collective bargaining agreement shall be strictly applied pursuant to Article 72 (Bargaining Council) of this law.

Article 55: Most Representative Status in One Profession or One Economic Activity or One Sector

In one profession or one economic activity or one sector where there are many unions having to seek MRS recognition, they shall fulfill the criteria as stipulated in points a., b. and c. of Article 54 (Most Representative Status at the Level of Enterprise or Establishment) of this law, plus the additional criterion of having the most members with an official membership identification card of all workers in the profession or economic activity or sector for which it applies to be certified as the most representative status.

The most representative status union has the exclusive right to represent all workers in negotiating a collective bargaining agreement or to resolve collective labor disputes with the employer or an employer association of that particular profession or economic activity or sector.

In a profession, an economic activity or a sector where there are many various unions that do not meet all the criteria per the aforementioned paragraphs of this Article and cannot seek the recognition of the most representative status, the negotiation of a collective bargaining agreement shall be strictly applied pursuant to Article 72 (Bargaining Council) of this law.

Article 56: Request for Certification of the Most Representative Status

A union shall request for certification of the most representative status to the Ministry in charge of Labor, pursuant to the implementing procedures and formalities to be set out in *Prakas (Ministerial Regulation)* of the Minister in charge of Labor.

Article 57: Determination of the Most Representative Status by the Minister in charge of Labor

Within 30 (thirty) working days at the latest following receipt of the request form, the Ministry in charge of Labor shall give an official decision on the recognition of the most representative status of the unions that have met the criteria as stated in this law. If it is necessary to review the most representative status of any union, the Minister in charge of Labor may undertake an investigation.

The Ministry in charge of Labor can suspend or revoke the most representative status of a union if there is a breach in or a loss of the criteria as set forth in this law.

Article 58: Rights and Duties of the Most Representative Status Unions

In addition to the rights stated in this law, the most representative status unions have the following duties:

- To negotiate in good faith with the employer(s) with a view to securing a collective bargaining agreement covering the terms and conditions of employment, health and safety at work, and other benefits;
- To represent in good faith those workers who are non-members in grievance arising from the collective bargaining agreement;
- Not to discriminate in accepting new members;
- To allocate a number of seats in some mechanisms as provided for in the Labor Law.

Article 59: Rights and Roles of Minority Unions in the Enterprise or Establishment with a Most Representative Status Union

Minority unions in enterprises or establishments where a most representative status union has been certified, and where that status remains valid, are prohibited from demanding collective bargaining rights, and from demanding rights or benefits beyond those provided for in laws, *Prakas*, regulations, collective bargaining agreements in force, or internal work rules.

The roles of the minority unions may include the following:

- a. Providing literacy training on legal and professional matters;
- b. Providing legal and practical advices to its members;
- c. Representing their own members in individual labor disputes;
- d. Participating in the ongoing workplace cooperation mechanisms;
- e. Participating in consultations on labor market mechanisms;
- f. Providing information regarding their membership;
- g. Organizing cooperatives such as shops, restaurants, or health care, etc., to help improve the living standards of their members;
- h. Having an administrative role in handing out benefits to the members in the case of unemployment.

The Most Representative Status union(s) can also carry out the roles as defined from points “a” through “h”.

Article 60: Duration and Loss of Most Representative Status

The certification of a union as the most representative status (MRS) cannot be challenged for two years from the date of receipt of MRS, except in the following cases in which a most representative status union may lose this status indefinitely:

- a. When the union has been found to have consistently failed to meet its duties as set out in Article 58 (Rights and Duties of the Most Representative Status Unions) of this law and based on the factual evidence;
- b. When the registration of the union has been revoked;

- c. When the union has been dissolved;
- d. When there is the factual evidence that the union is no longer the MRS.

When the most representative status over 2 (two) years, any union present within the same enterprise or establishment can challenge this most representative status by seeking recognition through the procedures set by *Prakas (Ministerial Regulation)* of the Minister in charge of Labor.

The decision by the Minister in charge of Labor in the event of point “a” of this Article may be appealed to the Labor Court.

The Ministry in charge of Labor shall keep the records of unions with Most Representative Status and may collaborate to publish a list of most representative status unions every 12 (twelve) months.

Article 61: Safeguarding of Records in connection with Deduction of Dues and Agency Fees

Employers shall keep records wherever workers’ wages are deducted for union dues and/or agency fees. The records must include the date the authorization for deduction was made by the workers concerned, the date and the amount of deduction made in relation to each worker, and the dates and the amounts of funds transferred to the union(s) concerned.

CHAPTER 10:

UNFAIR [LABOR] PRACTICES BY EMPLOYERS

Article 62: Non-Discrimination on Account of Union Activities

Employers shall not discriminate against workers on the basis of their involvement in holding the office and leadership in union or participation in union activities when making decisions concerning the recruitment, leadership, assignment, promotion, position, remuneration and benefits, disciplinary measures and contract termination, including for the dismissal and non-renewal of the employment contract that are subsequently [found to be] against the established procedures.

Article 63: Employers’ Actions Considered to be Unfair [Labor] Practices

It shall be considered to be unlawful for an employer to commit any of the following practices.

- a. To interfere in any way with workers in the exercise of their right to self-organization of a union;

- b. To impose a condition of employment or employment renewal that entails a worker not to join a union or withdraw from membership of the union to which he or she belongs;
- c. To contract out services or functions being performed by union members when such operation may interfere in the exercise of workers' rights to self-organization of a union;
- d. To initiate [actions] to control, for instance, assisting or interfering with the formation or administration of any union or affiliation of unions, including for the provision of financial or other support to it or its founders or supporters in any manner other than that provided for in this law;
- e. To discriminate in relation to wages, hours of work and other terms and conditions of employment in order to encourage or discourage [workers from] entering into membership of any union;
- f. To dismiss, terminate or otherwise prejudice or discriminate against workers for having given or being about to give testimony or otherwise providing evidence or information concerning the application of this law or the applicable labor standards in effect;
- g. To violate the duty to bargain collectively as prescribed by this law, or to violate or cause to intentionally violate the statute, employment contract, memorandum of understanding (MoU), agreement, collective bargaining agreement (CBA) or regulations, or to obstruct the bargaining process and the implementation of collective bargaining agreement;
- h. To lock out in non-compliance with the legal procedures;
- i. To block a gate of an enterprise or establishment or its entrance or exit gate by various means, or to obstruct by means of threats, provoking violence against workers, who take part or intend to take part in a strike; and
- j. To fail to fulfill the obligations in respect of the event of closure of the enterprise or establishment.

CHAPTER 11: UNFAIR [LABOR] PRACTICES BY UNIONS

Article 64: Discrimination in Membership

It shall be considered as an unfair practice for personnel, a worker, a union or its representatives to deny membership on account as set out in Article 6 (Non-Discrimination in Membership) of this law.

Article 65: Unions' Actions Considered to be Unfair [Labor] Practices

It shall be considered to be unlawful for a union or its representatives to commit any of the following practices:

- a. To restrain or coerce workers from the exercise of their rights to self-organization of a union. However, the union(s) shall have the rights to prescribe its own rules with respect to the recruitment or retention of membership;
- b. To cause or attempt to cause an employer to discriminate against workers, including dismissal of workers on any grounds that the workers in question have denied to be a member of or have requested to leave the union, in non-compliance with the legal procedures and the normative conditions;
- c. To violate the duty of integrity and good faith to bargain collectively, provided it is the most representative status union;
- d. To cause or attempt to cause an employer to pay or give money or agree to pay or give any amount of money or other things of value, of flagrant nature, for services which are not performed or not to be performed, including a demand for a service fee to conduct negotiations by unions;
- e. To violate or cause to intentionally violate the statute, employment contract, Memorandum of Understanding (MoU), agreement, collective bargaining agreement (CBA) or regulations, or to obstruct the bargaining process and the implementation of collective bargaining agreement;
- f. To agitate for purely political purposes or for their personal ambitions or committing acts of violence at the workplace and other places;
- g. To block an entrance and exit gate of the enterprise or establishment or to incite or threaten or to violently disturb or coerce non-striking workers by all means not to work and to close off public roads;
- h. To lead a strike or demonstration that contravenes the legal procedures; and
- i. To destroy individual, collective or public properties.

CHAPTER 12:

SPECIAL PROTECTION FOR WORKERS AND THEIR REPRESENTATIVES

Article 66: Access to Enterprise or Establishment

Access to an enterprise or establishment by local union representatives to exercise their rights and freedoms or to interact with their members shall only be given by permission of the employer who shall not withhold such permission, unless otherwise such interactions do not affect the normal operation of the enterprise or establishment.

Article 67: Protection from Dismissal

All workers who stand as candidates for elected leadership [and] management positions shall enjoy the same protection from victimization and dismissal as shop stewards. Such protection begins 45 (forty-five) days prior to the election and ends 45 (forty-five) days after the election if he or she is not elected. In order to enjoy such protection, the union shall notify the employer of the candidacy and submit a copy to the Ministry in charge of Labor, by any

certified means. The employer shall only be required to comply with these provisions once for each election of union leadership.

From the time that the application for a registration is submitted, founders or workers who voluntarily become members of the union during the application period shall enjoy the same protection as shop stewards. This protection shall last for a period of up to 30 (thirty) days following the date on which the Ministry in charge of Labor has officially issued a union registration.

Beyond the date specified in the preceding paragraph, this protection shall be extended to the leader, vice leader and secretary of the union. In order to enjoy such protection, the union shall notify the employer by any certified means, of the names of the individual persons to be protected. A copy of this notification shall also be sent to the Ministry in charge of Labor.

Article 68: Rights of Access to Enterprise or Establishment for Dismissed Union Leaders

Any union leaders and managers, and those responsible for the administration of the union, who have been legally laid off temporarily for economic or other lawful reasons shall retain the right of access to the enterprise or establishment. Any union leaders and managers, and those responsible for the administration of the union, who have been laid off permanently shall be entitled to access the enterprise or establishment with 60 (sixty) days from the date of such permanent termination, for the purpose of fulfilling the responsibilities of her or his office in accordance with their mandate without affecting the normal operation of the enterprise or establishment.

Any leaders, managers, and those responsible for the administration of the union, who committed a serious misconduct and were lawfully dismissed, shall resign from that union, and he or she has no longer the right to access the enterprise or establishment.

CHAPTER 13

COLLECTIVE BARGAINING AGREEMENTS AND COLLECTIVE BARGAINING

Article 69: Purpose of Collective Bargaining Agreement

The purpose of a collective bargaining agreement (CBA) is to define the working and employment conditions and other conditions of workers, including personnel serving in the air and maritime transportation, and to regulate relationships between employers and workers or unions as well as between unions and employer associations.

Collective bargaining agreements (CBAs) should specify the scope of their application, which may be:

- a. Geographical framework:
 - At a workshop or site level
 - At an enterprise or establishment level

- At a provincial or municipal level
 - At a national level;
- b. Occupational framework:
- A particular occupation
 - A number of combined occupations or similar occupations
 - An economic activity or a particular sector of economic activity
 - Many economic activities or many sectors of economic activities.
- c. Sectoral framework
- d. Air and maritime transportation framework

The provisions of a CBA shall be more favorable towards workers, including personnel serving in the air and maritime transportation, than those of the laws and regulations in effect. However, they must not be contrary to the provisions of the public order and laws in effect. All demands by both employers and workers for rights, benefits, and working conditions which deviate from the laws and regulations and the internal rules of the enterprises or establishments shall be settled through an orderly collective bargaining process.

There shall be only one collective bargaining agreement for each of the geographical, occupational, sectoral and air and maritime transportation frameworks.

Article 70: Duration of Collective Bargaining Agreement

A collective bargaining agreement (CBA) is concluded for either a definite or an indefinite duration.

When a CBA is for a definite duration, it lasts for at least 3 (three) years. Upon its expiration, it shall retain the same effect unless it has been denied or revised by either party, on the condition of retaining a 3-month notice.

When a CBA is for an indefinite duration, it may be repealed. However, it remains in effect for a period of 1 (one) year from the date of receipt of the repeal.

The notice of repeal does not prevent the upholding of the CBA from being implemented by any other mutual signatories.

Article 71: Bargaining Parties

Parties to collective bargaining must be given full rights by their members through a written letter of authorization or by proxy as prescribed in this law to conduct and conclude collective bargaining. An interference, incitement and interruption from any other person(s), who are not involved in collective bargaining agreement, shall be prohibited.

Article 72: Bargaining Council

The established bargaining council of unions and employers has full rights on behalf of all workers and employers at all bargaining levels whenever the signing of collective bargaining

agreement between an employer and many non-MRS unions or between many employers and many non-MRS unions.

Procedures for the application of the preceding paragraph shall be determined by *Prakas (Ministerial Regulation)* of the Minister in charge of Labor.

Article 73: Registration of Collective Bargaining Agreements

Once concluded, the Collective Bargaining Agreement (CBA) may be applied temporarily and promptly by both parties if this is stated clearly in an explicit article. The CBA shall be registered with the Ministry in charge of Labor. The CBA shall come into effect 1 (one) day after it has been registered.

The provisions of the CBA shall be applicable to the employer(s) and all workers who fall within the scope of that agreement. The Ministry in charge of Labor may cooperate to publish a list of the registered CBAs on an annual basis.

Article 74: Clause on Procedure for Labor Dispute Settlement in Collective Bargaining Agreements

All collective bargaining agreements must explicitly contain a clause of labor dispute settlement procedure, guaranteeing the minimum essential services and other related services and the public order before they can be registered.

CHAPTER 14:

SETTLEMENT OF DISPUTES OF UNIONS OR EMPLOYER ASSOCIATIONS

Article 75: Settlement of Disputes of Unions or Employer Associations

Disputes arising between one union and another shall be settled through compromise and mutual understanding with utmost efforts of all parties concerned in disputes and by the National Council of Unions.

Disputes arising between one employer association and another, as well as disputes arising between union(s), or the National Council of Unions and employer association(s), shall be settled through discussions and with utmost efforts of all parties concerned, ensuring the minimum essential services and the public order.

If the discussions referred to in paragraphs 1 and 2 of this article do not lead to mutual agreement, disputes shall be settled in accordance with the applicable laws and regulations in effect.

CHAPTER 15:

ADMINISTRATIVE MEASURES AND PENALTIES

Article 76: Administrative Sanctions and Penalties

Sanctions in this chapter include written admonishments and transitional penalties.

Article 77: Jurisdiction

The written admonishments and transitional penalties fall within the jurisdiction of the Minister of the Ministry in charge of Labor.

The payment of the transitional fines leads to the extinguishment of criminal action.

In the event the offender fails to pay the transitional fine, the case file shall be forwarded to the court of law.

Article 78: Failure to Keep Financial Records

Any unions or employer associations failing to undertake the obligations as stipulated in Article 27 (Maintenance of Financial Records) of this law shall be admonished in writing.

Failure to comply with the above admonishment is subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 79: Acts of Illegal Obstruction of the Right to Establish a Union or an Employer Association

Any persons shall be admonished in writing for illegally obstructing:

- the right to establish a union or an employer association;
- the right to join a union or an employer association;
- the right not to join a union or an employer association;
- freedom to be the leaders, managers or those responsible for the administration of the union or the employer association;

Any persons shall also be admonished in writing for the acts of discrimination on any of the following grounds of:

- race, ethnicity or nationality
- political tendency
- gender, creed, religion
- health status
- disabilities

Failure to comply with the admonishment in paragraph 1 above shall be subject to a transitional fine not exceeding 1,000,000 (one million) riel.

Failure to comply with the admonishment in paragraph 2 above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 80: Non-Registered Operations

Any persons who operate a union or an employer association without registration, pursuant to this law, shall be admonished in writing.

The provision of paragraph 1 above shall also be applicable to any union or employer association that is revoked or dissolved.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 81: Activities beyond the Scope

Any persons who carry out activities beyond the scope of geography, profession or sector defined in his/her governing statutes shall be admonished in writing.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 82: Breach of the Obligations to Organize Elections

Any employers who have breached the obligations as set forth in Article 35 (Employer's Duties to Organize Elections) and Article 37 (Employer's Duties to Prepare the Official Minutes of Election) of this law shall be admonished in writing.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 83: Activities without Representative Status

Any persons who do not have a union delegate status or any non-MRS unions shall be admonished for trying with ill-will to assert their representativeness to participate in the negotiation of a collective bargaining agreement.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 84: Activities without Integrity and Good Faith

Any MRS Unions, employers or employer associations shall be admonished in writing for breaching the duties set forth in Article 51 (Principles of Integrity and Good Faith) or Article 53 (Principles of Integrity and Good Faith) of this law without valid reasons and upon

reminders from the competent authority or the other party.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 85: Failure to Maintain and Update the Name List of Workers

Any employers shall be admonished in writing for failing to fulfill the obligations set forth in Article 52 (Name List of Workers for Application of Most Representative Status) of this law.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 86: Right Abuses by Minority Unions

Any minority unions in an enterprise or establishment with the certified MRS union remaining valid shall be admonished in writing for violating the provision of paragraphs 1 and 2 of Article 59 (Rights and Roles of Minority Unions in the Enterprise or establishment with a Most Representative Status Union) of this law.

It is deemed lack of sufficient elements to establish offenses as stated in the paragraphs 1 and 2 if such act is permissible by laws or other legal frameworks.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 87: Illegal Obstruction of Strike

Any employers shall be admonished in writing for obstructing by any means in order not to allow the workers to participate in a lawful strike or by exerting threat against workers who have participated in a lawful strike.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 88: Acts against the Testimony Relating to the Enforcement of Labor Law

Any employers who have dismissed or terminated a worker, who has testified or is about to testify in relation to the enforcement of labor law or other applicable labor standards in effect, shall be admonished in writing.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 89: Coercion into the Participation in Strike

Any person who has by any means coerce workers to participate in strike or prevent any

other workers, who are not strikers, from working shall be admonished in writing.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 90: Obstructive Acts for Negotiations

Any person who is not qualified as a party to the negotiation shall be admonished in writing for using all means to carry out activities which cause an obstruction of negotiations to conclude a collective bargaining agreement.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 91: Breach of Collective Bargaining Agreement

Any person falling within the scope of a collective bargaining agreement shall be admonished in writing for breaching or breaking any article of the collective bargaining agreement.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 92: Illegal Strike

Illegal strike is the one which is continued by the striker(s) upon decision by the Labor Court that the strike has happened before is unlawful.

Any person leading such illegal strike shall be admonished in writing.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 93: Illegal Lockout

Illegal lockout is the one which is continued by the employer upon decision by the Labor Court that the lockout has taken place before is unlawful.

Employer shall be admonished in writing for illegal lockout.

Failure to comply with the admonishment above shall be subject to a transitional fine not exceeding 5,000,000 (five million) riel.

Article 94: Responsibilities of Employer Associations

An employer association shall be subject to a transitional fine up to 10,000,000 (ten million) riel for illegal lockout upon written admonishment.

Article 95: Application of Other Provisions of the Criminal Code

The application of the provisions of Chapter 15 (Administrative Measures and Penalties) of this law shall not bar the application of other provisions in the Criminal Code, provided that the violation of the provisions stipulated in this law are punishable by the provisions of the Criminal Code.

CHAPTER 16

TRANSITIONAL PROVISIONS

Article 96: Existing Registrations

Upon entry into force of this law, the registered unions and employer associations shall be deemed to have been registered and shall automatically acquire a legal entity status until the end of their current term, pursuant to the provisions of this law.

Article 97: Existing Collective Bargaining Agreements

Existing collective bargaining agreements deposited with the Ministry in charge of Labor prior to the entry into force of this law shall remain valid until the end of the prevailing period.

Article 98: Labour Court

While the Labor Court is not established, all disputes arising as a result of the application of this law shall be referred to a common court for settlement.

CHAPTER 17

FINAL PROVISIONS

Article 99: Abrogation

Provisions that are contrary to this law shall be abrogated.

Article 100: Entry into Force

This law shall be declared as a matter of urgency.

The Royal Palace, 17 May 2016

(Royal Signature and Seal)

Norodom Sihamoni

PRL.1605.525

Highly, Reverently Submitted to His Majesty, the King
For Royal Signature

Prime Minister

(Signature)

Samdech Akka Moha Padei Techo Hun Sen

Respectfully Submitted to *Samdech Akka Moha
Sena Padei Techo Hun Sen*, Prime Minister

Minister of Labour and Vocational Training

(Signature)

Ith Samheng

No. 517 S.N

Text Copy for Dissemination

Phnom Penh, 23 May 2016

Secretary General

Royal Government of Cambodia

(Signature and seal)

Soy Sokha