Kingdom of Cambodia
Nation Religion King

LAW
ON
TRADE UNION

Ministry of Labour and Vocational Training

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NORODOM SIHAMONI
Saman Phoum Cheat Sasna Rokhathiya Khmerarothsas
Pouthitreathoramohakthat
Khmereach Chorna Samohorpheas Kampuch Ekreach Roth Boronaksanthi
Sophekolea Sereivibolea Khmerasreipireash Preahchau Krong Kampuchea

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated 24 September 2013 on the Appointment of the Royal Government of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on Organisation and Functioning of the Council of Ministers;
- Having seen Royal Kram No. CS/RKM/0498/06 dated 08 April 1998 promulgating the Law on Organisation and Functioning of the Constitutional Council;
- Having seen Royal Kram No. NS/RKM/0107/005 dated 31 January 2007 promulgating the Law on Amendment to the Law on Organisation and Functioning of the Constitutional Council;
- Having seen Royal Kram No. NS/RKM/0105/003 dated 17 January 2005 promulgating the Law on Establishment of the Ministry of Labour and Vocational Training; and
- Having seen the proposition of *Samdach Akka Moha Sena Padei Techo* HUN SEN, the Prime Minister of the Kingdom of Cambodia.

Hereby Promulgate

The Law on Trade Union, which was adopted by the National Assembly on 04 April 2016 at the 6th session of its 5th legislature, and whose form and legality were reviewed by the Senate on 12 April 2016 at the 8th plenary session of its 3rd legislature, and which the Constitutional Council has declared constitutional by its decision No. 160/002/2016 CC.D dated 05 May 2016, and whose details are as follows:

LAW

ON

TRADE UNION

CHAPTER 1
GENERAL PROVISIONS

Article 1. Purposes

The purposes of this law are to:

- provide for the rights and freedoms of all enterprises or establishments, all persons under the provisions of the Labour Law and personnel working in the air and maritime transportation; and
- determine the organisation and functioning of the professional organisations of workers and employers in the Kingdom of Cambodia.

Article 2. Objectives

The objectives of this law are to:

- protect the legal rights and interests of all persons under the provisions of the Labour Law and personnel working 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, and enhancement of productivity and investment.

Article 3. Scope

- This law covers enterprises or establishments and all persons working for the enterprises or establishments under the provisions of the Labour Law.
- This law also covers personnel working in the air and maritime transportation.

Article 4. Definitions

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

- **Professional organisation** 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 rule towards achieving specific professional objectives or goals. By virtue of this law, a professional organisation of workers is called a "worker union", whereas a professional organisation of employers is called an "employer association";

- **Shop steward** refers to a representative of workers elected directly by workers;
- **Body of the electorate** refers to an electoral body;
- **Worker union delegate** refers to a representative of worker union members elected or appointed by his/her own worker union;
- **Local worker union** refers to a professional organisation jointly and voluntarily established by workers within that enterprise or establishment;
- **Federation of worker unions** refers to a professional organisation, which is jointly and voluntarily established by local worker unions within the same or similar professions in the same or similar economic activities;
- **Confederation of worker unions or coalition of federations of worker unions** refers to a professional organisation of workers that is jointly and voluntarily established by federations of worker unions;
- **Council of national worker unions,** which consolidates all coalitions of federation of worker unions as members, is to be the only legal unified national representative of the entire worker unions;
- **Federation of employers** refers to a professional organisation jointly and voluntarily established by employer associations;
- **Definitive closure** refers to the closedown of an enterprise or establishment in accordance with the laws and regulations in force.

CHAPTER 2
FUNDAMENTAL RIGHT TO ESTABLISH AND TO JOIN A WORKER UNION OR AN EMPLOYER ASSOCIATION

Article 5. Right to Establish and to Join a Worker Union or an Employer Association

Workers and employers have, without any distinction whatsoever, the right to establish a worker union or an employer association of their own choice for the exclusive purpose of research, study, training, promoting the interests, and protecting the rights as well as moral and material interests, collectively and individually, of persons covered by the statute of the worker union or employer association.

Workers shall have the right to:

- take part in the formation of a worker union;

- become a member of a worker union and be under its rules;
- take part in any lawful activities of the worker union of which he or she is a member;
- seek and hold office in any worker union of which he or she is a member and under its rules;
- take part in the election of the representatives at the workplace where there is a provision stipulating such election;
- be elected or appointed and serve as a workplace representative when there is a provision stipulating such election or appointment; and
- exercise other rights provided under this law.

Employers shall have the right to:

- take part in the formation of an employer association;
- become a member of such association in accordance with its rules;
- take part in any lawful activities of the employer association of which it is a member;
- hold an office in that association in accordance with its rules; and
- exercise other rights provided under this law.

Any formation of worker union or employer association which includes both employers and workers therein shall be prohibited.

Article 6. Non-Discrimination in Membership

All workers or employers, regardless of race, colour, sex, belief, religion, political opinion, nationality, social origin, or health status, shall have the right to be a member of a worker union or an employer association of their choice. No person, including any worker union, may interfere with this right.

Article 7. Freedom Not to Join

The freedom of the person as set forth in Article 5 (Right to Establish and to Join a Worker Union or an Employer Association) of this law also implies the freedom not to join a worker union or an employer association and the freedom to withdraw its membership at any time from a worker union or an employer association that they joined.

A worker may withdraw his/her membership from a worker union by submitting a letter, with his/her signature or fingerprint affixed thereon, to his/her worker union

and employer. Following such notification, the worker concerned shall be deemed to have automatically and immediately relinquished his/her membership and the employer shall stop deducting union dues from his/her wage. No person may interfere with a worker's rights to join or to leave a worker union.

Article 8. Freedom to Participate in Leadership and Management

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

Article 9. Rights of Worker Unions and Employer Associations

The council of national worker union, worker unions and employer associations shall have the right to:

- draw up their own statutes, administrative regulations, functional organisation, and work programs as long as they are not contrary to the public order, regulations and laws in force; and
- freely elect their representatives.

Article 10. Structure of Worker Union or Employer Association and Affiliation with Worker Union or Employer Association

Worker union has the following 3 (three) levels:

1. A local worker union shall be established by at least 10 (ten) workers within that enterprise or establishment;
2. A federation of worker unions shall be established by at least 7 (seven) registered local worker unions;
3. A confederation of worker unions or a coalition of federations of worker unions shall be established by at least 5 (five) registered federations of worker unions.

Employer association has the following 2 (two) levels:

1. An employer association shall be established by at least 9 (nine) enterprises or establishments;
2. A federation of employers shall be established by at least 6 (six) registered employer associations.

Worker unions or employer associations can freely consult one another on any

research, study, training, professional promotion and protection of their moral and material interests.

Worker unions can affiliate with other worker unions at national and international levels. Employer associations are also entitled to the same rights.

A worker union in an enterprise or establishment has the right to be member of a higher-level worker union only once at the same time.

CHAPTER 3
REGISTRATION OF WORKER UNION OR EMPLOYER ASSOCIATION

Article 11. Rights and Interests of Registration

In order for worker union or employer association to enjoy the rights and interests provided for under this law, the founders of a worker union or an employer association must register [their respective professional organisation] with the Ministry in charge of labour. The Ministry in charge of labour shall maintain registration records and may collaborate to publish them on a regular basis.

Article 12. Requirements for Application for Registration

An application for registration shall be approved by the issuance of the certificate of registration if it meets all requirements set forth in this law. The application shall consist of:

a. the original copies of the statute of the worker union or employer association, including a statement of its purpose;

b. the original copies of its administrative regulations governing leadership and administrative affairs;

c. the name list of the leaders and persons responsible for the administration of worker union or employer association;

d. the address where financial books and financial records shall be kept;

e. the letter of undertaking whereby the bank account details shall be provided within 45 (forty-five) days following the issuance of registration;

f. the attachment of the original copies of the minutes of the election on establishment of the professional organisation;

g. as for a worker union:

- a local worker union shall provide a name list of all its members, consisting of at least 10 (ten) members who are workers within that

enterprise or establishment;

- a federation of worker unions shall provide a name list of at least 7 (seven) registered local worker unions as its members;
- a confederation of worker unions or a coalition of federations of worker unions shall provide a name list of at least 5 (five) registered federations of worker unions as its members;

h. as for an employer association:

- an employer association shall provide a name list of at least 9 (nine) employers as its members;
- a federation of employers shall provide a name list of at least 6 (six) registered employer associations as its members.

If the Ministry in charge of labour does not respond within 30 (thirty) working days following the receipt of the application for registration, the worker union or employer association shall be deemed registered. A copy of the statute and the name list of the leaders and persons responsible for the administration shall be forwarded to the Municipal or Provincial Department in charge of labour where the worker union or employer association was established, as well as the Office of the Council of Ministers, the Ministry of Justice, and the Ministry of Interior. The filing of the statute and the name list of the leaders and persons responsible for the administration shall be re-submitted if there is any change made to the statute or to the leaders and persons responsible for the administration.

Article 13. Requirements for Statute

The statute of a worker union or an employer association applying for registration shall consist of:

- the name, logo, address, and specimen of seal of the worker union or employer association;
- the description of occupational or sectoral scope of the worker union or employer association;
- the determination of keeping ordinary financial records and regular publication of annual report of the financial situation of the worker union or employer association;
- the determination of a meeting quorum by absolute majority (at least 50% +1) of its total members for decision-making meeting on strike, modification of its statute and general assembly of the worker union;

- the requirement of a secret ballot is to be cast by at least 50%+1 (fifty percent plus one) of its total members who participate in the decision-making meeting on strike;
- the procedure for electing leadership through secret ballot;
- the determination of term for leaders and persons responsible for the administration, with the possibility of re-election;
- the determination of an identified amount of membership dues that each member must pay, and its procedure of monthly payment which shall be set by worker union's general assembly or assembly;
- the qualifications of the leaders and persons responsible for the administration at least be in conformity with Article 20 (Requirements for Leaders and Persons Responsible for the Administration of Worker Union at the Enterprise or Establishment) and Article 21 (Requirements for Leaders and Persons Responsible for the Administration of Employer Association) of this law.

The worker union's statute must stipulate that the objective of the worker union is representing all categories of worker within an enterprise or establishment or representing only one or more than one category of worker as defined by its statutes. In this case, only the worker in that category or those categories is eligible to join such worker union.

Article 14. Effect of Registration

Only a registered worker union or employer association has legal personality and legality. That worker union or employer association has the right to file a complaint to the Labour Court, to acquire movable or immovable property for payment or for free, and to enter into contracts.

Any worker union or employer association, which has not been registered, or whose application registration has been delayed, or whose registration has been cancelled, and is carrying out its worker union activities or employer association activities, shall be deemed illegal.

A worker union cannot carry out business activity, except for the lawful activities set forth in point "g" of Article 59 (Rights and Roles of Minority Worker Unions in Enterprises or Establishments where there is the Most Representative Worker Union) of this law.

Article 15. Action on Application for Registration

The procedures and form of the application for registration of worker unions or employer associations shall be determined by *Prakas* of the Minister of the Ministry in charge of labour.

Article 16. Delay of Registration

The registration is delayed due to one of the following reasons:

a. The stated objectives of the worker union or the employer association are not to protect or promote the rights and interests of persons whom the statute of the worker union or the employer association is defined;

b. The worker union is not independent. A worker union is considered not independent if:

   - such worker union is under the control of an employer or employer association; or
   - such worker union is subject to the interference from or the influence of an employer or employer association;

c. The worker union or the employer association does not meet the requirements as set forth in Article 12 (Requirements for Application for Registration) of this law;

d. The statute of the worker union or the employer association does not meet the requirements as defined by this law or its implementing regulations;

e. The leaders and persons responsible for the administration of the worker union or employer association do not meet the requirements set forth in article 20 (Requirements for Leaders Persons Responsible for the Administration of Worker Unions at the Enterprise or Establishment) and article 21 (Requirements for Leaders Persons Responsible for the Administration of Employer Associations) of this law; or

f. The name of the worker union or the employer association is the same as the name of a registered worker union or a registered employer association or so closely resembles the name of a registered worker union or employer association or unclearly describes its scope or objectives that the public is likely to be deceived or to misunderstand.

The Ministry in charge of labour shall communicate in writing the reasons for delaying the registration of a worker union or an employer association within 30 (thirty) working days following the receipt of its application for registration. Any

worker union or employer association whose application for registration has been delayed shall rectify its application within 30 (thirty) days following the receipt of the notification for delay; otherwise, its application for registration shall be automatically denied.

Article 17. Maintenance of Registration

To keep the approved registration valid, each worker union or employer association shall:

a. produce an annual financial statement and annual activity report, based on the financial books and records kept, as information for its members, and make a copy to the Ministry in charge of labour by the end of March of the following year by indicating:
   - total incomes during the reporting period by indicating the amount of income from all sources;
   - all expenditures of the worker union or employer association;
   - activities of the worker union or employer association; and
   - number of members;

b. worker union or employer association must provide details of its bank account within 45 (forty-five) days following the issuance of registration; and

c. update information required by this law and whenever there is any change is made thereto within 15 (fifteen) working days, except a change in the number of members.

Article 18. Notice of Rectification

In the event where a worker union or employer association fails to fulfil the obligations as set forth in Article 17 (Maintenance of Registration) of this law, the Ministry in charge of labour shall issue the first notice of rectification to the worker union or employer association to rectify within 45 (forty-five) days following the receipt of such notice.

In the event where the worker union or employer association fails to comply with the first notice of rectification, the Ministry shall issue the second notice of rectification to the worker union or employer association to rectify within 30 (thirty) days following the receipt of such notice.

In the event where the worker union or employer association fails to comply with the second notice of rectification, the Ministry in charge of labour shall file a

complaint to the Labour Court to cancel the registration of the worker union or employer association.

Article 19. Cancellation of Registration

The Labour Court has jurisdiction to cancel the registration. The Ministry in charge of labour can file a complaint to the Labour Court to request for the cancellation of registration.

Registration shall be automatically cancelled after the worker union or employer association is dissolved.

Article 20. Requirements for the Leaders and Persons Responsible for the Administration of Worker Union in the Enterprise or Establishment

Khmer nationals who are leaders and persons responsible for the administration of worker union must meet the following requirements:

a. be at least 18 (eighteen) years of age;
b. make a self-declaration on a specific residential address;
c. make a self-declaration that they have an educational level, at least being able to read and write Khmer language; and
d. make a self-declaration that they have no misdemeanour or felony conviction.

Foreign nationals who are leaders and persons responsible for the administration of a worker union must meet the following requirements:

a. be at least 18 (eighteen) years of age;
b. be able to read and write Khmer language;
c. have been working in the Kingdom of Cambodia for at least 2 (two) years;
d. make a self-declaration that they have no misdemeanour or felony conviction; and
e. have the right to reside and have a permanent residence in the Kingdom of Cambodia in compliance with the Law on Immigration of the Kingdom of Cambodia.

The Ministry in charge of labour may require more information if necessary.

Article 21. Requirements for the Leaders and Persons Responsible for the Administration of Employer Association

Cambodian nationals who are leaders and persons responsible for the administration of an employer association must meet the following requirements:

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

b. make a self-declaration on a specific residential address; and

c. make a self-declaration that they have no misdemeanour or felony conviction.

Foreign employers who are eligible to stand for election to be leaders and persons responsible for the administration of an employer association 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 compliance with the Law on Immigration of the Kingdom of Cambodia;

c. have been investing or working in the Kingdom of Cambodia for at least 2 (two) consecutive years; and

d. make a self-declaration that they have no misdemeanour or felony conviction.

The Ministry in charge of labour may require more information if necessary.

CHAPTER 4
FINANCES OF WORKER UNION OR EMPLOYER ASSOCIATION

Article 22. Sources of Resources and Finances

Sources of resources and finances of worker union or employer association are derived from:

a. membership dues from members of the worker union or employer association in which the amount of the membership dues must be stipulated in the statute of the worker union or employer association;

b. income earned from income-generating activities conducted in accordance with the provisions of this law; and

c. donation and financial resource assistance legally received from members of worker union or employer association, or from other parties to serve lawful activities.

Article 23. Segregation of Finances and Assets

The finances and assets of a worker union or an employer association of all levels must not relate to the private finances and assets of leaders and persons responsible for the administration and its members.

Article 24. Use of Finances and Assets in accordance with the Statute and Law

The deposit and transfer of finances and assets of a worker union or an employer association to other parties, investment of funds of a worker union or an employer association, and other lawful business operations by the worker union or employer association can only be made in accordance with the provisions as set forth in this law or the statute of the worker union or employer association.

In case of any suspicion of irregularity in the use and management of finances, parties concerned are entitled to request for an audit carried out by an independent auditing institution which is legally registered in the Kingdom of Cambodia.

Article 25. Liability for the Use and Management of Finances and Assets

The leaders and persons responsible for the administration shall be liable for the use and management of the finances and assets of the worker union or employer association.

Article 26. Authorized Deduction of Membership Dues and Service Fees

With written consent from workers who are members of a worker union, employers shall deduct [the membership dues from] the wage of workers, and shall automatically transfer [the membership dues] to the worker union. The procedures for implementation [of this deduction] shall be determined by *Prakas* of the Minister of the Ministry in charge of labour.

The most representative worker union representing all workers has exclusive right to negotiate to include a reasonable and unified service fee, not exceeding the membership dues and other fees, into a collective bargaining agreement (CBA). This service fee shall be paid only once.

Article 27. Keeping of Financial Records

All worker unions or employer associations must keep financial records in compliance with the format as set forth in the *Prakas* of the Minister of the Ministry in charge of labour and must present this financial statement to its members in accordance with its statute, and must make a copy to the Ministry in charge of labour.

CHAPTER 5
DISSOLUTION OF WORKER UNION OR EMPLOYER ASSOCIATION

Article 28. Dissolution of Worker Union or Employer Association

A worker union or employer association may be dissolved by any of the followings:

1. A worker union or an employer association is dissolved in accordance with its statute;
2. A [local] worker union is automatically dissolved with the definitive closure of its enterprise or establishment; or
3. A worker union or an employer association is dissolved by the court.

Article 29. Grounds for Dissolution by the Labour Court

Party concerned or 50% (fifty percent) of the total members of a worker union or an employer association has the right to file a complaint to the Labour Court for dissolving that worker union or employer association.

A worker union or an employer association shall be dissolved by the Labour Court on any of the following grounds:

a) the formation or nature of activities of the worker union or employer association contravenes the law or the objective of the worker union or employer association as stipulated in its statute;

b) a worker union is no longer independent from the employers and it is unable to restore its independence; or

c) leaders and persons responsible for the administration are found guilty of committing a serious offense in the capacity of the worker union or employer association.

The Labour Court may determine a time frame for the worker union or employer association to rectify the shortcomings as set forth in points "a", "b", and "c" above before making its decision.

Article 30. Effect of Dissolution

Even though a worker union or an employer association has been dissolved, the leaders and persons responsible for the administration of the worker union or employer association shall not be discharged from their responsibilities and obligations to members or other parties as on the date of official declaration of dissolution.

The leaders and persons responsible for the administration of worker union or

employer association which is dissolved by the court cannot lead or be responsible for the administration of a worker union or an employer association for a period of 5 (five) years following the date of verdict of the court.

Article 31. Assets of a Worker Union or an Employer Association after Dissolution

In case of dissolution of a worker union or an employer association, its assets shall be allotted in accordance with its statute; or if the statute does not define, assets shall be allotted according to the rules determined by the General Assembly.

If there are no such provision in its statute and no decision of the General Assembly, the Labour Court can only transfer those assets in the form of donation to another similar and legally constituted worker union or employer association or to relief associations or to social providence.

CHAPTER 6
REPRESENTATIVE OF WORKERS IN THE ENTERPRISE OR ESTABLISHMENT

Article 32. First Round Election of Shop Stewards

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

If there is no agreement between the employer and the most representative worker union in an enterprise which composes of many establishments where the election of shop stewards is required, such dispute shall be referred to the Labour Court to recognise the nature of those establishments.

Article 33. Conditions of Being Elected

Any candidates who obtain the largest numbers of votes are declared to be elected up to the number of seats to be filled. In the event where only one seat remains to be filled, and several candidates receive the same number of votes, this seat shall be prioritised to the 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 of the number of those registered to vote.

Article 34. Second Round Election

In the event where the number of voters is less than half of the number of those registered to vote, the employer shall reorganise the election after 15 (fifteen) days. No quorum is required for this election.

Article 35. Employer's Duties to Organise Election

It is the duty of the employer to organise election. Should there be no shop stewards, the employer must set an election date and publicise it within 15 (fifteen) days following the sreceipt of the request of a worker, a worker union or the Labour Inspector. The election shall be organised within 45 (forty-five) days following the receipt of the request.

In the event of re-election of the shop stewards, the election shall take place within 15 (fifteen) days prior to the end of the term of the shop stewards.

Article 36. Timing and Place of Election

Elections shall be held by secret ballot during working hours. The election of official shop stewards and alternative shop stewards shall be organised at the same time but with separate ballot. 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 organised in different places.

Article 37. Employer's Duties to Prepare the Minutes

The employer shall prepare the minutes of the election of the shop stewards for the Ministry in charge of labour within 8 (eight) days following the election. Furthermore, the employer shall post another copy of the minutes for dissemination within the enterprise or establishment.

Article 38. Eligibility to Vote and to Stand as Candidate

All workers who are eligible to vote must be at least 18 (eighteen) years of age, have worked for the enterprise or establishment for at least 3 (three) months, and are not being condemned to forfeiture of their right to vote.

All workers who are eligible to stand as candidates must be at least 18 (eighteen) years of age, have a seniority of at least 3 (three) months in the enterprise or establishment, and have attained an educational level, at least being able to read and write Khmer language. In addition to these conditions, all foreign nationals who are eligible to stand as candidates must have the right to reside in the Kingdom of Cambodia in compliance with the Law on Immigration of the Kingdom of Cambodia until the end of the term solicited.

Article 39. Nomination of Shop Steward Candidates

The shop stewards are elected from the candidates nominated by the worker union or from non-unionised workers who volunteer to stand as candidates within the

framework of each enterprise or establishment.

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

In the enterprise or establishment where there is neither a worker union nor a worker who volunteers to stand as candidate or if there is no worker who meets the required conditions to stand as the shop steward candidate as set forth in Article 38 (Eligibility to Vote and to Stand as Candidate) of this law, the Minister of the Ministry in charge of labour 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) alternative shop steward;
- From 51 (fifty-one) to 100 (one hundred) workers: 2 (two) official shop stewards and 2 (two) alternative shop stewards;
- For more than 100 (one hundred) workers: 1 (one) extra official shop steward and 1 (one) extra alternative shop steward for every additional 100 (one hundred) workers.

Article 41. Missions of Shop Steward

The missions of the shop steward are as follows:

- to present to the employer any individual or collective grievances relating to the enforcement of wages, enforcement of the labour code and general labour regulations and collective bargaining agreements applicable to the enterprise or establishment;
- to inform the Labour Inspector of all complaints and criticism relating to the enforcement of the labour legislations and regulations that the Labour Inspector is responsible for monitoring;
- to monitor the enforcement of the provisions relating to occupational safety and health;
- to suggest useful measures to 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 must put forward a written opinion on the draft of internal regulation stipulated in the Labour Law or on a plan of modifications to the internal regulation.
- The shop steward must also be consulted and must put forward a written opinion on any planned measures for redundancy due to reduction in activities or internal reorganisation of the enterprise or establishment.
- In an enterprise or establishment where there is no worker union, the shop steward can enter into a transitional collective bargaining agreement with employer. This transitional collective bargaining agreement shall not exceed a 2 (two)-year term. This transitional collective bargaining agreement is automatically replaced by the collective bargaining agreement concluded between the most representative worker union and employer in the event where this collective bargaining agreement provides equal or more benefits to workers than those of the transitional collective bargaining agreement.

Article 42. Term of Official Shop Stewards and Alternative Shop Stewards

The official shop stewards and the alternative shop stewards shall be elected for a 2 (two)-year term and can be re-elected.

Their functions shall be terminated by decease, resignation, or end of the employment contract.

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

Article 43. Protection of Shop Stewards

Any dismissal of a shop steward or a candidate can only be carried out after receiving the authorisation from the Labour Inspector. The same protective measures shall apply to former shop stewards for a period of 3 (three) months following the end of their terms and to unelected candidates for a period of 3 (three) months following the proclamation of the result of the election. 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 Labour Inspector, who has received the complaint on worker's dismissal covered by this Article, shall give his or her decision to the employer and to the worker to be dismissed, as well as to the worker union to which the worker belongs within 1 (one) month at the latest following receipt of the complaint.

Upon receipt of the decision, the employer, or the worker to be dismissed, or the worker union to which the worker belongs has 2 (two) months to file an appeal to the Minister of the Ministry in charge of labour. The Minister of the Ministry in charge of labour can revoke or revise the decision of the Labour Inspector.

If there is no notification of the Labour Inspector's decision within the allotted time, or if there is no notification of the decision of the Minister of the Ministry in charge of labour within 2 (two) months after having received the hierarchical appeal, the complaint and the appeal shall be deemed rejected.

Article 44. Effect of Revocation of an Administrative Decision

If the Minister of the Ministry in charge of labour or the Labour Court revokes an administrative decision on the authorisation of the dismissal of a shop steward, such shop steward is entitled to resume his/her previous position or an equivalent position if he/she has filed a complaint or lodged an appeal within 2 (two) months following the receipt of notification of the administrative decision on the authorisation of the dismissal. 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 Labour Law, the employer of an enterprise or establishment can render a decision to instantly suspend an employment of such individual pending the decision of the Labour Inspector. In the event where the Labour Inspector does not authorise the dismissal, the suspension is considered null and void, and its effects shall be obliterated lawfully. The employer shall immediately reinstate the suspended worker to work after having received the decision of the Labour Inspector.

Article 46. Workers' Right to File Their Own Grievance

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

Article 47. Complaint against the Result of the Shop Steward Election

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

Article 48. Issuance of *Prakas* by the Minister of the Ministry in charge of Labour

The Minister of the Ministry in charge of labour shall issue *Prakas* to determine the formality for the implementation of Chapter 6 (Representative of Workers in the Enterprise or Establishment) including:

a) the development of voting procedures and the division of workers into discrete electoral bodies;

b) the required conditions for the shop stewards to be recognised by the employer or the representative of employer;

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 WORKER UNION

Article 49. Rights of Membership in a Worker Union

Leaders and persons responsible for the administration of a worker union shall be directly elected by members of such worker union and can stand for re-election.

Members of a worker union shall cast secret ballot on any policy that may affect their membership.

Members of a worker union shall not be required to pay union dues which are excessive or arbitrarily fixed; no officer or agent of the worker union shall collect union dues unless they are authorised to do so according to the statute of the worker union.

Each worker can be a member of only one (1) worker union in the same enterprise or establishment at the same time. In the event where a worker, who has already been member of a particular worker union, joins another worker union within the same enterprise or establishment, the latter worker union shall notify the employer, and that worker shall become member of that latter worker union.

Article 50. Representation of Members and Worker Union Delegates

Each worker has the right to seek his/her representative to communicate with his/her employer.

Where there is the most representative worker union, other worker unions in the

enterprise or establishment may represent only their members with respect to the rights provided under the collective bargaining agreement that has been negotiated by the most representative worker union. The worker unions without the most representative status cannot renegotiate or attempt to modify the terms and conditions applicable to their members while the collective bargaining agreement is still effective or the most representative status remains valid.

In an enterprise or establishment where there is only one worker union or the most representative worker union, that worker union can appoint one of its members, who meet all the requirements as set forth in paragraph 2 of Article 38 (Eligibility to Vote and to Stand as Candidate) of this law, to be a worker union delegate. The worker union delegate is duly entitled to make decision and sign a collective bargaining agreement with the employer under the professional organisation to which he or she is appointed. The worker union delegate has a 2 (two)-year term and can be reappointed.

The worker union delegate may also perform the same missions as a shop steward.

Article 51. Principles of Integrity and Good Faith

A worker union has a duty to engage with employers in good faith for the purpose of representing the interests of its members in determining the terms and working conditions and in ensuring compliance with the terms, agreed conditions and legal rights. This duty of good faith includes duties to meet with employers, and to attend the meetings timely and promptly for the purposes of discussion on problems resolution or collective negotiation in order to conclude a collective bargaining agreement with respect to the terms and working conditions in accordance with the provisions of this law, as well as consideration on any requests to resolve the grievances or questions arising from such agreement. This duty includes making compromises or objections based on reasonable consideration if requested by either party.

CHAPTER 8
DUTIES OF EMPLOYER AND EMPLOYER ASSOCIATION

Article 52. Name List of Workers for Application for the Most Representative Status

Employers shall maintain and update on a monthly basis a name list of workers by showing name, employment contract status, and job classification for immediate verification in the case that any worker union applies for certification of the most representative status. The implementation procedure shall be determined by *Prakas* of the Minister of the Ministry in charge of labour.

Article 53. Principles of Integrity and Good Faith

All employers and employer associations have the duty to negotiate with worker unions and the lawful representatives of worker unions in good faith for the purpose of representing the interests of its members and abiding by the terms, agreed conditions, and legal rights.

This duty of good faith includes the duties to engage with the worker union which has been certified as the most representative status, to meet and to convene the meetings timely and promptly for the purposes of negotiating a collective bargaining agreement with respect to the terms and working conditions in accordance with the provisions of this law, as well as considering any requests for resolving the grievances or questions arising from such agreement. This duty goes beyond the ordinary meeting and consultation, by including in these agreements an offer to the most representative worker union the facilities to carry out negotiations to get information on negotiation proposals proposed by other worker unions, and implementation of any written contract or memorandum of understanding if there is any request by either party; however, it does not oblige the employer or employer association to agree to any specific proposal put forward by the worker union.

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

CHAPTER 9
REPRESENTATION BY THE MOST REPRESENTATIVE WORKER UNION

Article 54. The Most Representative Status at the Enterprise or Establishment Level

The most representative status of a worker union is recognised within the framework of the enterprise or establishment. For the purpose of the collective bargaining or collective labour dispute resolution, the most representative worker union has the exclusive rights.

A worker union may acquire the most representative status if it meets the following criteria:

a. being duly registered;

b. having programs and activities indicating that the worker union is capable of providing professional, cultural and educational services to its members, as provided for in this law; and

c. having the most members with membership identification cards and a proper name list of membership or having received the largest number of

votes in the enterprise or establishment as follows:

- the worker union having members at least 30% (thirty percent) of the total workers in an enterprise or establishment where there is only one worker union; or
- any worker union having secured the most support from other worker unions with more than 30% (thirty percent) of the total workers in the enterprise or establishment where there is more than 1 (one) worker union; or
- in the event where any worker union is unable to secure the support from members of at least 30% (thirty percent) of the total workers, an election shall be organised to secure the most votes of more than 30% (thirty percent) of the total workers in that enterprise or establishment. The implementation procedures of such election shall be determined by *Prakas* of the Minister of the Ministry in charge of labour.

In the event where, within an enterprise or establishment, there are many discrete local worker unions which fail to meet all the criteria as stipulated in the above paragraphs of this Article and fail to secure the most representative status recognition, the negotiation of a collective bargaining agreement shall be strictly carried out in accordance with Article 72 (Bargaining Council) of this law.

Article 55. The Most Representative Status in a Profession or an Economic Activity or a Sector

In a profession or an economic activity or a sector where there are many worker unions, these worker unions shall seek the most representative status recognition by satisfying the criteria stipulated in points "a" and "b" of Article 54 (The Most Representative Status at the Enterprise or Establishment Level) of this law, plus an additional criterion of having the most members with proper membership identification cards of all workers in the profession or economic activity or sector wherein they apply for the certification of the most representative status.

The most representative worker union has the exclusive right to represent all workers in negotiating collective bargaining agreement or in resolving collective labour dispute with the employer or employer association of such particular profession or economic activity or sector.

If there are many worker unions in a profession, an economic activity or a sector, which fail to meet all the criteria as stipulated in the above paragraphs of this Article, and fail to secure the most representative status recognition, the negotiation of a collective bargaining agreement shall be strictly carried out in accordance with

Article 72 (Bargaining Council) of this law.

Article 56. Application for the Most Representative Status Certification

A worker union shall apply for the most representative status certification to the Ministry in charge of labour in accordance with the formalities and procedures set forth in *Prakas* of the Minister of the Ministry in charge of labour.

Article 57. Determination of the Most Representative Status by the Minister of the Ministry in charge of Labour

Within 30 (thirty) working days at the latest following the receipt of the application for the most representative status recognition, the Ministry in charge of labour shall give an official decision on the recognition of such status of the worker union which meets all the criteria as set forth in this law. The Minister of the Ministry in charge of labour may conduct an investigation if it is necessary to review the most representative status of any worker union.

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

Article 58. Rights and Duties of the Most Representative Worker Union

In addition to the rights as set forth in this law, the most representative worker union has the following duties:

- to negotiate in good faith with the employer with a view to securing a collective bargaining agreement covering the working conditions, occupational safety and health, and other benefits;
- to represent in good faith the workers who are non-members in grievances arising out of collective bargaining agreement;
- not to discriminate in accepting new members; and
- to allocate the number of seats in some mechanisms as determined in the Labour Law.

Article 59. Rights and Roles of Minority Worker Unions in Enterprise or Establishment where there is the Most Representative Worker Union

Minority worker unions in an enterprise or establishment where the most representative status worker union has been certified, and where such status remains valid, are prohibited from demanding the right to collective bargaining, and the rights or benefits beyond those provided for in laws, regulations, and

collective bargaining agreements remain in force, or internal rules. The rights and roles of the minority worker unions include the followings:

a. providing literacy training on legal and professional matters;

b. providing legal and practical advice to its members;

c. representing its members in resolving individual labour disputes;

d. participating in ongoing workplace cooperation mechanisms;

e. participating in consultations on labour market mechanisms;

f. providing information regarding its membership;

g. organising cooperatives which could be shop, canteen, or health care etc., to help improving the living standards of its members; and

h. having an administrative role in handing out benefits to members in the case of unemployment.

The most representative worker union can also carry out the roles as defined from points "a" to "h" above.

Article 60. Duration and Loss of the Most Representative Status

The certification of the most representative status of a worker union cannot be challenged for 2 (two) years from the date of receipt of the most representative status, except in the following cases where the most representative worker union may lose such status indefinitely:

a. when the worker union has been found to have failed to perform regularly its duties as set forth in Article 58 (Rights and Duties of the Most Representative Worker Unions) of this law based on factual evidence;

b. when the registration of the worker union has been cancelled;

c. when the worker union has been dissolved; or

d. where there is evidence obviously confirming that the worker union is no longer holding the most representative status.

When the most representative status has exceeded 2 (two) years, any worker union present within the same enterprise or establishment can challenge this most representative status by seeking recognition through the procedures set forth by *Prakas* of the Minister of the Ministry in charge of labour.

The decision of the Minister of the Ministry in charge of labour on point "a" of this Article may be appealed to the Labour Court.

The Ministry in charge of labour shall keep records of the most representative worker union and may collaborate to publish the name list of the most representative worker unions every 12 (twelve) months.

Article 61. Keeping of Records in connection with Deduction of Union Dues and Service Fees

Employers must keep records whenever union dues or service fees are deducted from the wage of workers. The records must include the date where the authorisation letter of such deduction is made by the workers concerned, the date and the amount of the deduction made in relation to each worker, and the dates and the amounts of funds transferred to the relevant worker union(s).

CHAPTER 10
UNFAIR [LABOUR] PRACTICES BY EMPLOYERS

Article 62. No Discrimination on Ground of Union Activities

Employers shall not discriminate against workers on the basis of their involvement in holding the worker union leadership or participation in worker union activities when making decisions pertaining to recruitment, management, duty delegation, promotion of rank and position, remuneration, granting of benefits, disciplinary measures, and dismissal, including the termination and discontinuation of the employment contract that is subsequently found to be against the procedures.

Article 63. Employer's Actions considered to be Unfair [Labour] Practices

The following unfair [labour] practices by an employer shall be deemed illegal:

a. to interfere in any way with the workers in exercising their right to self-organisation of a worker union;

b. to impose a working condition or an employment renewal condition that requires a worker not to join a worker union or to withdraw from the worker union to which he/she belongs;

c. to contract out services or functions being performed by worker union members when such operation may interfere in the exercise of the rights of worker to self-organisation of a worker union;

d. to initiate control, such as assisting or interfering with the formation, administration of any worker union, or affiliation of worker unions, including the provision of financial or support to such worker union or its founders or supporters in any manner other than that provided for in this law;

e. to discriminate in relation to wages, working hours, other terms and working conditions in order to encourage or discourage [workers] to become a member of any worker union;

f. to dismiss, terminate, or otherwise prejudge or discriminate against workers for having given or being about to give testimony or otherwise provide evidence or information relevant to the application of this law or the applicable labour standards in force;

g. to breach the duty to bargain collectively as prescribed in this law, or to violate or to cause violation of a statute, employment contract, memorandum of understanding, collective bargaining agreement, or provisions of the law, or to obstruct the bargaining process and implementation of the collective bargaining agreement;

h. to lock out in non-compliance with legal procedures;

i. to block a gate of an enterprise or establishment or its entrance or exit gate by various means, or to interrupt through threats, provoking violence against workers who take part or intend to take part in a strike; and

j. to fail to fulfil all obligations relating to the labour sector in the event of closure of an enterprise or establishment.

CHAPTER 11
UNFAIR [LABOUR] PRACTICES BY WORKER UNIONS

Article 64. Discrimination in Membership

It shall be considered as an unfair [labour] practice for a personnel, worker, worker union, or representative of worker union to deny membership as set forth in Article 6 (Non-Discrimination in Membership) of this law.

Article 65. Worker Union's Actions considered to be Unfair [Labour] Practices

The following unfair labour practices by worker union or representative of worker union shall be deemed illegal:

a. to restrain or coerce workers in the exercise of their rights to self-organisation of the worker union. However, the worker union shall have the right 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 in non-compliance with the law and the usual conditions such as on the grounds that the workers in question have denied being a member of or have requested to leave the union;

c. to breach the duty of integrity and good faith in the negotiation of the collective bargaining agreement, provided it is the most representative worker union;

d. to cause or attempt to cause an employer to pay, or to give, or to agree to pay, or to give any amount of money or other things for services which are not performed or not to be performed, including a demand for a service fee to conduct negotiation of a worker union;

e. to violate or cause violation of the statute, employment contract, memorandum of understanding, agreement, collective bargaining agreement, or laws, or to obstruct the bargaining process and implementation of the collective bargaining agreement;

f. to agitate for the only purpose of serving political tendency or their personal ambitions, or to commit acts of violence at the workplace and other places;

g. to congest or block the entrance and exit of the premises of the enterprise or establishment, or to incite or to threaten or to violently prevent or to coerce non-striking workers by all means from working, 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 PROTECTIONS FOR WORKER AND REPRESENTATIVE OF WORKER UNION

Article 66. Access to an Enterprise or Establishment

Access to an enterprise or establishment by a representative of a local worker union to exercise his/her rights or to interact with its members shall only be given by the permission of the employer who shall not withhold such permission, unless the permission affects the normal operation of the enterprise or establishment.

Article 67. Protection from Dismissal

All workers who are candidates standing for election for the leadership of a worker

union enjoy the same protection from victimisation 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/she is not elected. In order to enjoy such special protection, the worker union shall notify the employer of the candidacy and make a copy to the Ministry in charge of labour by any formal means. The employer shall only be required to comply with these provisions once for each election for the leadership of worker union.

From the time that the application for registration is submitted, all worker unions which are founders or workers who voluntarily become members of this worker 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 labour has certified the worker union registration.

Beyond the date specified in the above paragraph, this protection shall be extended to the leader, vice leader, and secretary of the worker union. The worker union shall notify the employer of the names of the individuals to be protected by any formal means. A copy of this notification shall be sent to the Ministry in charge of labour.

Article 68. Right of Access to the Enterprise or Establishment for Dismissed Worker Union Leaders

Leaders and persons responsible for the administration of the worker union, who have been legally laid off temporarily shall retain the right of access to the enterprise or establishment. Otherwise, leaders and persons responsible for the administration of the worker union, who have been definitively dismissed shall be entitled to access the enterprise or establishment within 60 (sixty) days from the date of such definitive dismissal for the purpose of fulfilling the responsibilities in accordance with their mandate without affecting the normal operation of the enterprise or establishment.

Leaders and persons responsible for the administration of the worker union, who committed serious misconduct and were lawfully dismissed, must resign from that worker union, and he/she has no duties to access the enterprise or establishment.

CHAPTER 13
COLLECTIVE BARGAINING AGREEMENT AND COLLECTIVE BARGAINING

Article 69. Purposes of a Collective Bargaining Agreement

The purposes of the collective bargaining agreement are to determine the working

conditions, employment conditions, and other conditions of workers including personnel working in the air and maritime transportation, and to regulate the relationship between employers and personnel, workers, or worker unions as well as between worker unions and employer associations.

Collective bargaining agreement should specify the scope of its application, which may be:

a. Geographical framework:
   - at workshop or site level;
   - at an enterprise or establishment level;
   - at municipal or provincial level;
   - at 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 the economic activities;

c. Sectoral framework;

d. Air and maritime transportation framework.

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

In a geographical, occupational, sectoral, and air and maritime transportation framework, there shall be only one collective bargaining agreement.

Article 70. Duration of Collective Bargaining Agreement

A collective bargaining agreement is concluded for either a definite or indefinite duration.

When the collective bargaining agreement is concluded for a definite duration, this

duration lasts for at least 3 (three) years. Upon its expiration, if neither party rejects or revises the collective bargaining agreement on the condition of a 3 (three)-month prior notice, such collective bargaining agreement shall be deemed effective for the same duration.

When the collective bargaining agreement is concluded for an indefinite duration, a complaint to repeal can be filed; however, it remains in effect for a period of 1 (one) year from the date of the receipt of the complaint.

The complaint to repeal such collective bargaining agreement does not prevent the filing of the collective bargaining agreement from enforcing on its signatories.

Article 71. Bargaining Parties

Parties to collective bargaining shall be given full rights by their members through an authorisation in writing or an authorisation as prescribed in this law to conduct and conclude bargaining. An interference, incitement, and interruption from any person who is not involved in the collective bargaining agreement shall be prohibited.

Article 72. Bargaining Council

The established bargaining council of worker unions and employers has full rights on behalf of all workers and employers at all bargaining levels in the event of negotiation to conclude a collective bargaining agreement between an employer and many worker unions without the most representative status or between many employers and many worker unions without the most representative status. .

The procedures for implementation of the above paragraph shall be determined by *Prakas* of the Minister of the Ministry in charge of labour.

Article 73. Registration of Collective Bargaining Agreement

Once concluded, the collective bargaining agreement may be applied temporarily and promptly by both parties if there is an article therein that explicitly stipulates temporary application. The collective bargaining agreement shall be registered with the Ministry in charge of labour. The collective bargaining agreement shall come into effect 1 (one) day after it has been registered.

The provisions of the collective bargaining agreement shall be applicable to the employer(s), personnel and all workers under the scope of application of such collective bargaining agreement. The Ministry in charge of labour may collaborate to publish the registered collective bargaining agreements on an annual basis.

Article 74. Stipulation of Procedure of Labour Dispute Settlement in Collective Bargaining Agreements

All collective bargaining agreements must stipulate a clear procedure of labour dispute settlement, guaranteeing minimum services, essential services, other services, and public order before being registered.

CHAPTER 14
DISPUTE SETTLEMENT OF WORKER UNION AND EMPLOYER ASSOCIATION

Article 75. Dispute Settlement of Worker Union and Employer Association

Dispute arising between one worker union and another worker union shall be settled through compromise and mutual understanding with utmost efforts of all parties concerned in the dispute and by the council of national worker unions.

Dispute arising between one employer association and another employer association, as well as dispute arising between a worker union or the council of national worker unions and an employer association or a federation of employers, shall be settled through discussions with utmost efforts at ensuring minimum services, essential services, and public order.

If the discussions as set forth in paragraphs 1 and 2 of this Article do not lead to mutual agreement, disputes shall be settled in accordance with the laws and regulations in force.

CHAPTER 15
ADMINISTRATIVE MEASURES AND PENALTIES

Article 76. Administrative Sanctions and Penalties

Sanctions in this Chapter include a written warning and transactional fine.

Article 77. Competence

The written warning and transactional fine are the authority of the Minister of the Ministry in charge of labour.

The payment of the transactional fine extinguishes criminal action.

In the event where the offender fails to pay the transactional fine, the case file shall be forwarded to the court.

Article 78. Failure to Keep Financial Records

Any worker union or employer association who fails to implement the obligation as

set forth in Article 27 (Keeping of Financial Records) of this law shall receive a written warning.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 79. Act of Illegal Obstruction of the Right to Establish a Worker Union or an Employer Association

A written warning shall be issued to any person who illegally obstructs:

- the right to establish a worker union or an employer association;
- the right to join a worker union or an employer association;
- the right not to join a worker union or an employer association; or
- freedoms to be leaders or persons responsible for the administration of the worker union or the employer association.

A written warning shall be issued to any person for the obstruction as a result of any discrimination of:

- ethnicity, nationality, or race;
- political tendency;
- gender, belief, religion;
- health status; or
- disability.

In the event of a failure to comply with the warning as set forth in paragraph 1, a transactional fine not exceeding 1,000,000 (one million) Riels shall be imposed.

In the event of a failure to comply with the warning as set forth in paragraph 2, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 80. Activities without Registration

A written warning shall be issued to any person who carries out worker union activities or employer association activities without registration as set forth in this law.

The provision of paragraph 1 shall also apply to a worker union or an employer association whose registration is cancelled or dissolved.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 81. Activities beyond the Scope

A written warning shall be issued to any person who carries out activities beyond the geographical, occupational, or sectoral scope defined in its statute.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 82. Breach of Obligations to Organise Election

A written warning shall be issued to any employer who breaches the obligations as set forth in Article 35 (Employer's Duties to Organise Election) and Article 37 (Employer's Duties to Prepare Minutes) of this law.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 83. Activities without of Representative Status

A written warning shall be issued to any person without a worker union delegate status or any worker union without the most representative status who attempts with bad faith to assert its representativeness to negotiate collective bargaining agreement (CBA).

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 84. Activities without Integrity and Good Faith

A written warning shall be issued to the most representative worker union, employer, or employer association who breaches the duties as 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 reason and upon receiving reminder from the competent authority or its counterparty.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

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

A written warning shall be issued to any employer who fails to fulfil the obligations as set forth in Article 52 (Name List of Workers for Application of Most Representative Status) of this law.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 86. Right Abuse by the Minority Worker Unions

A written warning shall be issued to any minority worker union in an enterprise or establishment where the most representative status is recognised and still valid for violating the provision of sentence 1 of paragraph 1 of Article 59 (Rights and Roles of Minority Worker Unions in Enterprise or Establishment where there is the Most Representative Worker Union) of this law.

No enough element to constitute an offence as set forth in paragraph 1 if such act is permissible by this law or other legal norms.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 87. Illegal Obstruction of Strike

A written warning shall be issued to any employer who by any means prevents the workers from participating in a legal strike or threatens against workers who participate in a legal strike.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 88. Act Against the Delivery of Testimony Concerning the Enforcement of Labour Law

A written warning shall be issued to any employer who dismisses or terminates worker who delivers or intends to deliver testimony concerning the enforcement of laws or other labour standards in force.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 89. Coercion to Join Strike

A written warning shall be issued to any person who uses any means to coerce a worker into striking or to prevent a non-striker from working.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 90. Acts of Impediment to the Negotiation

A written warning shall be issued to any person, who is not qualified as party to negotiation, by all means impedes the negotiation of a collective bargaining agreement (CBA).

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 91. Breach of Collective Bargaining Agreement

A written warning shall be issued to any person, who is covered by a collective bargaining agreement, breaches or infringes any clause of the collective bargaining agreement (CBA).

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 92. Act of Illegal Strike

An illegal strike is a strike continued by the strikers after the Labour Court declared that the previous strike is illegal.

A written warning shall be issued to any person who leads an illegal strike.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 93. Illegal Lockout

An illegal lockout is a lockout continued by the employer after the Labour Court declared that the previous lockout is illegal.

A written warning shall be issued to any employer who illegally locks out.

In the event of a failure to comply with the above warning, a transactional fine not exceeding 5,000,000 (five million) Riels shall be imposed.

Article 94. Liability of Employer Association

A transactional fine not exceeding 10,000,000 (ten million) Riels shall be imposed on an employer association who illegally locks out after being warned in writing.

Article 95. Application of Other Criminal Law

The application of the provisions of Chapter 15 (Administrative Measures and Penalties) of this law shall not bar the application of other criminal law, provided that the violation of the provisions of this law is an offence defined by other criminal law.

CHAPTER 16
TRANSITIONAL PROVISIONS

Article 96. Existing Registration

After this law enters into force, worker unions and employer associations which have been registered shall be deemed registered and automatically acquire the status of legal entity pursuant to the provision of this law until the end of their current term.

Article 97. Existing Collective Bargaining Agreements

Existing collective bargaining agreements (CBA) filed with the Ministry in charge of labour prior to the entry into force of this law shall remain valid until the end of its current term. After this law enters into force, any modification or extension of the validity of a collective bargaining agreement (CBA) shall be made in accordance with the provisions as set forth in Chapter 13 of this law.

Article 98. Labour Court

Pending the establishment of the Labour Court, disputes arising out of the application of this law shall be referred to the common court for decision.

CHAPTER 7
FINAL PROVISIONS

Article 99. Abrogation

All provisions contrary to this law shall be abrogated.

Article 100. Entry into Force

This law shall be declared as matter of urgency.

Royal Palace, 17 May 2016
Signature and Seal
NORODOM SIHANMONI

PRL.1605.525
Submitted to His Majesty the King
for Signature
Prime Minister
Signature
***Samdech Akka Moha Sena Padei Techo* HUN SEN**

Submitted to
Samdech Akka Moha Sena Padei Techo HUN SEN, Prime Minister
Signature
ITH SAMHENG

No.: 517 S.N
Certified copy for dissemination
Phnom Penh, 23 May 2016
Secretary General of the Royal Government
(signature and seal)
SOY SOKHA