

KINGDOM OF CAMBODIA
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Ministry of Social Affairs,
Labour, and Veterans' Affairs
No. 185/PRK/MOSALVA
Phnom Penh, May 30, 1997

**Prakas on
Employment of Foreign Manpower**

The Secretary of State for Social Affairs, Labour, and Veteran Affairs

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kram No. CS/RKM/0397/01 of March 13, 1997 promulgating the Labour Law;
- Referring to Reach Kret of November 1, 1993 on the formation of the Royal Government of Cambodia;
- Referring to Reach Kram No. 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kret No. NS/RKT/1094/83 of October 24, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia.

IT IS HEREBY DECIDED

Article 1:

Every owner or director of an enterprise, establishment, company, factory, of industry, mining, commerce, crafts, services, land or water transportation whether they are public, semi-public or private, non-religious, or religious - whether they are professional, educational or charitable in nature as well as the liberal profession of associations or groups of any nature whatsoever shall give Khmer workers first priority in employment in his enterprise or establishment.

Article 2:

Foreign nationals living permanently in the Kingdom of Cambodia or coming into the Kingdom to establish a business or to work for enterprises, establishments, companies, or industries mentioned in article 1 shall possess a work permit for employers, or a work permit and work identity card for employees. These permits and identity cards shall be issued by the Ministry of Social Affairs, Labor and Veterans' Affairs (MOSALVA).

Article 3:

The owner of an enterprise or establishment mentioned in article 1 shall not be allowed to employ a foreign worker who does not have a work permit and work identity card, and also shall not be allowed to employ foreign manpower in excess of 10 percent of the number Khmer employees in the enterprise or establishment.

This 10 percent maximum is classified in accordance with the types of employees as follow:

- | | |
|-----------------------|-----------|
| - Office workers | 3 percent |
| - skilled employees | 6 percent |
| - unskilled employees | 1 percent |

Article 4:

In special cases that require an enterprise to employ foreign skilled workers over the rate mentioned in article 3 for the purpose of necessary activities of the establishment or enterprise, the owner of the enterprise or establishment shall make a written request to obtain permission from MOSALVA prior to employing them.

Article 5:

The employment of a foreign national shall be by a written employment contract between the employer and the individual foreign national. This employment contract shall state clearly the job conditions and other necessary provisions.

Article 6:

During the temporary employment of foreign skilled workers, the owner of the enterprise or establishment shall be conscientious in training Khmer employees in order to replace foreign workers when their employment contracts are terminated.

Article 7:

A violation of any provision of this Prakas shall be fined or punished in accordance with article 372 of the Labor Law.

Article 8:

The Prakas No. 144/MOSALVA of March 16, 1995 shall be declared null and void.

Article 9:

This Prakas shall take effect as of the date of its signature.

Secretary of State for Social Affairs,
Labour and Veteran Affairs

Signature and Seal

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