

UNDERSTANDING LABOUR INSPECTIONS IN CAMBODIA



Introduction and Objectives

In collaboration with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Cambodia, the Ministry of Labour and Vocational Training (MLVT) prepared a leaflet for promoting the social and labour standards to comply with the Royal Government of Cambodia's policies of labour sector, which aim to strengthen the harmonization of industrial relations, increase productivities and investments in the garment, textile and foot-wear sectors by promoting labour rights, obligations and other benefits in accordance with the labour law, the law on social security schemes, law on trade unions and related legal instruments to ensure the quality, transparency and integrity.

The main objective for this leaflet is to disseminate the understanding of labour inspection to the public, employers, employees and other related stakeholders.

What are Labour Inspections?

The labour inspection in Cambodia was established by the labour law which promulgated by the Royal Decree CS/RKM/0397/01 dated 13 March 1997 and the Prakas 037/14 KB/PK dated 21 February 2014 on the establishment of joint labour inspection team.

Labour inspection is a system to monitor the enforcement of laws and other legal instruments related to the labour sector, which is implemented by the authority of labour inspectors, labour administrative inspectors, labour medical inspectors or other officials who are appointed to do the labour inspection.



What is a Joint Labour Inspection Team?

The Ministry of Labour and Vocational Training (MLVT) established the joint labour inspection team to fulfil their roles and responsibilities for inspection of enterprises and establishments in the Kingdom of Cambodia as indicated in the labour law. The joint labour inspection team composes of 8 units as the following:

- Department of Labour Inspection
- Department of Labour Dispute
- Department of Employment and Manpower
- Department of Child Labour
- Department of Occupational Safety and Health
- Department of Training
- National Social Security Fund (NSSF)
- General Secretariat of the Committee of Resettlement of all Strikes and Demonstrations



The Main Roles and Responsibilities of the Labour Inspection Team

The labour inspection team has the main roles and responsibilities:

- **Laws and legal instruments:** Inspect enterprises and establishments for their compliance with the labour law, law on social security schemes, and law on trade unions and other regulations related to working conditions, occupational safety and health, and workers' rights. The missions of the labour inspection are defined in article 344 of the labour law.

Labour Inspection has the mission as the following:

- Ensure the enforcement of the labour law, law on social security schemes, and law on trade unions and other regulations related to the labour sector;
- Provide information and technical advice to employers and to workers on effective ways of observing legal provisions;
- Report to the competent authority any improprieties or abuses that are not specifically covered by the existing legal provisions;
- Provide advice on issues relating to the arrangement or restructuring of enterprises and organisms that have been authorized by the administrative authorities and covered by Article 1 of this law;
- Monitor the enforcement of the legal provisions regarding the living conditions of workers and their families.



What does the Labour Inspection Team monitor?

- **Administrative requirements for enterprises and establishments:** such as notification on the opening of the enterprises/notification of staff, staff movement (in and out), registration book of the enterprise/establishment, and payroll, (wage records using computer system), internal regulation of the enterprises etc.
- **Work documents:** work permit, employment cards for national/international staff, request for foreign employees (quota), work contracts, apprenticeship and other relevant documents.
- **Working conditions:** working hours, breaks, night shifts, special protections for women workers, wages, indemnities and bonuses.
- **Health, occupational safety and security:** enterprises and establishments ensure the implementations comply with the laws. Workplaces are hygienic, safe and work accidents are well recorded, labour medical physicians, nurses, medical check-up, health education and the HIV and drugs working team are well functioning.
- **Conditions for industrial relations:** meet and communicate with union leaders, staff delegates and owners of enterprises and establishments in order to monitor compliance with collective agreements and participate in the settlement and reconciliation of labour disputes and election of the staff delegates.
- **National Social Security Fund (NSSF):** encourage and require enterprises and establishments to have registration, worker registration with NSSF, workers contributions, and dissemination of the NSSF information.
- **Working Condition for child labour:** Monitor the use of children below the age of 18.



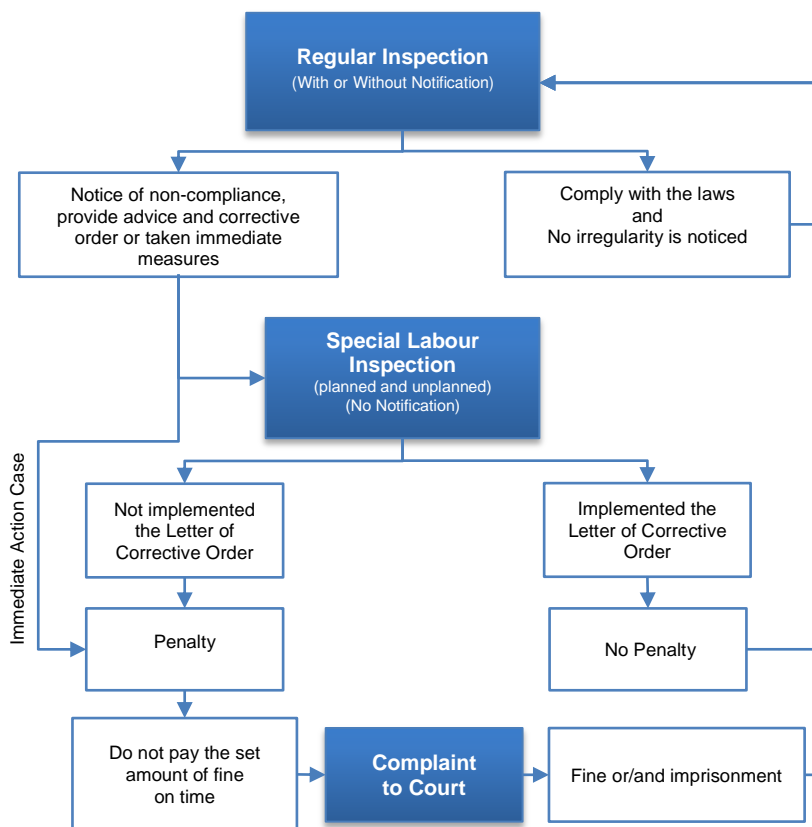
Types of Labour Inspections

1. Regular Labour Inspections: These inspections are carried out on a regular basis with prior notice to the owners, managers of enterprises. The notification letter specifies the objectives of the inspections and states the required documents.

2. The special Labour Inspections are divided into two types as below:

- **Special labour inspections** are conducted without prior notice after labour inspectors found irregularities, which are stated in the labour inspection reports and the letter of corrective order.
During the special labour inspections, if it is found out that, the owners, managers of the enterprises or the establishments continue not to comply with the labour law, they are subject to fine according to the penalty provisions and other measures from relevant ministries or institutions.
- **Unplanned special labour inspections are** conducted after receiving complaints, requests or information about risks of work accidents from the public and/or the social network etc. relating to non-compliance with the labour laws and regulations.





What Can Labour Inspections Help with?

Labour inspectors can help to address and provide advice of any challenges in the implementation of the labour law, law on social security schemes, law on trade unions and relevant regulations to improve the working conditions, occupational health and safety and to encourage harmonization of industrial relations for increasing productivity, efficiency and competitiveness.

How should Employers Cooperate with Labour Inspectors?

Before the labour inspection:

- Shall cooperate with labour inspection team as necessary or appointed representatives who hold an authorisation letter and have the right for decision-making
- Shall prepare documents for inspectors as described in the letter of notification

During the labour inspection:

- Shall participate in the process of labour inspection from the beginning until the end
- Shall cooperate and provide relevant documents requested by the labour inspection team
- Shall facilitate and provide an appropriate workplace for the labour inspection team to fulfil their tasks at the enterprise and establishments.

After the labour inspection:

- Shall review and sign the report of labour inspection and the letter of corrective order and disseminate it to all relevant stakeholders for taking necessary measures to correct irregularities determined by the report and the letter of corrective order and implement the penalty.
- If necessary, shall consult legal experts or other specialists to address the issues.

What Information is recorded in the Labour Inspection Report?

Generally, the report of the labour inspection records the key information as the following:

- Date of inspection and the composition of the inspection team
- General information about the enterprises or establishments (economic activities, number of workers)
- Types of employment contracts: contract for probationary period, contract for specified and unspecified duration
- Apprenticeship training: the information of training courses, number of trainees, allowances and certificates for apprenticeships
- General working conditions: wages, wage payment and reduction, overtime pay, work hours, break times, discrimination and forced labour and work for women and children
- Occupational safety and health: health and safety at the workplace
- National Social Security Fund (NSSF): registration of enterprises and establishments and workers, contributions, benefits, implementation of risk-policies at workplace, healthcare and transportation allowances for workers
- Industrial relations: staff delegates (shop stewards), unions, contact persons, registered agreements and labour disputes
- Use of national and foreign staff: staff movement (In-Out), numbers of national and foreign staff movement, work permits, employment cards for nationals/foreigners
- Notice, advice, counselling, requests of employees/employers, and letter of corrective order from labour inspectors.

For more information, please contact:

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