

**Kingdom of Cambodia
Nation Religion King**

Ministry of Labour and Vocational Training
No. 300 K.B/Br.K K.B.K

**Prakas
On
Procedures for Payment of Union Dues and Agent Service Fee
Minister of Labour and Vocational Training**

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/0913/903 dated 24 September 2013 on Appointment of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/1213/1393 dated 21 December 2013 on Adjustment to the Composition of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/0416/368 dated 04 April 2016 on Adjustment to the Composition of the Royal Government of the Kingdom of Cambodia
- Having seen Royal Code 02/NS/94 dated 20 July 1994 promulgating the Law on Organization and Functioning of the Council of Ministers
- Having seen Royal Code No. NS/RKM/0105/003 dated 17 January 20105 promulgating the Law on Establishment of Ministry of Labour and Vocational Training
- Having seen Royal Code ChS/RKM/0397/01 dated 13 March 1997 promulgating the Labour Law
- Having seen Royal Code NS/RKM/0516/007 dated 17 May 2016 promulgating the Law on Trade Union
- Having seen Sub-decree No. 283 OrNKR.BK dated 14 November 2014 on Organization and Functioning of the Ministry of Labour and Vocational Training

Decides

Article 1

A union can ask the employer to deduct union dues from its members as long as the union has been legally registered in accordance with the Law on Trade Union.

Article 2

Following a written agreement from the workers/employees, the employer shall deduct the wage of the workers/employees and transfer it to the bank account of the union of which the workers/employees are members. Every employer shall be prohibited from paying the union dues instead of workers/employees.

The workers/employees who have allowed the deduction of their wage in writing for union dues of which they are members have the right to deny this deduction at any time.

Article 3

The deduction of the workers/employees' wage for union dues by the employer shall be made as per the amount of the dues and formality of monthly dues payment which is set in advance in the statute of the workers/employees' union.

Article 4

The date of deducting union dues shall be set on the same date of wage payment of the workers/employees.

The union shall give notice to the employer in writing at least 10 (ten) days before the deduction of wages for union dues about the amount of union dues to be deducted from the wage of the workers/employees who are its members. The union shall attach the workers/employees' authorization letter for wage deduction for the union dues with date and signature and thumbprint of the workers/employees.

The union has an obligation to give notice to the employer in writing in accordance with paragraph 2 of this Article in the event that there is any change to the deduction of union dues such as amount of union dues or number of the union's bank account or number of union members when any worker/employee withdraws from the union.

Article 5

The workers/employees can deny the deduction of their wage for union dues at any time by making a denial letter to the union of which they are a member in 01 (one) copy at least 15 (fifteen) days before the date of their wage payment. After receiving this denial letter, the union shall make a copy of this letter to the employer at least 5 (five) days before their wage payment.

The union shall facilitate the provision of the above denial letter to the workers/employees.

Article 6

In the event that a worker/employee withdraws from their union in accordance with the provisions of the Law on Trade Union, the employer shall stop deducting their wage for union dues for the union of which the worker/employee has withdrawn.

Article 7

A union with most representative status has an exclusive right to negotiate to include in the CBA the agent service fee set properly with an agreement which is not more than the monthly union dues of its members. This agent service shall be paid only one time.

If any local union supports another local union to receive most representative status as stipulated in Point "C", hyphen 2 of Article 54 of the Law on Trade Union, the members of that union are not required to pay the agent service fee to the union that receives most representative status.

Article 8

The employer shall keep all records when they have deducted the workers/employees' wage for union dues or agent service fee. These records shall include the following:

- Date of agreement of the workers/employees who are members of the union.
- Date of payment of agent service fee.
- Date and amount of union dues deducted for each worker/employee and
- Date and amount of money that has been transferred to the relevant union.

The employer shall keep these records duly for 03 (three) years and shall make a copy to the union if there is a request from the union.

Article 9

Cabinet chief, Director General of General Department of Administration and Finance, Director General of General Department of Labour, Director of Labour Dispute Department, Directors of Unions under the supervision of the Ministry of Labour and Vocational Training, Director of Municipal/Provincial Department of Labour and Vocational Training, unions and employer associations at all levels shall implement this Prakas as per their respective duties from the date of signature.

Phnom Penh, 02 July 2018

Minister

(Signed and stamped)

Ith Sam Heng

Place to receive:

- Office of the Council of Ministers
 - Secretary General of the Royal Government
 - Cabinet of Samdech Techo Prime Minister
 - Cabinet of Samdech, H.E., Lok Chumteav Deputy Prime Ministers
 - Relevant ministries/institutions
 - Municipal/provincial halls
 - Unions and employer associations at all levels
- “for information”*
- As in Article 9
- “for implementation”*
- Official gazette
 - Archives