

RESOLUTION OF LABOUR DISPUTES: INDIVIDUAL DISPUTES

According to Article 300 of the Labour Law of the Kingdom of Cambodia 1997 (“**Labour Law**”), it is stipulated that: “*An individual dispute is a dispute that arises between an employer and one or more workers or apprentices, concerning the interpretation or enforcement of provisions of the employment contract, apprenticeship contract, internal work regulations, collective agreement, as well as applicable laws and regulations.*”. This means that an individual dispute refers to a conflict that occurs between an employer or manager and an employee or worker, relating to employment contracts or other work related disagreements.

On 04 March, 2025, the Ministry of Labour and Vocational Training issued a new Prakas No. 073/25 concerning the procedures for resolving individual labour disputes. The purpose of this Prakas is to establish a clear process to replace the previous procedures for resolving disputes between employers and employees, which had been set out in Prakas No. 318 SKBY dated November 29, 2001, on the procedures for resolving individual disputes. In this article, we will explain: **1. Procedures for Resolving Individual Labor Disputes** and **2. Differences between the Old and New Prakas.**

WHAT’S NEW

On 13 April 2026, the Ministry of Labour and Vocational Training issued **Prakas No. 098/26 K.B/Pr.K.V.K** on **Arbitration Council**. This Prakas sets out provisions regarding the members, their mandates, appointment procedures, and qualifications of arbitrators, as well as the composition and functioning of the Arbitration Council.

1. PROCEDURES FOR RESOLVING INDIVIDUAL LABOUR DISPUTES

A. Filing a Complaint

First, when an individual labour dispute arises between an employer and an employee, before such dispute proceeds to court or to the Arbitration Council, either party may file a complaint with the Labour Inspector in order to seek prior conciliation. The complaint may be submitted to the Labour Inspector at the Department of Labour Disputes of the Ministry of Labour and Vocational Training, or to the Provincial/Municipal Department of Labour and Vocational Training. Upon receiving the complaint, the Labour Inspector shall review the case file and take measures to conduct conciliation or carry out a labour inspection.

B. Conciliation Preparation Stage

After the complaint has been filed, the Labour Inspector shall invite both disputing parties to provide relevant information and supporting documents in order to clarify the issues in dispute and to seek a resolution through conciliation. The collection of information must be conducted separately, meaning the Labour Inspector will interview one party at a time. Each interview must be recorded in writing, signed by the Labour Inspector, and signed or fingerprinted by the party providing the information. A copy of the record shall then be given to the party who provided the information.

If the complainant or their representative (the party filing the complaint) fails to provide information within three (3) working days of the scheduled date without valid reason, the complaint shall be considered null. Conversely, if the respondent (the party against whom the complaint is filed) fails to provide information within three (3) working days of the scheduled date without valid reason, the complaint shall not be considered null. Instead, the respondent shall be deemed at fault as alleged by the complainant.

C. Conciliation Stage

After sufficient information has been obtained, the Labour Inspector shall issue another invitation to both parties to attend a joint meeting for conciliation. All invitations must be sent to the disputing

parties through official letters (delivered by post) or other appropriate means. Each invitation received by a party must be acknowledged with a signature or fingerprint confirming receipt.

Conciliation must be conducted within a maximum period of three (3) weeks after the complaint has been received. However, if the complainant or their representative fails to attend the meeting as scheduled without valid reason, or attends but refuses to sign/fingerprint the record, the complaint shall be considered null. Conversely, if the respondent fails to attend the meeting as scheduled without valid reason, or attends but refuses to sign/fingerprint the record, the respondent shall be deemed at fault as alleged by the complainant. Any complaint that has been deemed null under the above circumstances cannot be resubmitted for conciliation under this procedure.

For every conciliation meeting, the Labour Inspector must prepare a record indicating whether both parties agree or disagree to settle. The record must be signed by the Labour Inspector and by the disputing parties (signature or fingerprint), and copies must be provided to both parties. Any agreement reached before the Labour Inspector shall be considered legally binding.

D. Cases Where Conciliation Fails

If the first conciliation is failed, within two (2) working days both disputing parties may jointly submit a written request to the Minister of Labour and Vocational Training. Upon receiving the request, the Minister may appoint or replace a conciliator to conduct a second conciliation in accordance with the prescribed procedures.

If the second conciliation also fails, the parties may not request another conciliation. In such cases, the dispute shall proceed to the Arbitration Council or to the competent court for resolution.

If, during the conciliation process, either party requests further resolution, the Labour Inspector must report to the Minister of Labor and Vocational Training within two (2) working days. The Minister shall then forward the case to the Arbitration Council within three (3) working days. After conciliation has failed, the disputing parties may file a lawsuit in court within two (2) months. If they fail to do so within this period, they will lose the right to file a claim (pursuant to Article 300 of the Labour Law). All individual disputes may be brought before the Arbitration Council in accordance with the procedures set out above, except for disputes deemed null by the Labour Inspector, which cannot be pursued further.

2. DIFFERENCES BETWEEN THE OLD AND NEW PRAKAS

Based on the content of Prakas No. 318 SKBY issue dated November 29, 2001 (Old Prakas) of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, and Proclamation No. 073 KB/Br.V.K dated March 4, 2025 (New Prakas) of the Ministry of Labour and Vocational Training, we can compare the key points as follows:

A. Expansion of Mechanisms After Failed Conciliation

On old Prakas of 2001, when conciliation before the Labour Inspector failed to reach a settlement, the Inspector merely informed the parties of the plaintiff's right to file a complaint with the competent court. However, on the new Prakas of 2025, the Ministry added further conciliation measures. Within two working days after the conciliation fails, the disputing parties may jointly request the Ministry of Labour and Vocational Training to conduct a second round of conciliation. In addition, a new option was introduced, allowing the disputing parties to file a complaint with the Arbitration Council, provided that the request is made during the conciliation process and the dispute has not been deemed null by the Labour Inspector.

B. Stricter During Conciliation

Regarding the absence of parties, both Prakas maintain the principle that if the respondent is absent without valid reason, it shall be deemed at fault as alleged. However, the new Prakas adds provisions stating that any complaint deemed null cannot be filed as a complaint for re-conciliation procedures. This differs from the old Prakas, which did not clearly prohibit refiling of complaints previously deemed null. Another important point is that the old Prakas did not specify that failure to sign or fingerprint the minutes would render the complaint null. In contrast, the new Prakas stipulates that even if the plaintiff or their representative attends the meeting, failure to sign or fingerprint the minutes will result in the complaint being deemed null.

C. Modernization of Letter Delivery Methods and Timeframe for Filing to Court

In the old Prakas of 2001, invitation letters were sent only by official letter or hand delivery. In the new Prakas, besides traditional methods, the Ministry added other reliable means referring to the use of electronic systems or social media platforms in the present day. Furthermore, the new Prakas clearly sets a timeframe: parties must file a complaint with the Labour Court within two (2) months at the latest after conciliation fails. The old Prakas did not specify any deadline.

CONTACT US

Anna & Associates Law Office

Website: www.anna-associates.com

Email: info@anna-associates.com

Tel: (+855) 99 888 737

OUR LOCATION

Address: K Plaza Building No. 234,
7th Floor, Mao Tse Toung Blvd,
Sangkat Tumnob Teuk, Khan Beoung
Keng Kang, Phnom Penh, the
Kingdom of Cambodia.