

**MINISTRY OF SOCIAL WELFARE AND LABOR
PROVISIONAL NATIONAL GOVERNMENT OF CAMBODIA**

PRAKAS (DECLARATION)

DECLARATION NO. 48 ON COMPANY'S LABOR REPRESENTATIVE

Phnom Penh, September 14, 1993

- Seen the inauguration of the Constitutional Assembly on June 14, 1993;
- Seen the decision of the Constitutional Assembly No 03 dated July 01, 1993;
- Seen the Decree of the President of Cambodia, Samdech Preah NORODOM SIHANOUK dated July 2, 1993 on the formation of the Provisional National Government of Cambodia; and
- Seen the Labor Law.

IT IS HEREBY DECIDED

ARTICLE 1:

All companies and business establishments mentioned in Article 1 of the Labor Law which employ at least 10 employees shall be required to nominate a labor representative. This labor representative shall be assisted by an assistant.

All companies and business establishments subject to this mandatory requirement shall be companies and business establishments involved in mineral exploitation, handicrafts, agriculture, ports, hotels and other industrial productions. The labor representative and his assistant shall be elected for a 3 year terms by employees.

ARTICLE 2:

The delegations and assistants in the enterprises shall be limited as follows according to the Based on the number of the employees, the number of labor representatives and their assistants shall be proportionally set as follows:

NUMBEROF EMPLOYEES	DELEGATION	DELEGATION
From 10 to 050	01	01
From 51 to 100	02	02
From 101 to 150	03	03
From 151 to 200	04	04
From 201 to 250	05	05
From 251 to 350	06	06
From 351 to 500	07	07
From 501 to 650	08	08
From 651 to 800	09	09
From 801 to 1000	10	10
Over 1000	add 1 for every 200 employees	add 1 for every 200 employees

ARTICLE 3:

The procedure of the election of the labor representative and his assistant shall be as follows:

- Before the election, the employees shall invite the representative of their professional bodies or the representative of the employees if there is no professional bodies formed yet to discuss the modalities of the appointment, the date of the election, the number of seats, and the list of the candidates to the election committee.
- The election procedure of the labor representative and his assistant shall be the same except it shall be done at a different time. The election shall be done secretly and in person during working days.
- For companies and business establishments with at least 51 employees (fifty one), the election of the labor representative and his assistant shall be divided into two categories, namely: First Category: the election of the labor representative and his assistant representing workers or employees. Second Category: the election

of the labor representative and his assistant representing the management, technicians, engineers, and experts.

- The employees are free to vote for the candidate of his choice but must strictly follow the election procedure.
- The elected candidate shall be the one who obtains absolute majority of the registered votes.
- If the first election failed to produce a majority vote, there shall be a second election whereby the elected candidate shall be the one who obtains simple majority of the registered votes.
- For companies and business establishments with branches employing at least 10 employees (ten), the election of the labor representative and his assistant shall be done at the branches.
- The reelection for the new term shall be held one month prior to the expiry of the old term.
- The employer shall provide financial, logistical and mental support to the election.

ARTICLE 4:

The employer shall maintain records the election of the labor representative and his assistant.

- For companies and business establishments located in Phnom Penh, two copies of the election records shall be sent to the Labor Inspection Department of the Ministry of Social Welfare, Labor, and Veteran Affairs at No. 28, Street 184 Sangkat Chey Chumneas, Khann Daun Penh, Phnom Penh.
- For companies and business establishments located in the provinces municipalities two copies of the election records shall be sent to the provincial or municipal Labor Inspection Department of the Ministry of Social Welfare, Labor, and Veteran Affairs
- The records shall be sent no later than 7 days following the election for non- agricultural companies and business establishments, and 15 days for agricultural companies.

ARTICLE 5:

Employees eligible to cast vote shall have the following characteristics:

- have worked for the company at least one month following his probational period.
- be 16 years of age at the time of the vote
- Never been convicted of any crime.

ARTICLE 6:

Candidates eligible to stand for election shall have the following characteristics:

- Be of Cambodian nationality
- have the right to vote themselves
- have worked for the company at least one year, unless approved otherwise by the Labor Inspector
- be 18 years of age at the time of the vote
- have no family relationship such as husband, wife, parents, children or grand children of the employer
- be tolerant and respected by their colleagues and competent in their functions.

ARTICLE 7:

Employer shall provide the labor representative appropriate working facilities, logistical support, and place to post announcement and various information.

ARTICLE 8:

Employer shall allow each labor representative 12 hours per-week to perform his function as labor representative and still maintain his regular remuneration. In the event the labor representative can not complete his function over a given period, no bonus shall be allowed by the employer for the overtime except his regular remuneration.

ARTICLE 9:

The labor representative can be dismissed by the employees before the end of his terms for non-performance.

The dismissal procedure shall be the exact procedure used for the election.

The employees shall officially inform the Labor Inspector no later than 3 days following the dismissal of the labor representative from his position.

When the labor representative is dismissed from his position, the assistant labor representative shall become acting labor representative until the election of the new labor representative is held.

ARTICLE 10:

The election of the labor representative and his assistant shall take place no later than 6 months after the opening of the enterprise.

For ongoing companies and business establishments, the election of the labor representative and his assistant shall take place no later than 2 months after the coming into force of this declaration.

ARTICLE 11:

This declaration is entered into force from the date of its signature.

Phnom Penh, September 14, 1993
Deputy Minister of Social Welfare and Labor

Signature and seal
KANN MAN