

KINGDOM OF CAMBODIA
Nation Religion King

Ministry of Social Affairs,
Labour, and Veteran Affairs
No. 144/PRK/MOSALVA
Phnom Penh, April 21, 1997

PRAKAS
ON
COLLECTIVE DISPUTE SETTLEMENT PROCEDURES

The Secretary of State for Social Affairs, Labour, and Veteran Affairs

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kram No. CS/RKM/0397/01 of March 13, 1997 promulgating the Labour Law;
- Referring to Reach Kret of November 1, 1993 on the formation of the Royal Government of Cambodia;
- Referring to Reach Kret No. NS/RKT/1094/83 of October 24, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kret No. NS/RKT/1094/90 of October 31, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kram No. 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers.

IT IS HEREBY DECIDED

Article 1:

Any party to a collective dispute can bring the case to the labour inspector, provided that their settlement procedures have not been defined in the collective agreement.

The Department of Labour Inspection of the Ministry of Social Affairs, Labour and Veteran Affairs situated at No. 28, Preah Thormalikhet Uk (Street No. 184), Sangkat Chey Chumneas, Khann Daun Penh, Phnom Penh shall be the competent department tasked to resolve all collective labour disputes arising in Phnom Penh. Collective labour disputes arising in other provinces and municipalities shall be settled at the respective provincial and municipal office of Social Affairs, Labour and Veteran Affairs.

Article 2:

Upon receipt of a complaint from any party, the labour inspector shall file a report to the Secretary of State for Social Affairs, Labour and Veteran Affairs requesting from the latter the appointment of a conciliator within 24 hours. The appointed conciliator shall issue a letter of invitation to all parties to come and present the necessary information and arguments for an appropriate conciliation.

Additional information can be requested from each party separately. An official report shall be made and signed by the conciliator and the party providing information at every time the information are provided.

Both parties must be present at the meeting according to the invitation of the conciliator.

If any party doesn't show up at the meeting, the conciliator shall make a report to the Secretary of State for Social Affairs, Labour and Veteran Affairs in order for the latter to take appropriate measures in compliance with the Labour Law.

Article 3:

When both parties have submitted enough information, the conciliator shall issue another invitation letter to all the parties concerned to come and participate in the conciliation meeting.

The conciliation shall take place within 15 days from the day of receipt of the order of the Secretary of State for Social Affairs, Labour and Veteran Affairs. The conciliation can be renewed only following a joint request of the parties to the dispute.

Both parties must participate in the meeting following the invitation of the conciliator. If any party doesn't show up at the meeting, the conciliator shall make a report to the Secretary of State for Social Affairs, Labour and Veteran Affairs in order for the latter to take appropriate measures in compliance with the Labour Law.

Article 4:

The letter of invitation stated in Articles 2 and 3 above shall be sent with acknowledgment of receipt from the parties or delivered personally with acknowledgment of signatures.

Article 5:

Each party to the dispute can request assistance from a third person to act as their representative. In order to be able to assist or to act as a representative, that individual shall be of legal age and delegated with authority to decide.

Article 6:

An official report shall be made at every conciliation session indicating clearly the outcome such as an agreement or a disagreement. The official report shall be visaed by the conciliator signed by all parties to the dispute, and copied to all parties.

Article 7:

An agreement which was signed by all parties and visaed by the conciliator shall have the same effect as the collective agreement between the parties and their representatives. If the representative of the employees does not belong to a trade union organisation, this agreement shall not contradict with neither the union organisation and the employees who are represented.

Article 8:

For collective disputes which are not brought up nor informed to the labour inspector by a party, the Secretary of State for Social Affairs, Labour and Veteran Affairs can order a conciliation according to the procedures stated in the above Articles 2, 3, 4, 5 and 6 after taking notice of the dispute case.

Article 9:

Any collective dispute affecting or causing affect to public security and order, the labour inspector, after taking notice of the dispute, shall make a report immediately to the Secretary of State for Social Affairs, Labour and Veteran Affairs requesting the latter to appoint a conciliator to take immediate conciliation action, requesting information and conducting a conciliation.

Article 10:

In the event that there is an agreement which provided clear procedures for collective dispute settlement, the collective dispute shall be settled in accordance with these procedures.

Article 11:

For the collective disputes that can not be settled through an agreement, the conciliator shall make a report immediately to the Secretary of State for Social Affairs, Labour and Veteran Affairs to request appropriate measures.

Article 12:

The Prakas No. 862 MOSALVA of November 12, 1996 of the Ministry of Social Affairs, Labour and Veteran Affairs shall be declared null and void.

Article 13:

This Prakas shall take effect as of the date of its signature.

Secretary of State for Social Affairs,
Labour and Veteran Affairs

Signature and Seal
Suy Sem.