

Action Plan to Resume the Factory/Enterprise Operation Proposed by the Tripartite Working Group

On 04 May 2021, the Labour Advisory Committee (“**LAC**”), the tripartite working group chaired by the Minister of Labour and Vocational Training (“**MoLVT**”), issued a joint statement proposing an action plan for resuming factory business operation (“**Joint Statement**”), to be adopted following the end of the lockdown measure in Phnom Penh and Ta Khmao City. This action plan is applicable for those factories/enterprises in the yellow zone and specifically designed for the textile, apparel, travel goods and bag manufacturing industry.

Here are the key measures in the Joint Statement proposed by LAC:

1. Propose to the Royal Government of Cambodia (“**RGC**”) to determine the criteria for temporary suspension and resumption of the factory/enterprise business in the event of Covid-19 infection in the factory/enterprise.
2. Limit the number of the employees/workers in the factory by:
 - a. Dividing the 50 (fifty) percent of the total employees/workers to shift every 02 (two) weeks. The selection of the employees/workers to work in the first shift for the first two week shall be prioritized for (1) Those who got the second jab of Covid-19 vaccine; (2) Those who got the first jab of the Covid-19 vaccine; (3) Those who do not reside in the compulsory area for the Covid-19 test obligation; or (4) Those who provided specimen for the Covid-19 test, with a certification letter issued by a competent or labour doctor of the MoLVT.
 - b. If this scheme is applied, the employer shall compensate 50 (fifty) percent of the minimum wage plus seniority payment and other existing benefit(s) to the working employees/workers.
3. Exception:
 - a. Please note, however, that the above paragraph 2 is not applicable for the employees/workers who stay in the lockdown areas.
 - b. The working shift measure specified in paragraph 2(a) is exempted for any factory, having 80 (eighty) percent of the total number of its employees/workers fully done the vaccine or for any factory with a strict health and work safety measures protecting its employees/workers from the Covid-19 infection. This arrangement thereof requires the approval from a labour inspector.
4. Shall retain the MoH certified Covid-19 Rapid Test for the amount of 10 (ten) percent of the total employees/workers to allow the labor doctor or its in-house doctor to conduct specimen test if necessary.

5. Obligation to oversee the hygienic measures

The main obligation of all private enterprises or institutions or businesses is to oversee and properly instruct all their employees and any persons, who enter into their place of business, to properly maintain hygiene and to sanitize, to measure the temperature, to wear a facemask, in accordance with the instruction of Ministry of Health (“**MOH**”). In this regard, such stakeholders cannot permit any persons, who do not follow the instruction of MOH, or whose temperature is more than 37.5 (thirty-seven point five) degrees Celsius, to enter or stay in their place of business.

6. Obligation to ensure the efficient implementation of social distancing

In addition to the previous obligation, all the private enterprises or business owners, shall arrange their business place to ensure that their employees and customers can maintain the social distancing genuinely, both in the situation of waiting to enter or of presenting at the company. The social distancing shall be at least 1.50 meter (one-meter and a half).

The above-stakeholders have an obligation to organize their business place to facilitate the social distancing for their employees and clients. Furthermore, they shall limit the number of persons to enter their place, so long as such number is suitable to maintain the social distancing in their business place. However, in case of incapability to maintain the social distancing due to the circumstance of activities provided, such person shall consistently sanitize and wear a facemask.

Should any additional information be required regarding this legal alert or if you have any further inquiry, please contact our team at info@anlor.legal or reach out to our professionals below:



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