

Note to the English Version

Please be noted that this is an unofficial translation and provides for reference only. The Khmer version is the original to be consulted for questions, doubts or misinterpretations.

Kingdom of Cambodia
Nation Religion King



Ministry of Labour and Vocational Training

No.318 KB/Br.K

PRAKAS
On
Promulgation of Code of Conduct for Inspectors

Minister of the Ministry of Labour and Vocational Training

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree NS/RKT/0913/903 dated September 24, 2013 on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Decree NS/RKT/1213/1393 dated 21 December 2013 on the amendment and addition of the composition of Royal Government of the Kingdom of Cambodia;
- Having seen Royal Decree NS/RKT/0416/368 dated 04 April 2016 on the amendment and addition of the composition of Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94 dated July 20, 1994 that promulgated the Law on Organization and Functioning of Council of Ministers;
- Having seen Royal Kram No. ChS/RKM/0397/01 dated March 13, 1997 that promulgated the Labour Law;

- Having seen the Royal Kram No. NS/RKM/0105/003 dated January 17, 2005 that promulgated the Law on the Establishment of the Ministry of Labour and Vocational Training;
- Having seen Sub-decree No. 283 ONKr. BK dated November 14, 2014 on the Organization and Function of the Ministry of Labor and Vocational Training;
- Pursuant to the necessity of the Ministry.

Hereby Decides

Article 1:

The Code of Conduct for the Labour Inspectors of the Ministry of Labour and Vocational Training shall be officially promulgated.

Article 2:

The Chief of Cabinet, General Director of the General Department of Administration and Finance, General Director of the General Department of Technical and Vocational Education and Training, and all the head of entities concerned shall effectively implement this Prakas from the signing date onwards.

Phnom Penh, 07 August 2017

Minister

Ith Sam Heng

Place of Receipt:

- As in Article 2
- “For Implementation”
- Doc-archive

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Preface

The Ministry of Labour and Vocational Training has a clear vision which aims to improve the working conditions, strengthen the industrial relations, create and extent job opportunities, insure social security and provide technical and vocational training in line with the labour market demand.

To realize this vision and the 5 prioritized development strategies of the ministry, labour inspectorates have to strengthen their capacity, transparency, integrity, and work effectiveness to gain trust from the public and relevant stakeholders. For this sake, MLVT has created the so called “joint labour inspection” which consists of 8 different specialized units, namely Department of Labour Inspection, Department of Occupational Safety and Health, Department of Labour Dispute, Department of Child Labour, Department of Employment and Manpower, National Social Security Fund, Department of Training, General Secretariat of Committee for Resettlement of all Demonstrations and Strikes that conducts labour inspections at the same time and uses the same evaluation standards.

For these purposes, MLVT has developed the Code of Conduct to strengthen compliance with the Law on the General Status of Civil Servants, Labour Law, Union Law, Law on the Social Security Schemes for persons defined by the provisions of the Labour Law.

This Code of Conduct specifies acceptable behavior during labour inspection, promotes a high-quality standard of practice, provides tools

to assess the capacity of labour inspectors and means to develop a professional identity.

This Code of Conduct is a good foundation to develop a reliable and professional labour inspection system which is based on integrity, equity, fairness, commitment, responsibility and good governance. This Code of Conduct applies to all labour inspectors, labour administrative inspectors, medical labour inspectors and any persons assigned by the Minister of Labour and Vocational Training to conduct labour inspection.

The Ministry of Labour and Vocational Training firmly believes that this Code of Conduct will certainly contribute to develop the country by strengthening the working conditions, harmonizing industrial relations, creating and extending job opportunities, insuring the social safeguard and providing technical and vocational training in line with the labour market demand.

Phnom Penh, 7 August 2017

Minister

Ith Samheng

Chapter I

Purpose and Scope

Article 1:

The purpose of this Code of Conduct is to strengthen the independence, merit, morality and dignity of labour inspectors allowing them to perform their work in a professional manner to ensure efficiency, effectiveness, transparency and gain trust from the public.

Article 2:

This Code of Conduct applies to staff of labour inspection including labour inspectors, labour administrative inspectors, labour medical inspectors or staff commissioned to conduct labour inspection under supervision of the ministry of labour and vocational training.

Chapter II

General Principles

Article 3:

Labour inspectors shall adhere to the general principles of code of conduct which consist of integrity, independence, impartiality, behaviour and communication with stakeholders, professional competence, quality assurance, due professional care, sustainable work, use of public resources, professional confidentiality, and conflict of interests.

Part 1

Integrity

Article 4:

Labour inspectors have to swear in that they perform their work in an integer, loyal, fair, impartial, non-partisan, non-prejudicial, and independent manner and free from external influence. All opinions, suggestions, observations or conclusions made by labour inspectors must be based on specific evidence collected and careful considerations. Labour inspectors shall assure that their report is correct and avoid any intentional and careless mistakes.

Article 5:

Labour inspectors shall serve the public interest in accordance with the policies set out by the Royal Government and the Ministry of Labour and Vocational Training.

Article 6:

Labour inspectors must reject donations, gifts, direct or indirect benefits and avoid any activities that may impact their integrity.

Part 2

Independence and Impartiality

Article 7:

Labour inspectors shall be independent and free from external influences such as lobbying, forcing or threatening, by individuals, enterprises/establishments or any institutions under labour inspection. Labour inspectors shall exercise their power appropriately within their mandate and avoid any activities that may lead to the abuse of their assigned mandate.

Article 8:

Labour inspectors shall be aware of any activities that may impact their independence and integrity while performing their duties, especially when giving advice to enterprises/establishments to strengthen the implementation of the labour law and other relevant regulations.

Part 3

Behaviour and Communication with Stakeholders

Article 9:

Labour Inspectors shall maintain a professional attitude that is polite, dignified, friendly, responsive, patient, diligent and determined.

Article 10:

Labour inspectors shall have good relations with relevant stakeholders. They shall neither discriminate against race, ethnicity, gender, language, religion, political belief, nor condemn, ridicule, threaten, nor use any inappropriate languages in all situations.

Part 4
Professional Competence

Article 11:

Labour inspectors shall be qualified for their profession by possessing relevant knowledge and skills. They shall receive further training on specific topics necessary to carry out their work effectively.

Article 12:

Labour inspectors must possess and maintain in-depth knowledge of national labour laws and regulations including relevant international labour standards applicable in Cambodia.

Units responsible for training shall develop training programmes in line with the strategic development plan and inspection plan of the Ministry of Labour and Vocational Training. Curriculums of individual staff and training materials shall be documented accordingly in order to assess the need of further capacity development.

Labour inspectors shall apply their skills, knowledge and experience necessary for conducting labour inspection in a smart and talented manner.

Article 13:

Labour inspectors shall be aware of circumstances in enterprises/establishments that may cause work accidents.

Part 5
Quality Assurance

Article 14:

Labour inspectorate shall communicate regularly with its staff and update information on skills, policies, methods, and techniques in order to maintain the quality of labour inspection.

Article 15:

Labour inspectorate shall have a quality monitoring system to improve labour inspection methods and reports.

Part 6
Due professional care

Article 16

Labour inspectors shall adhere to due professional care in identifying, collecting, evaluating, analyzing, making conclusions and giving advice.

Article 17:

Labour inspectors shall have team spirit and share their experience and knowledge with each other to strengthen and improve knowledge and skills necessary to carry out their work.

Article 18:

In case the labour inspectors do not have certain specific skills and knowledge, they should file a request to the management for external technical assistant. The technical experts shall be carefully recruited by responsible labour inspectorate. They shall adhere to due professional care and comply with the same standards as the labour inspectors.

Labour inspectors shall inform the enterprises/establishment about the involvement of those technical experts in labour inspection.

Article 19:

Labour inspectorate can apply for a membership of any association and cooperate with regional and international research institutes related to labour inspection to obtain skills, experience, and support for the labour sector, especially for labour inspection.

Part 7
Sustainable Work

Article 20:

Labour inspectors shall ensure a sustainable working environment. In case the responsibility is changed the predecessor shall hand over the work in a transparent manner enabling the successor to carry out their work smoothly and successfully.

Part 8

Use of Public Resources

Article 21:

Labour inspectors shall use public resources in an economical, transparent and effective manner and avoid using those public resources for their own personal interests. Any loss or damage of public property shall be reported to the superior accordingly.

Part 9

Professional Confidentiality

Article 22:

Labour inspectors shall not disclose any confidential information about production, trade or ways of doing business during and after their mandate as labour inspector, labour administrative inspector and labour medical inspector unless permitted by the laws and regulations.

Article 23:

Labour inspectors are not allowed to use information or data collected during the labour inspection for their own personal benefits, benefits of any other individuals or to harm enterprises/establishments inspected unless permitted by the laws and regulations.

Article 24:

In case of serious non-compliances, labour inspectors shall immediately report to their superior to take appropriate measures. In some serious non-compliances labour inspectors shall immediately contact their superiors by all means or/and directly contact authority concerned for intervention.

Part 10
Conflict of Interests

Article 25:

Labour inspectors are not allowed to inspect enterprises/establishments they own, have shareholding or hold any position such as directors, advisors, executive committees or board of directors or any other direct or indirect positions.

Article 26:

Labour inspectors shall avoid any situation that causes or might cause conflict of interests.

Any conflict of interests shall be reported by labour inspectors in timely manner to find solution that serves collective interest.

Chapter III

Penalty

Article 27:

Labour inspectors who fail to comply with this Code of Conduct are subject to penalty or/and disciplinary sanction defined by the Law on the General Status of Civil Servants and other existing relevant regulations.