

**KINGDOM OF CAMBODIA**  
**Nation Religion King**



Ministry of Labour and  
Vocational Training

No. 086 **កកបវ/លក**

Phnom Penh, 03 May 2006

**PRAKAS**  
**ON**  
**THE CREATION OF THE HIV/AIDS COMMITTEE**  
**IN ENTERPRISES AND ESTABLISHMENTS**  
**AND THE PREVENTION OF HIV/AIDS IN THE WORKPLACE**

**The Minister of Labour and Vocational Training**

- *Having seen the Constitution of the Kingdom of Cambodia;*
- *Having seen the Royal Kram No. NS/RKM/0704/001 dated 13 July 2004 on the Promulgation of the Additional Law of the Constitution Ensuring the Regular Processes of National Institutions;*
- *Having seen the Royal Kret No. NS/RKT/0704/124 dated 15 July 2004 on the Appointment of the Royal Government of Cambodia;*
- *Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 on the Promulgation of the Law on the Organization and Functioning of the Council of Ministers;*
- *Having seen the Royal Kram No. CS/RKM/0397/01 dated 13 March 1997 on the Promulgation of the Labour Law;*
- *Having seen the Royal Kram No. NS/RKM/0105/003 dated 17 January 2005 on the Promulgation of the Law on the Creation of the Ministry of Labour and Vocational Training;*
- *Having seen the Royal Kram No. NS/RKM/0702/015 dated 29 July 2002 on the Promulgation of the Law on the Prevention and Control of HIV/AIDS;*
- *Having seen Anukret (sub-decree) No. 52 RNKR/BK/ dated 01 April 2005 on the Organization and Functioning of the Ministry of Labour and Vocational Training;*

**HEREBY DECIDES**

**Article 1:** This Prakas aims to stimulate discussion, raise awareness and promote worker's education and prevent the spread of HIV/AIDS infection in the workplace.

**Article 2** Enterprises and establishments as provided in Article 1 of the Labour Law, which employ eight workers or more, shall set up their own HIV/AIDS Working Group or an HIV/AIDS Committee.

**Article 3** In enterprises and establishments that employ from eight to 50 workers, the employer and local unions shall consult together and set up their own HIV/AIDS Working Group. The Group should comprise at least one representative of the employer and at least one representative of the local unions, the employer's representative shall be the Chair of the Group.

In any enterprise and establishment that employs 51 workers or more, the employer and local union shall consult together and set up their own HIV/AIDS Committee. The Committee shall consist of at least two representatives of the employer, two local union representatives, and one person who is in charge of the enterprise's infirmary. For any enterprises and establishments that have multiple local unions, each of the unions shall nominate one representative to be a member of the Committee.

**Article 4:** The HIV/AIDS Committee, mentioned in Paragraph 2 of Article 3 shall consult together about the appointment of one person to be Chair of the Committee. The employer's representative should be the Chair of the Committee. In the event of disagreement, the Chair shall be decided by the drawing of lots, in which case each member of the Committee can be a voluntary candidate for the Chair. Each candidate shall write down his/her name on one piece of paper and put it in a ballot box. The most senior member of the committee shall draw one piece of paper from the box and declare the name of the candidate drawn to be the Committee Chair from then on. In the case of only one candidate, that candidate shall be recognized as Committee Chair automatically.

The term of the Chair of the Committee shall be for two years. Thirty days before the end of the term, the Committee shall hold a meeting to consult about the appointment of a new Chair according to the procedures provided in this Article. In the event that there is an acceptable reason why a Chair has not been appointed for the new term, the Chair for the old term shall continue to hold office until a Chair is appointed to replace him or her for the new term.

In the case where the Chair is absent and cannot perform his or her role as Chair, the most senior member shall be the Acting Chair.

In the event that any member leaves or resigns as member of the Committee, the Chair shall propose to the appropriate employer or local union that a new member should be found to fill the seat.

**Article 5:** Fifteen days after the date that the HIV/AIDS Working Group or HIV/AIDS Committee is officially set up, as provided in Articles 3 and 4 above, the Chair of the Working Group or the Chair of the Committee shall notify the Ministry of Labour and Vocational Training in writing. This notification shall have attached a list of the members of the working group or committee, using the model list provided in the appendix of this Prakas.

**Article 6:** In any enterprise and establishment that does not have a union the term “local union” as stated in Article 3 above shall be replaced by the term “shop steward” or “voluntary worker representative”.

**Article 7:** An HIV/AIDS Working Group or an HIV/AIDS Committee as prescribed in Article 3 shall have the following tasks:

- a- Widely disseminate to all workers, information about the creation of the Working Group or Committee, its purpose and the membership of the Working Group or Committee.
- b- Hold meetings when possible in order to discuss and develop programmes to educate the workers in the workplace about the spread of HIV/AIDS infection and how to prevent its transmission.
- c- Submit proposals to the Department of Occupational Health for support with technical assistance, documents or other relevant methods to help educate workers, enabling them to fully understand what is required to prevent and combat the spread of the HIV/AIDS infection in the workplace.
- d- Focus on educating the leaders of local unions, shop stewards, supervisors, section/department heads, foremen before anyone else, and give them the opportunity to educate workers at convenient times as often as possible, with all possible means and a mutual understanding between employers and employee representatives.
- e- Educate all workers about risk-reduction strategies by providing clear, persuasive and consistent information. If necessary, provide men and women with easy access to condoms when they are needed.
- f- Help workers who are infected or affected by HIV/AIDS to access health services and treatment, together with information about preventive measures to help reduce the spread of HIV. Encourage them to be hopeful about the future and to continue their normal work.
- g- Make proposals to the employer, competent ministries or institutions, or other organizations, for assistance in resolving any problems that the Committee is not able to solve, in order to help workers infected or affected with HIV/AIDS according to their particular situation.

**Article 8:** The Chair of the HIV/AIDS Committee as provided in Article 4 has the following roles and duties:

- a- To chair the first meeting to prepare a work programme or plan for the Committee at the appropriate time and place, which should be agreed with mutual understanding between the employer and the representative of the workers.
- b- To organize actual activities based on the work plan of the Committee, or the guidelines from the Department of Occupational Health or from competent ministries or institutions.
- c- Receive requests or proposals from Committee members or workers and arrange appropriate times to hold meetings to address the requests. If necessary, submit the proposals to the employer, the Department of

Occupational Health, competent ministries or institutions, or other organizations for assistance.

- d- Allocate an appropriate time to hold a Committee meeting once a month, or at least once a quarter, to monitor work progress and, if necessary, take measures to address any weaknesses in order that the Committee can perform its work well.

**Article 9:** Workers shall follow the guidelines and participate in the educational activities of the HIV/AIDS Working Group or Committee, the Department of Occupational Health, or competent ministries or institutions, in order to prevent and combat the spread of HIV/AIDS infection in the workplace.

**Article 10:** Workers may submit their requests or proposals where applicable regarding HIV/AIDS in the workplace, through their shop stewards or local unions in their enterprises and establishments, to the HIV/AIDS Working Group or Committee stipulated in Article 3 for assistance. Workers may also submit their requests or proposals directly to the HIV/AIDS Working Group or Committee.

**Article 11:** The employers in enterprises and establishments provided in Article 3 shall provide opportunities and facilitation to the HIV/AIDS Working Group or Committee of his/her enterprise or establishment, so that it can successfully perform its roles and duties as stated in Article 7.

All forms of discrimination by employers against male or female workers infected or affected by HIV/AIDS shall be strictly prohibited. Such discrimination includes dismissal, not providing sufficient work, failure to provide the same wage received by other workers, not providing opportunities for promotion, and failure to provide workers with bonuses because they are infected or affected by HIV/AIDS.

**Article 12:** The key principles regarding HIV/AIDS and the world of work are as follows:

**a. Recognition of HIV/AIDS as a workplace issue**

HIV/AIDS is a workplace issue and should be addressed or treated like any other serious illness/condition in the workplace. This is necessary not only because it affects the workforce, but also because the workplace, being part of the local community, has a wider role to play in the struggle to reduce the spread of HIV/AIDS and to mitigate its impact.

**b. Non-discrimination**

In the spirit of decent work and respect for the human rights and dignity of persons infected or affected by HIV/AIDS, there should be no discrimination against workers on the basis of real or perceived HIV status. Discrimination and stigmatization of people living with HIV/AIDS hinders efforts aimed at promoting HIV/AIDS prevention.

**c. Gender equality**

The gender dimensions of HIV/AIDS should be recognized. Women are more likely to become infected and are more often adversely affected by the HIV/AIDS epidemic than men due to biological, socio-cultural and economic reasons. The greater the gender discrimination in societies and the lower the position of women, the more negatively they

are affected by HIV/AIDS. Therefore, more equal gender relations and the empowerment of women are vital to successfully prevent the spread of HIV infection and enable women to cope with the consequence HIV/AIDS.

**d. Healthy work environment.**

The work environment should be healthy and safe, so far as is practicable, for all concerned parties, in order to prevent transmission of HIV, in accordance with the provisions of the Occupational Safety and Health Convention, 1981, (No155).

A healthy work environment facilitates optimal physical and mental health in relation to work and adaptation of work to the capabilities of workers in light of their state of physical and mental health.

**e. Social dialogue**

The successful implementation of an HIV/AIDS policy and programme requires cooperation and trust between employers, workers and their representatives and government officials, where appropriate, with the active involvement of workers infected and affected by HIV/AIDS.

**f. Screening for purposes of exclusion from employment or work processes**

HIV/AIDS screening should not be required for job applicants or persons in employment.

**g. Confidentiality**

There is no justification for asking job applicants or workers to disclose HIV-related personal information. Nor should co-workers be obliged to reveal such information about fellow workers. Access to personal data relating to a worker's HIV status should be bound by the rules of confidentiality consistent with the ILO's Code of Practice on the protection of workers' personal data.

**h. Continuation of employment relationship**

HIV infection is not a cause for termination of employment. As with many other conditions, persons with HIV-related illnesses should be able to work for as long as medically fit in available, appropriate work.

**i. Prevention**

HIV infection is preventable. Prevention of all means of transmission can be achieved through a variety of strategies which are appropriately targeted to national conditions and which are culturally sensitive.

Prevention can be furthered through changes in behaviour, knowledge, treatment and the creation of a non-discriminatory environment.

The social partners are in a unique position to promote prevention efforts particularly in relation to changing attitudes and behaviours through the provision of information and education, and in addressing socio-economic factors, that put people at risk to the infection of HIV/AIDS.

#### **j. Care and support**

Solidarity, care and support should guide the response to HIV/AIDS in the world of work. All workers, including workers with HIV, are entitled to affordable health services. There should be no discrimination against them and their dependents in access to services and receipt of benefits from statutory social security programmes and occupational schemes.

**Article 13:** The Department of Occupational Health of the General Directorate of Labour and Vocational Training has the following tasks:

- To provide technical assistance, documents, and other relevant support to the HIV/AIDS Working Groups or Committees of the enterprises and establishments in order to help them to perform their functions successfully.
- To control and monitor regularly the implementation of this Prakas.
- To raising awareness and explain to the employers of enterprises and establishments their responsibilities as provided in Article 2, in order to duly comply with the provisions of this Prakas.
- To take measures against an employer who is not duly complying with the provisions of this Prakas. This could be by giving advice, and in serious cases, taking disciplinary action by setting a deadline or limit to the employer by which time they must comply.
- To review the work done towards the implementation of this Prakas and make proposals for rewarding, by any means, the employers who have distinguished themselves by working hard in the implementation of the provision of this Prakas.

**Article 14:** The Prakas shall take effect from the date of signature.

cc:

- Ministry of Royal Palace
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Cabinet of the Prime Minister
- Office of the Council of Ministers
- All ministries concerned
- *National AIDS Authority*  
“for information”
- General Directorate of Labour and  
General Directorate of Vocational Training  
“for dissemination and implementation”
- All Provincial-Municipal Departments of MoLVT  
“for dissemination and implementation”
- Employer associations  
“for dissemination and implementation”
- Union confederations, federations, and local branches  
“for dissemination and implementation”
- All Radio and Television networks for “dissemination”
- Royal Gazette
- Archive and documentation

**Signature and Stamp  
Minister**

**NHEP BUNCHIN**

**Annex of the Prakas No. 086 កកបវ/កក .MoLVT**  
**Dated: 03 May 2006**

**KINGDOM OF CAMBODIA**

**Nation Religion King**

**Member List of HIV/AIDS Working Group or Committee**

No.	Family Name and Given Name	Sex	Date of Birth	Position in the Enterprise	Position in the Working Group or Committee	Contact Address	Phone Number	Others

The list ends at Number .....

Phnom Penh, .....200...

Chair of the Working Group or the Committee  
Name and Signature