

## **WORK AND OTHER EMPLOYMENT PROCEDURES**

### **1. What are Work Permit and Employment Card?**

The Labour Law requires that a foreign worker must possess a worker identity card issued by the Ministry of Labour and Vocational Training (MLVT). Additionally, Article 261 stipulates that no foreign national can work unless he/she possesses a Work Permit and an Employment Card. As such a foreigner must beforehand obtain a legal Work Permit and Employment Card with the conditions that s/he has legally entered the country and possesses a valid passport. Furthermore, he/she must be fit for his/her job and has no contagious diseases. The Work Permit and Employment Card must be extended each year during the employment of the individual worker and the application for its extension must be made no later than the end of March.

All businesses or organisations employing foreign workers must apply for Work Permit and Employment Card for their staff (individually) through the one window service office online system at <https://fwcms.mlvt.gov.kh>.

### **2. Foreign Workforce Quota**

The MLVT imposes a maximum of 10 percent quota on the use of the foreign workforce. Beyond such threshold, the MLVT may permit at its discretion the applicant to exceed the above-mentioned maximum quota only when specific reasons are justified such as specialties and professional skills of the worker.

Foreign Workforce Quota is a permit for businesses or organisations to employ foreign workers in a number approved by the MLVT. This document is required to be submitted along the application for Work Permit and Employment Card. The application for the said Quota is generally required to be made annually no later than the end of November.

### **3. Online Application**

Based on Prakas No. 352 dated 17 August 2016 on “the Using Labour Centralized Management System by Online System”, the application for Annual Quota and Work Permit for foreign workforce is available online as of 1 September 2016. E-Solution (Cambodia) Co., Ltd is a private company which is assisting the MLVT on the management of the new online system.

### **4. Legal responsibility and sanctions**

The Joint-Prakas No. 377 dated 14 September 2015 of the Ministry of Justice (MoJ) and the MLVT on “the Adjustment of the Daily Wage” provides for various sanctions for non-compliance with the labour provisions.

### **5. Preparing for labour inspections**

The labour inspector normally inspects the businesses and organizations on the labour compliancy without any prior notice. This inspection includes a general review on the following documents:

- A declaration of personnel;
- A declaration of personnel movement and the termination related documents;
- Registration of employment contracts of each foreign worker;
- Registration of internal regulation;
- Minutes of the shop steward election and its recognition (if applicable);

- Foreign quota approval;
- Valid passports and appropriate visas for each foreign employee;
- Work permits and employment cards for each Cambodian worker; and
- Work permits and employment cards for each foreign worker, and entry-exit notations, if applicable.

## **6. Independent contractors and volunteers**

The Labour Law applies to everybody working in Cambodia whether they are local or foreign nationals as long as he/she is performing works in Cambodia. No foreign national, including independent contractors and volunteers, may be allowed to work in the Kingdom unless he/she possesses a Work Permit and an Employment Card issued by the MLVT. A volunteer may have his/her application processed according to the same procedure as a regular worker. However, in the new online system, an independent contractor may file his/her application as self-employed for one-time registration for Foreign Workforce Quota and Employment Card and Work Permit.

\*\*\*\*\*

*\* Article courtesy of Dr. Sok Siphana, Advisor to the Royal Government of Cambodia*

*\*\* Disclaimer: The content of this article is aimed to provide only general information for the public and should not be relied nor used for any official purpose.*