



**Ministry of Labour and Vocational Training
No: 194 KB/Pr.K**

**Prakas on
Working Conditions, Occupational Safety and Health Rules of
Entertainment Service Enterprises, Establishment and Companies**

Minister of Labour and Vocational Training

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0913/903 dated September 24, 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. CS/RKM/0397/01 dated March 13, 1997 promulgating the Labour Law;
- Having seen Royal Kram No. NS/RKM/0105/003 dated January 17, 2005 promulgating the Law on the Establishment of the Ministry of Labour and Vocational Training;
- Having seen Sub-decree No. 52 ANKr.BK dated April 01, 2005 on the Organization and Functioning of the Ministry of Labour and Vocational Training;
- Having seen the Joint Prakas No. 1009 SHV.PrK dated Dec 28, 2012 on Public Service Delivery of the Ministry of Labour and Vocational Training;
- Having seen Prakas No. 176 KB.PrK dated June 19, 2013 on the Introductory Education on Occupational Safety and Health for Workers, Shop Stewards and Union;
- Referring to the consensus of the meeting of the Labour Advisory Council on June 17, 2014;
- As per requirement of the Ministry of Labour and Vocational Training

Hereby Decides:

Article 1: Goal, Objectives and Scope:

This Prakas is aimed at regulating employers of entertainment service enterprises, establishments and companies to properly and comprehensively implement the Labour Law.

The objectives of this Prakas include:

- Strengthening the implementation of the Labour Law without any discrimination;
- Clarify the Labour Law implementation obligations by employers towards entertainment workers;
- Sensitize entertainment workers on the duties, rights and benefits as stated in the Labour Law;
- Improve relationship between employers and entertainment workers according to the Labour Law
- This Prakas covers all entertainment service enterprises, establishment and companies across the Kingdom of Cambodia.

Article 2: Definition of Key Terms:

Key terms used in this Prakas are defined as follow:

- Entertainment service enterprises, establishment and companies refer to enterprises, establishment and companies producing, whole selling or retail selling all types of beverage hotels, restaurants, guesthouses, karaoke parlors, discotheque, beer gardens, casinos, massage parlors, cultural or eco-tourism recreational centers.
- Entertainment service employer refers to a natural person or legal entity, public or private, who operates entertainment service enterprise, establishment or company and use one or more workers though they are not employed regularly.
- Entertainment worker refers to a worker, who enters into a written or oral contract with an employer or the employer's representative of the entertainment service enterprise, establishment or company.

- All types of beverage refer to all types of wine, beer, drinks, soda, purified water, fruit juice, etc.

Article 3: Law Implementation Obligations:

Employer or the employer's representative of entertainment service enterprise, establishment or company must enforce the regulations on working condition and occupational safety and health measures as well as other regulations for their entertainment workers as stipulated in the Labour Law. Employer or the employer's representative of enterprise, establishment or company producing, whole selling or retail selling all types of beverage shall implement the provision on working condition and occupational safety and health measures and other provisions stipulated in the Labour Law as well as any Prakas on Occupational Safety and Health for their entertainment workers though those workers are sent to sell or promote all types of beverage in hotels, restaurants, guesthouses, karaoke parlors, discotheques, entertainment clubs, beer gardens, casinos, massage parlors, cultural or eco-tourism recreational centers.

Article 4: Duties, Rights and Benefits:

Entertainment workers shall undertake the assignments reasonably given by the employer or the employer's representative in entertainment service industry and are entitled to rights and benefits as stipulated in the Labour Law as other workers.

Article 5: Working Hours and Overtime:

Employer or the employer's representative in entertainment service industry shall clearly set the working hours for their entertainment workers. The maximum working hours of entertainment workers is 8 (eight) hours per day or 48 (forty eight) hours per week.

Putting entertainment workers to work more than the maximum hours in the first paragraph of this Article by the employer or the employer's representative in the entertainment service industry shall follow the voluntary principles and overtime pay shall be given to workers who work overtime according to the applicable provisions.

Article 6: No Provision of Pay for Non-Performance Period and Disciplines:

Entertainment workers who are absent without permission or come to work late will receive pay in proportion to the duration of their presence only. In this case, the employer may provide full pay to those workers.

Employer or the employer's representatives in entertainment service industry who wishes to discipline entertainment workers shall stipulate those disciplinary actions in the internal rules of their enterprise, establishment or company or as stated in the collective bargaining agreement.

Penalties in the form of wage deduction from entertainment workers are prohibited, except otherwise stated in the Labor Law.

Termination of entertainment workers' employment shall comply with the provisions of the Labor Law.

Article 7: Forced Labour:

No individual can impose forced labour on entertainment workers including forcing or using means to force entertainment workers to work overtime, drink alcohol, use drugs or abortion, etc.

Article 8: Violence and Indecent Assault:

No individual can commit violence or sexual assault on entertainment workers.

Article 9: Education and Training on Occupational Safety and Health:

Employer or the employer's representatives in entertainment service industry shall allow their entertainment workers to receive education and training on health and access occupational safety and health services as stated in the Joint Prakas No. 1009 SHV.PrK dated Dec 28, 2012 on public service delivery of the Ministry of Labour and Vocational Training and Prakas No. 176 KB.PrK dated June 19, 2013 on the introductory Education Occupational Safety Techniques for Workers, Shop Stewards and Union.

Entertainment workers trained on occupational safety and health will be given training certificate as the testimony of their proper fulfillment of obligations of the employer in the entertainment service industry.

Article 10: Penalties:

Any individual violates provision of this Prakas will be penalized as stated in Chapter 16 of the Labour Law, excluding other criminal penalties.

Article 11: Nullification of Contradicting Provisions

Any provision contradicting this Prakas is nullified.

Article 12: Scope of Implementation

This Prakas is applicable from the date of the signature.

Phnom Penh, Aug 20, 2014

Signature and stamp

Minister

Dr. Ith Samheng

Receiving places:

- Office of the Council of Ministers
- General Secretariat of the Royal Government
- Cabinet Office of **Samdech Techo Prime Minister**
- Cabinet Office of H.E. Permanent Deputy Prime Minister
- All relevant ministries/agencies
- Capital/Provincial Halls
 - “For Information”
- All entities under the Ministry
- Employers
- Unions
 - “For Dissemination and Implementation”
- For TV and Radio outlets
 - “For Dissemination”
- Royal Gazette
- Documentation - Archival