

Newsletter:

Cambodia: Settling collective and individual labour disputes

In Brief

The Labour Law of the Kingdom of Cambodia (the Labour Law), enacted in 1997 and subsequently amended, provides a crucial framework for regulating employment relationships and protecting employer's and employee's rights. The Labour Law establishes mechanisms for resolving labour disputes, categorized as collective and individual. The following sections will outline the definitions and methods of dispute resolution for each type.

Key Takeaways

A. Resolving a Collective Labour Dispute

A collective labour dispute occurs between one or more employers and a group of employees over working conditions, the rights of professional organizations, recognition of these organizations within the enterprise, or issues affecting employer-employee relations. Such disputes may threaten the operation of the enterprise or social peace¹. A collective labour dispute should first be resolved through conciliation. If conciliation fails, the dispute may be resolved through any method agreed upon by all parties, such as²:

- ◆ arbitration procedure, if outlined in the collective agreement; or
- ◆ any other procedure agreed upon by the parties; or
- ◆ the arbitration process provided by labour law.

B. Resolving an Individual Labour Dispute

An individual dispute is one that arises between the employer and one or more employees or apprentices individually and relates to the interpretation or enforcement of the terms of an employment or apprenticeship contract, or the provisions of a collective agreement as well as regulations or laws in effect³. Before initiating judicial proceedings, an individual dispute may be submitted for preliminary conciliation to the Labour Inspector of the relevant province or municipality at the request of either party. If conciliation fails, either party may file a lawsuit with the Labor Court or the Arbitration Council of Cambodia (AC)⁴.

Conclusion

The Labour Law of Cambodia provides a comprehensive legal framework designed to protect workers' rights and regulate employment relationships through effective dispute resolution mechanisms. By categorizing disputes into collective and individual types, the law ensures that conflicts are addressed appropriately based on their nature and impact. Collective disputes, which may affect enterprise operations or social peace, are first addressed through conciliation, with arbitration or other agreed methods as alternatives if necessary. Individual disputes, often involving contract interpretation or enforcement, follow a similar process, beginning with conciliation by a Labour Inspector and proceeding to legal action if unresolved. These structured mechanisms promote fairness, stability, and adherence to labour standards, contributing to a more harmonious and regulated working environment in Cambodia.

References

- ¹ Article 302 of the Law on Labour 1997.
- ² Article 309 of the Law on Labour 1997.
- ³ Article 300(New), Paragraph 1 of the Law on Labour 1997.
- ⁴ Article 300(New), Paragraph 2 of the Law on Labour 1997.

Author



Vicheka Lay
Partner
ilawcambodia@ilawasia.com



Hort Lypheng
Legal Clerk
ilawcambodia@ilawasia.com

Contact

ILAW CAMBODIA LAW OFFICE
#89A, Level 1, St.294, Phum3,
Sangkat Boeung Keng Kan 1,
Khan Boeung Keng Kang,
Phnom Penh, Cambodia.

Tel: +855 12 327 669
Email: ilawcambodia@ilawasia.com