

**Kingdom of Cambodia
Nation Religion King**

**Ministry of Economy and Finance
No. 659 MoEF**

**Joint Prakas
Fines for Violators of the Labour Law**

**Senior Minister, Minister of
Economy and Finance**

**Minister
Labour and Vocational Training**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/0913/903 dated 24 September on Appointment of the Royal Government of Cambodia
- Having seen Royal Decree NS/RKT/1213/1393 dated 21 December 2013 on Adjustment to the Composition of the Royal Government of Cambodia
- Having seen Royal Decree NS/RKT/0416/368 dated 04 April 2016 on Adjustment to the Composition of the Royal Government of Cambodia
- Having seen Royal Code 02/NS/94 dated 20 July 1994 promulgating the Law on Organization and Functioning of the Council of Ministers
- Having seen Royal Code NS/RKM/0196 dated 24 January 1996 promulgating the Law on Establishment of Ministry of Economy and Finance
- Having seen Royal Code NS/RKM/0105/003 dated 17 January 2005 promulgating the Law on Establishment of Ministry of Labour and Vocational Training
- Having seen Royal Code NS/RKM/0608/016 dated 13 May 2008 promulgating the Law on Public Financial System
- Having seen Royal Code NS/RKM/0397/01 dated 13 March 1997 promulgating the Labour Law
- Having seen Sub-decree 488 OrN.Kr.BK dated 16 October 2013 on Organization and Functioning of the Ministry of Economy and Finance
- Having seen Sub-decree 283 OrN.Kr.BK dated 14 November 2014 on Organization and Functioning of Ministry of Labour and Vocational Training
- Having seen Sub-decree 82 OrN.Kr.BK dated 16 November 1995 on General Regulation of Public Accounting
- Having seen Regulation 04 BB. dated 15 November 2006 of the Royal Government on Strengthening of the Management of Non-tax Revenue
- Inter-ministerial Prakas 377 B.K/Br.K dated 14 September 2015 on Adjustment to Base Daily Wage of the Ministry of Labour and Vocational Training and Ministry of Justice
- Prakas 272 MoEF.BK dated 17 March 2011 of Ministry of Economy and Finance on Introduction of Payment Receipt Use
- Circular 005 MoEF dated 17 March 2011 of Ministry of Economy and Finance on Payment Receipt Management
- Circular 001 MoEF dated 26 February 2013 on Guideline and Procedures of Incentives for Public Service Provision

- According to the necessity of the Ministry of Labour and Vocational Training and Ministry of Economy and Finance

Decide

Article 1:

Allow the Ministry of Labour and Vocational Training to collect the revenue from fines for those violating the Labour Law as the national revenue.

Article 2:

The level of fine for the violator of the Labour Law shall be set based on the aggravating circumstance of the offence and shall be divided into two levels: the level of fine under the jurisdiction of the Ministry of Labour and Vocational Training and the level of fine in accordance with the decision of the tribunal as stipulated in detail in the annex of this Joint Prakas.

The amount of fine of each offense shall be calculated based on the base daily wage and the number of days to be fined. The base daily wage shall be in accordance with the determination of the Inter-ministerial Prakas 377 B.K/Br.K dated 14 September 2015 on Adjustment to Base Daily Wage of the Ministry of Labour and Vocational Training and the Ministry of Justice or based on the Inter-ministerial Prakas between the Ministry of Labour and Vocational Training and the Ministry of Justice on Adjustment to Base Daily Wage in case there is an adjustment to the Inter-ministerial Prakas 377 B.K/Br.K above.

Article 3

The Ministry of Labour and Vocational Training shall publicly post up the Joint Prakas as well as the Annex of this Joint Prakas.

Article 4

The Ministry of Labour and Vocational Training shall determine the procedures for implementing the fine by the Ministry of Labour and Vocational Training, especially shall give an appropriate time for the payment of fine by the violator of the Labour Law.

Article 5

The allocation of roles for the management and collection of revenue between the central administration of the Ministry of Labour and Vocational Training and Municipal/Provincial Department of Labour and Vocational Training shall be set by the Prakas of the Ministry of Labour and Vocational Training. The Ministry of Labour and Vocational Training shall send a copy of this Prakas to the Ministry of Economy and Finance for information and for monitoring the collection of revenue.

Article 6

All collections and receiving of revenue in cash or by cheque for the fine on the violator of the Labour Law as stipulated in the Annex of this Joint Prakas shall use the receipt provided by the Ministry of Economy and Finance in accordance with Prakas 272 MoEF.Br.K dated 17 March 2011 on Introduction of Payment Receipt and Circular 005 MoEF dated 17 March 2011 on Management of Payment Receipt issued by the Ministry of Economy and Finance.

Article 7

The central administration of the Ministry of Labour and Vocational Training and Municipal/Provincial Department of Labour and Vocational Training shall be responsible for the money collected, pay revenue and make a receipt the national revenue as well as register the accounting on the revenue transaction and record the revenue in the Chapter, account, sub-account of the content of national revenue.

Article 8

The revenue collected from the fine on the violator of the Labour Law shall be divided as follows:

1- Fine in cash by the Ministry of Labour and Vocational Training:

A. Allocation for the central administration

- Pay 30% of the collected fines to the national revenue
- Provide 69% of the collected fines as an incentive for the Ministry of Labour and Vocational Training
- Provide 1% of the collected fines as an incentive for the Ministry of Economy and Finance

B. Allocation for Municipal/Provincial Department

- Pay 30% of the collected fines to the national revenue
- Provide 69% of the collected fines as an incentive for Municipal/Provincial Department of Labour and Vocational Training
- Provide 1% of the collected fines as an incentive for the Municipal/Provincial Department of Economy and Finance

2- Fine in accordance with the decision of the tribunal

A. Allocation for the central administration

- Pay 26% of the collected fines to the national revenue
- Provide 49% of the collected fines as an incentive for the Ministry of Labour and Vocational Training
- Provide 24% of the collected fines as a total incentive for the relevant tribunal
- Provide 1% of the collected fines as an incentive for the Ministry of Economy and Finance.

B. Allocation for Municipal/Provincial Department

- Pay 26% of the collected fines to the national revenue
- Provide 49% of the collected fines as an incentive for the Municipal/Provincial Department of Labour and Vocational Training
- Provide 24% of the collected fines as a total incentive for the relevant tribunal
- Provide 1% of the collected fines as an incentive for the Municipal/Provincial Department of Economy and Finance.

Article 9

Allow the central administration of the Ministry of Labour and Vocational Training and Municipal/Provincial Department of Labour and Vocational Training to withhold the incentive portion from the fines collected respectively in order to allocate it for their units as stipulated in this Joint Prakas. The withholding of this revenue shall be considered that the central administration of the Ministry of Labour and Vocational Training and Department of Labour and Vocational Training get pre-paid from the national revenue.

Article 10

The central administration of the Ministry of Labour and Vocational Training and Municipal/Provincial Department of Labour and Vocational Training shall plan the total revenues and expenses for providing incentives in the revenue and expense plan of its annual budget separately. The central administration of the Ministry of Labour and Vocational Training shall plan the credit of incentive including the credit for spending on the incentive of the central administration of the Ministry of Economy and Finance and incentives of the tribunal. The credit planned for spending on incentives is subject to setting times to get the money in order to offset the amount that is considered to be pre-paid from the national revenue (the incentives that have been withheld).

All these revenue and expense transactions shall be recorded to reflect the national revenue like other operations of revenues and expenses of the central administration and Municipal/Provincial Department of Labour and Vocational Training of the Ministry of Labour and Vocational Training.

Article 11

The calculation, withholding, use, and offsetting of incentives shall be in accordance with Circular 001 MoEF dated 26 February 2013 on Principle and Procedures of Providing Incentives on Public Service.

Article 12

The Ministry of Labour and Vocational Training shall make a report on the implementation of monthly and annual revenue and send them to the Ministry of Economy and Finance before the 10th of the following month for the monthly report and before the 15th of January of the following year for the annual report.

The Municipal/Provincial Department of Labour and Vocational Training shall make a report on the implementation of monthly and annual revenue and send them to the Ministry of Labour and Vocational Training and to the Municipal/Provincial Department of Economy and Finance before the 10th of the following month for the monthly report and before the 15th of January of the following year for the annual report.

The report on the implementation of revenues from fines on the violator of the Labour Law is part of the joint report on the implementation of revenues of the central administration of the Ministry of Labour and Vocational Training and Municipal/Provincial Department of Labour and Vocational Training.

Article 13

The level of fine on the violator of the Labour Law and the rate of the incentives for the Ministry of Labour and Vocational Training may be revised if necessary by a Joint Prakas of the Minister of Economy and Finance and Minister of Labour and Vocational Training.

Article 14

Any provision contrary to this Joint Prakas shall be abrogated.

Article 15

Secretary General, Cabinet Director, Director General, General Inspector, Department Director, and relevant units under the supervision of the Ministry of Economy and Finance and under the supervision of the Ministry of Labour and Vocational Training as well as all levels of tribunal shall be in charge of implementing this Joint Prakas respectively from the date of signature.

Senior Minister, Minister
Ministry of Economy and Finance
(signed and stamped)
Dr. Aun Pornmoniroth

Phnom Penh, 06 June 2016
Minister
Ministry of Labour and Vocational Training
(signed and stamped)
Ith Sam Heng

Place to receive:

- Office of the Council of Ministers
- Secretary General of the Royal Government
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, Excellency, Lok Chumteav Deputy Prime Minister
- National Audit Authority
- Anti-Corruption Unit
- Municipal/Provincial Halls
- As in Article 15
- Official Gazette
- Archives