

**MINISTRY OF SOCIAL WELFARE, LABOR, AND VETERAN AFFAIRS
ROYAL GOVERNMENT OF CAMBODIA**

PRAKAS (DECLARATION)

DECLARATION NO. 22 ON THE PROCEDURES FOR RESOLUTIONS OF LABOR DISPUTES

Phnom Penh, March 25, 1994

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Royal Decree of His Majesty the King of Cambodia, Samdech Preah NORODOM SIHANOUK VARMAN dated November 01, 1995 on the Formation of the Royal Government of Cambodia; and
- Seen the Labor Law

IT IS HEREBY DECIDED

ARTICLE 1:

That prior to filing their labor dispute claims in the court of law, one of the litigant party shall first file their claim to the Labor Inspector for reconciliation.

The General Inspector Department of the Ministry of Social Welfare, Labor, and Veteran Affairs is located at No. 28, Street Samdech Preah Thomalikheth Ut, Sangkat Chay Chum Neas, Khann Don Penh, shall be responsible for reconciling labor disputes in Phnom Penh City.

The labor inspection department of the provinces or municipalities shall be respectively responsible for reconciling labor disputes in the provinces or municipalities.

ARTICLE 2:

After receiving the labor dispute complaint, the labor inspector shall request both parties to present their cases, documents and witnesses in order to prepare for the reconciliation process.

Further request for information shall be done individually, and the records shall be signed by both the labor inspector and the litigant party.

ARTICLE 3:

The complaint shall be dismissed if the plaintiff or his representative failed to unreasonably provide additional information within 3 days of the request.

If the defendant or his representative fail to appear within the period mentioned in the first paragraph of Article 3, they shall be deemed guilty by default.

ARTICLE 4:

After reviewing the full information the labor inspector shall invite both parties to meet for reconciliation. The litigant parties can be assisted by another person or have a representative.

The complaint shall be dismissed if the plaintiff or his representative fails to attend the meeting.

In the event the defendant or his representative fails to attend the meeting as requested, they shall be deemed guilty by default.

ARTICLE 5:

The request to attend the reconciliatory meeting as specified in Articles 2 and 4 shall be done through certified letter with acknowledgment of receipt.

ARTICLE 6:

No person can assist nor represent a litigating party unless he is of legal age and have express power of attorney.

ARTICLE 7:

Minutes of every reconciliatory meetings for reconciliation shall be made indicating whether there is an agreement and a disagreement. The minutes shall be signed by the labor inspector and their copies shall be made available for both parties.

ARTICLE 8:

A party to the dispute may request to the court or the Chief Judge of the provincial or municipal court to issue an order carrying out the decision of the labor inspector. The order shall have the same effect as that of the Labor Tribunal.

The court having jurisdiction shall be the court as stipulated in the signed minutes of the reconciliatory meetings.

ARTICLE 9:

In the event the dispute is unresolved including situations mentioned in Articles 3 and 4, the labor inspector shall inform each party of his right to pursue the matter in the court of law. He shall also provide to the parties all minutes and documents pertaining to the disputes in order for them to prepare their case.

ARTICLE 10:

This declaration shall enter into force from the date of its signature.

Phnom Penh, March 25, 1994
Secretary of State of
Social Welfare, Labor and Veteran Affairs

Signature and Seal
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