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Integrating Human to Quality

Contract Engagement

The Cambodian Labour Law

8 April 2014

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Objectives

- Understand the relationship of the parties of the employment contract
- Understand the different between employee and contractor/consultant
- Understand what term and condition should be in the contract

Disclaimer



- Views expressed today are my own, not AC's or IHQ's
- Views expressed today should not be considered as legal advice. If you want legal advice, hire your own lawyer.

Contract



- What is contract?

It is an offer and acceptance.

- What is employment contract?

Art. 65: Employment contract is an agreement that establishes a working relationship between ER and EE

- EE promises to provide services for benefit of ER; in exchange, the ER promises to pay the EE.

Employment Contract

- Art. 1:
 - contract performed within the territory of Cambodia,
 - regardless where the contract was made and
 - what the nationality and residences of the contracted parties are”

Who is employee (EE)? Employer (ER)?

- Art. 3: EE is any person who agrees to perform an activity, in return for compensation, under the direction and authority of a person or legal entity.
 - Detail
 - Mean
 - Result
- Art. 2: ER is any person or legal entity that employs one or more EE.

Who is contractor?



Art. 45: The labour contractor is a sub-contractor who contracts with an entrepreneur and who himself recruits the necessary work force or workmen for the execution of certain work or the provision of certain services for an all-inclusive price.

Public Policy

- Art. 13: All provisions of the LL are in the nature of public policy
 - LL provides minimum standards to protect workers and businesses
 - Parties cannot make agreements that provide less benefits to EE than LL requires
 - Parties can make agreements that provide greater benefits to EE than LL requires

What should be in the contract?

- Parties
- Position title
- Work station
- Working hours
- *Salary and benefits*
- Non-competition clause
- Notice for termination
- Severance pay
- Providence fund

