

REVIEW SESSION

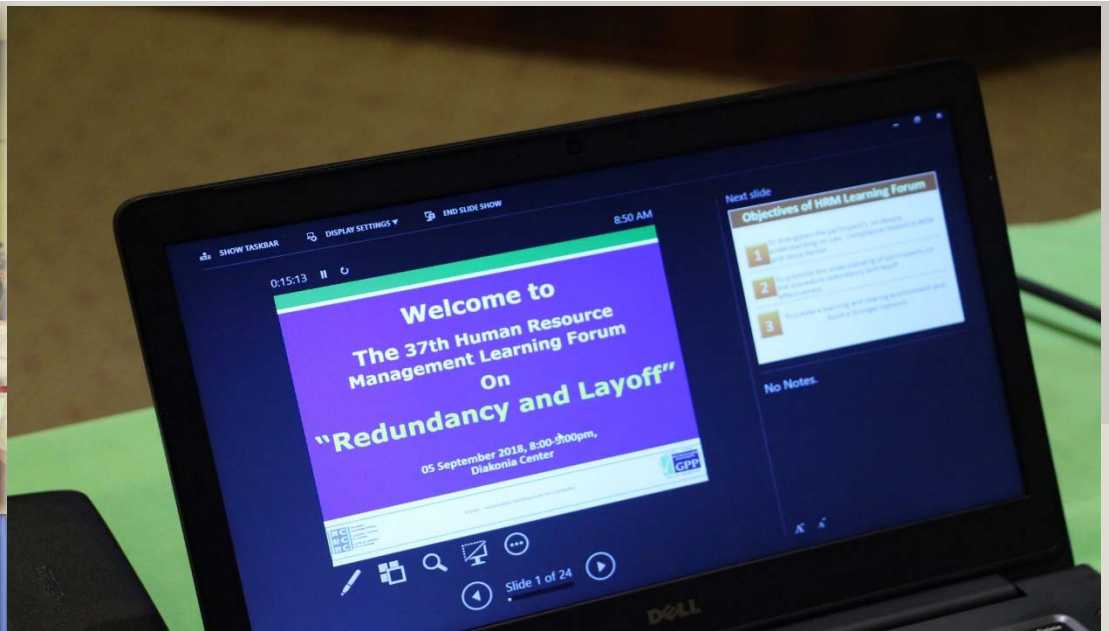
ON

"Redundancy and Layoff"

25 April 2019, Diakonia Center

Mr. Seng Savuth

Deputy General Manager, V CHARTERED ACCOUNTANTS CO., LTD



PRESENTATION ON

1. Overview of "Redundancy and Layoff"

2. Redundancy and Layoff

Overview of “ Redundancy and Layoff”

1.Relevant Terminologies/ Words

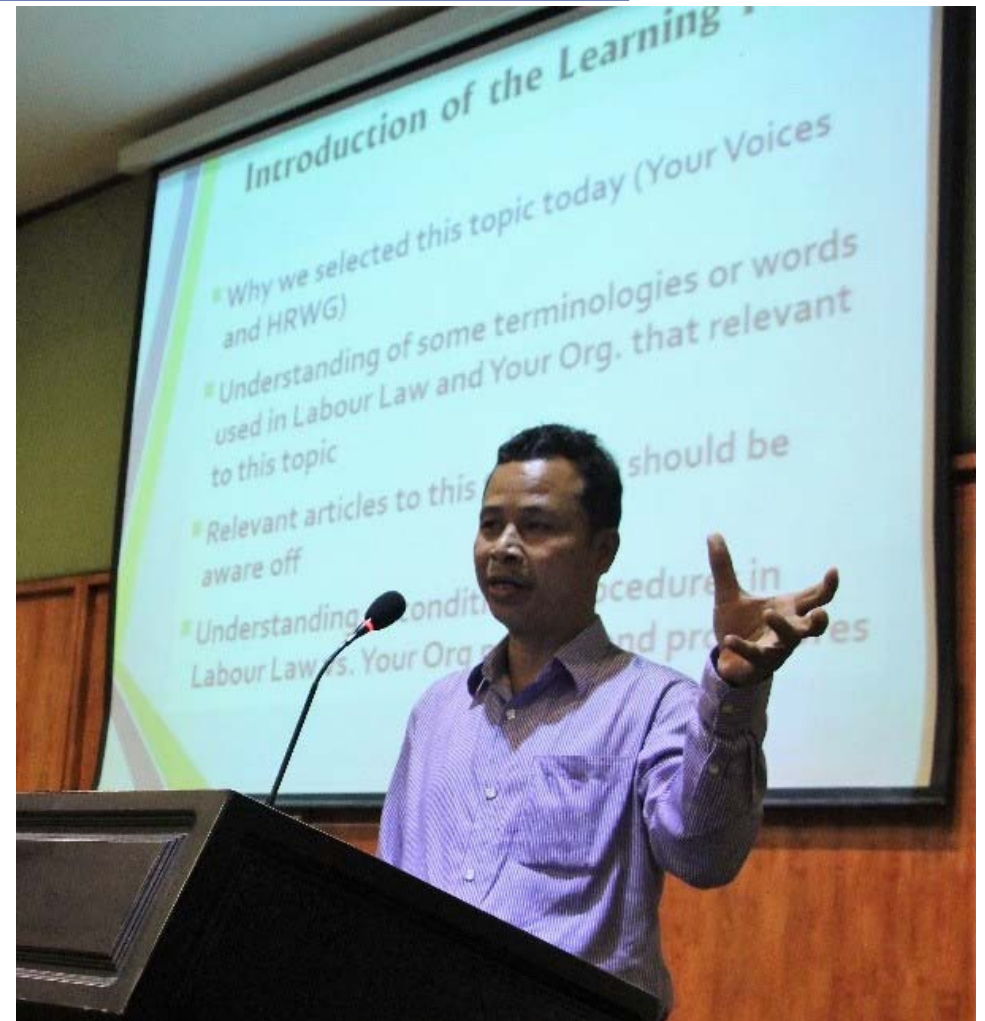
used in Labour law

2. Relevant Articles in labour law

3. Mass Layoff

Mr. Seng Savuth

**Deputy General Manager, V CHARTERED ACCOUNTANTS
CO., LTD**



Relevant Terminologies/Words used in the Labour Law

- Termination of labour contract
- Mass Layoff
- Labour Contracts of Specified Duration
- Labour Contracts of Unspecified Duration
- Serious offenses
- Indemnity for dismissal
- Damage

Relevant Articles in Labour Law

- Article 73 (Labour Contracts of Specific Duration)
- Article 74 (Labour Contracts of Unspecified Duration)
- Article 75 (The minimum period of a prior notice)
- Article 89 (Indemnity for Dismissal)
- Article 91 (Damage)
- Article 95 (Mass Layoff)
- Article 284 (Shop Steward) Their involvements

MASS LAYOFF

Any layoff resulting from a reduction in an establishment's activity or an internal re-organisation that is foreseen by the employer is subject to the following procedures:

- *The employer establishes the order of the layoffs in light of professional qualifications, seniority within the establishment, and family burdens of the workers.*
- *The employer must inform the workers' representatives in writing in order to solicit their suggestions, primarily, on the measures for a prior announcement of the reduction in staff and the measures taken to minimize the effects of the reduction on the affected workers.*

MASS LAYOFF (continue)

- The first workers to be laid off will be those with the least professional ability, then the workers with the least seniority. The seniority has to be increased by one year for a married worker and by an additional year for each dependent child.

Redundancy and Layoff



Mr. Lay Chhun ,

HR Manager ,IDE Cambodia

1. Reasons of Mass Layoff

2. Internal HR Policy

**(Terminating Employment –
Employment Redundancy)**

**3. Whistleblower/Grievance
Procedures**

4. Labour Law-Mass Layoff

5. Best Practice of layoff

Reasons of Mass Layoff



1

- **Funding shortfall**

2

- **Reduction or change in organization's activity**

3

- **Internal reorganisation**

Terminating Employment (Internal HR Policy)



2. Employment Redundancy

Redundancy occurs when an employee is honourably released from service due to a reduction or change in iDE's activity, a funding shortfall, or internal reorganisation.

Employees who are made redundant are entitled to the following:

- ☑ one month written notice or one month's salary in lieu of notice,
- ☑ Salary due,
- ☑ Prorated holiday bonus,
- ☑ Payment in lieu of any annual leave due at date of leaving,
- ☑ A reference letter from the Country Director,
- ☑ A Redundancy Payment of one (1) month's salary for each year of service (prorated for partial years) to a maximum of six (6) years.



* Final Payment



1. Resignation



2. Employment Redundancy

Now that the money is all made;
it's time to relax in the shade !!



3. Retirement

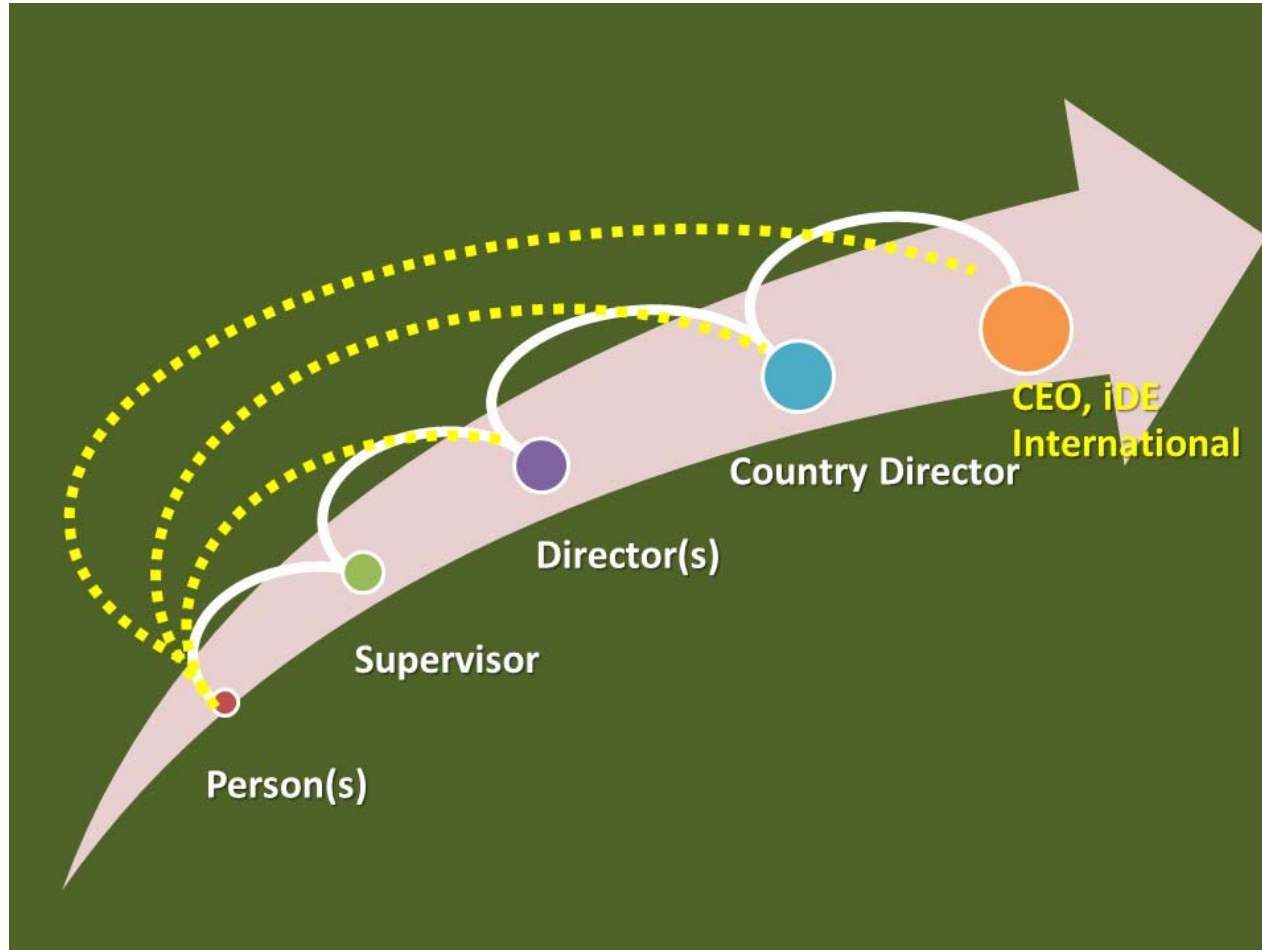
5. Dismissal



4. Death in Service



WHISTLEBLOWER PROCEDURES



Labour Law-Mass Layoff

ការបញ្ឈប់ពីការងាររួមគ្នា

មាត្រា ៩៥ - ការបញ្ឈប់ការងារដោយមកពីការបន្ថយសកម្មភាពនៃគ្រឹះស្ថាន ឬ មកពីការរៀបចំផ្ទៃក្នុងដែលនិយោកជកមានបំណងធ្វើ ត្រូវប្រតិបត្តិតាមនីតិវិធី ដូចតទៅ:

- និយោកជកត្រូវរៀបចំលំដាប់នៃការបញ្ឈប់ការងារ ដោយគិតទៅតាមគុណសម្បត្តិនៃវិជ្ជា

ជីវៈ អតីតភាពក្នុងគ្រឹះស្ថាន និងបន្ទុកគ្រួសារនៃកម្មករនិយោជិក។

- និយោកជកត្រូវឱ្យដំណឹងជាលាយលក្ខណ៍អក្សរទៅតំណាងកម្មករនិយោជិក ដើម្បីទទួលសេចក្តីស្នើ អំពីជននេះជាអាទិ៍ វិធានការសំរាប់ប្រាប់មុននូវការកាត់បន្ថយចំនួនបុគ្គលិក និងវិធានការដើម្បីធ្វើឱ្យ ការបន្ថយបុគ្គលិកនោះ ប៉ះពាល់ជាអប្បបរមាទៅលើស្ថានភាពនៃសាមីកម្មករនិយោជិក។

- ជាបឋម ត្រូវបញ្ឈប់ការងារកម្មករនិយោជិកណាដែលមានសម្បទាខាងវិជ្ជាជីវៈអន់ជាងគេ។ បន្ទាប់មក ក៏ត្រូវបញ្ឈប់កម្មករនិយោជិកដែលមានអតីតភាពតិចជាងគេ។ អតីតភាពនេះត្រូវតម្លើងមួយឆ្នាំសំរាប់

កម្មករ និយោជិកណាដែលមានគូស្រករ ហើយនឹងមួយឆ្នាំថែមទៀត ក្នុងកូននីមួយៗនៅក្នុងបន្ទុក។



ព្រះរាជាណាចក្រកម្ពុជា

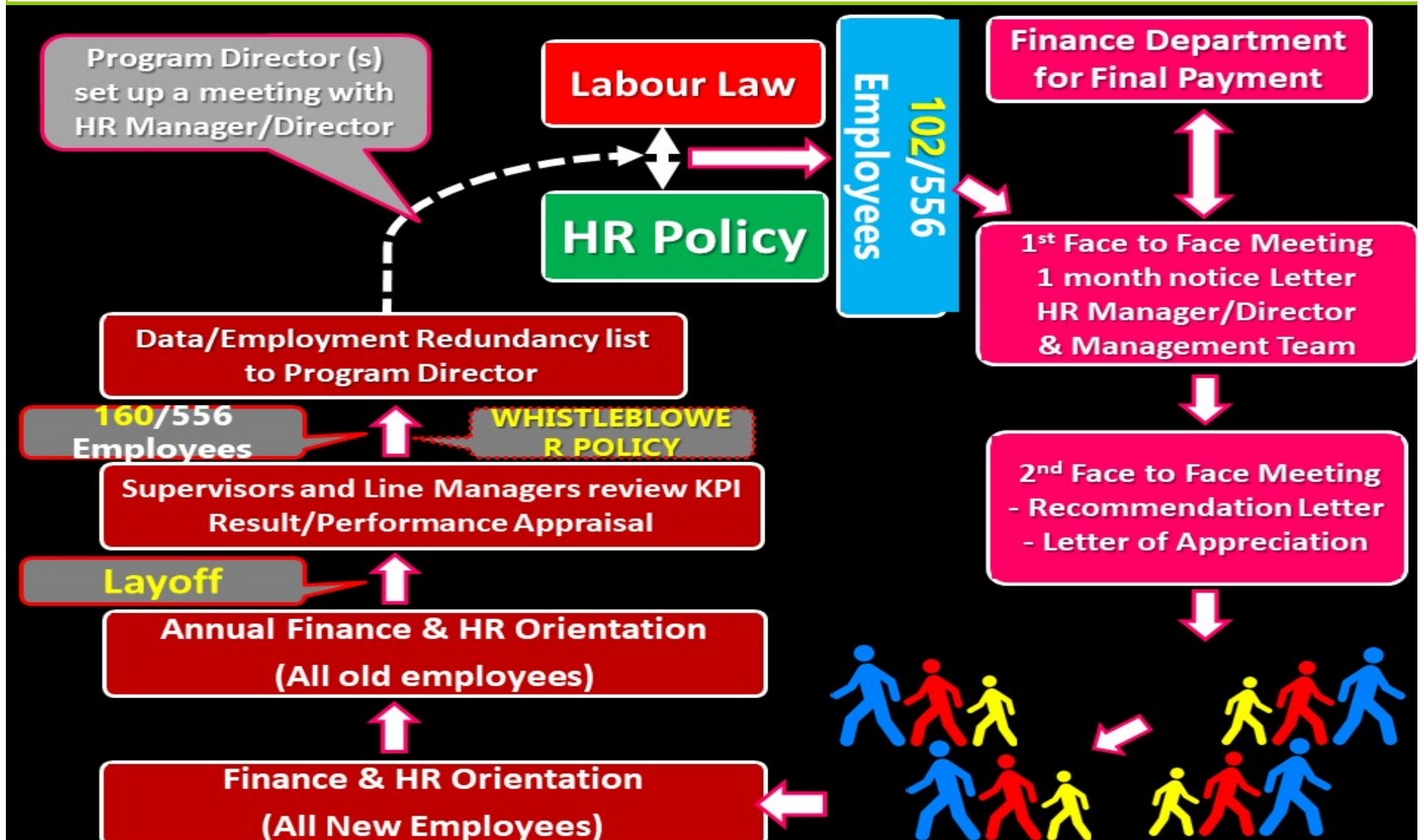
ជាតិ សាសនា ព្រះមហាក្សត្រ


ក្រសួងសង្គមកិច្ច ការងារ និងអតីតយុទ្ធជន

ច្បាប់ស្តីពីការងារ

១៩៩៧

Best Practice of layoff



A photograph of a person's hands writing in a spiral-bound notebook on a wooden desk. The left hand holds the notebook open, and the right hand holds a white pen. A blue speech bubble is overlaid on the left page. In the background, there are stacks of papers and several colored markers (blue, green, red, yellow).

**Detail information
please check**

[www.ccc-
cambodia.org](http://www.ccc-cambodia.org)



THANK YOU