

**Kingdom of Cambodia  
Nation Religion King**

**Ministry of Labour and Vocational Training**

No: 302 K.B/Br.K.K.B.K

**Prakas**

**On**

**Shop steward in Enterprise or Establishment**

**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**

Every enterprise or establishment as stipulated in Article 3 of the Law on Trade Union employing 8 (eight) or more workers/employees shall create a shop steward to be the sole representative in the enterprise or establishment. A shop steward shall have an assistant shop steward.

The categories of enterprises or establishments that shall absolutely have a shop steward are: enterprises or establishments in the sector of industry, commerce, mines, construction, service, bank, agriculture, port, hotel, restaurant, school and other productions.

A shop steward and assistant shop steward shall be elected by workers/employees for a 2(two)-year term.

**Article 2**

The formality of the election of shop steward and assistant shop steward shall be as follows:

**A- Candidates standing as shop steward**

- When the enterprise or establishment has not had a union yet, the workers/employees have the right to volunteer to register on the list of candidates for the election of shop steward and assistant shop steward. The employer shall invite the worker/employee

- representatives to a discussion on how to organize [the election], set the date of the election and number of seats that shall be allocated to the voter council.
- When the enterprise or establishment has one or more unions, those unions can select their candidates to stand for the election as per the seats of the shop stewards and assistant shop stewards. Workers/employees who are not the members of the unions can also stand as candidates for the election of shop steward and assistant shop steward. The employer shall hold a discussion with those unions and worker/employee representatives to set the formality, date of the election and number of seats that shall be allocated to the voter council.
  - For any enterprise or establishment that does not have a union or do not have workers/employees to volunteer to stand for the election or cannot fulfill the conditions of standing for the shop steward or assistant shop steward election, the Minister of Labour and Vocational Training shall resolve this issue.

### **B. Voter Council Allocation**

- The elections of shop stewards and assistant shop stewards shall be organized as per the same formality but separately. If there is any agreement or CBA before the election or applicable regulations stating different professions, different sectors that a place of the election shall be organized at a different place, the election shall be organized [like that].
- Any enterprise or establishment that employs 51 (fifty one) or more workers/employees, the elections of shop stewards and assistant shop stewards shall be allocated into two separately. The first voter council is for the election of shop steward and assistant shop stewards that represent ordinary workers/employees. The second voter council is for the election of shop stewards and assistant shop stewards that represent the leaders, managers, those who have higher education degree and those who have high skills. In the event that the total number of voters in the second council is less than 8 (eight) persons, the election can be organized jointly in only one council.
- For enterprise or establishment that has many branches and each branch has 8 (eight) or more workers/employees, the elections of shop stewards and assistant shop stewards shall be organized separately at each branch.

### **C. Election procedures**

- The election shall be organized secretly during working hours.
- The employer shall post the rule and election procedures as well as list of candidates standing for the election for workers/employers as information at least for 3 (three) working days before the election.
- Before handing the ballot to workers/employees to vote, except there is an agreement to the contrary, the organizer of the election shall allow workers/employees to take a 2-hour break to make consideration freely about the candidates they want.
- Shall allow workers/employees to take turn in casting their vote for any enterprise or establishment that the complete halt of the operations could damage the raw materials, could lead to a danger to their life, security or health of people.
- The voter has the right to choose any candidate they want but shall respect the rule and procedure of the election.

### **Article 3**

The election of shop stewards and assistant shop stewards can be considered valid as long as the number of voters is at least half of the number of those who has registered for the election.

In the event that the number of voters is less than half of the number of those who has registered for the election, the employer shall organize this election again after 15 (fifteen) days. The election

this time does not require a quorum of voters. The procedure of the election of this second round shall be the same as that of the first round election.

#### **Article 4**

A shop steward as the legal representative of workers/employees shall fulfill their duties correctly and in good faith. The shop steward shall have the following missions:

- To present to the employer any individual or collective grievances relating to wages and the enforcement of labor legislation and general labor regulations as well as collective agreements applicable to the enterprise or establishment;
- To refer to the Labor Inspector all complaints and criticism relating to the enforcement of the labor legislation and labor regulation that the Labor Inspector is responsible for monitoring;
- To make sure provisions relating to the health and safety of work are enforced;
- To suggest measures that would be beneficial to a contribution towards protecting and improving the health, safety and working conditions of the workers/employees in the enterprise or establishment, particularly in case of work-related accidents or illnesses.
- The shop steward must be consulted and put forward a written opinion on the draft of internal regulations provided for in the labor law, or on a draft modification to these regulations.

The presence of shop steward in the enterprise or establishment is not an obstacle to the right of the workers/employees to complain/protest directly to the employer or representative of that person.

The shop steward must also be consulted and put forward a written opinion on the measures for redundancy due to a reduction in activity or an internal reorganization of the enterprise or establishment.

In the enterprise or establishment that has not had a union yet, the shop steward can sign an interim CBA with the employer. This interim CBA shall have a period of not more than 2 (two) years. This interim CBA shall be replaced automatically by a CBA that is made by the most representative status union with the employer in the event that this CBA provides equal or more benefits for the workers/employees than the interim CBA.

#### **Article 5**

Within 8 (eight) days following every shop steward election, the employer shall take the minutes and send the minutes to the following units:

- For enterprises or establishments located in Phnom Penh, the employer shall take the minutes and send the minutes to the Labour Dispute Department of the Ministry of Labour and Vocational Training.
- For enterprises or establishments located in provinces, the employer shall take the minutes and send the minutes to the Provincial Department of Labour and Vocational Training.

#### **Article 6**

The employer shall be responsible for organizing this election for both materials, finance and spirit.

#### **Article 7**

The employer shall properly provide the shop steward with a place to work, meeting venue, working materials and a place for posting information. The employer shall allow each shop steward to have 2 (two) hours per week for fulfilling their task by maintaining their wages and benefits

they have received. In essential case and with the approval from the employer, each shop steward can fulfill their task more than this time limit.

### **Article 8**

The workers/employees can dismiss the shop steward before the end of their term in the event that the shop steward has failed to fulfill his/her duties. The decision on this dismissal shall be made in accordance with the same formality and procedures as those of the election. The workers/employees shall give official notice to the labour inspector no later than 3 (three) days after deciding to dismiss the shop steward. When the shop steward is dismissed, the assistant shop steward will undertake this task instead until an election of shop steward for a new term has been organized.

### **Article 9**

The election of shop steward shall be held no later than 6 (six) months after the enterprise or establishment has been opened.

In the event that there is an election of shop stewards for a new term, the election shall be held 15 (fifteen) days before the end of the shop steward's term.

### **Article 10**

Any protest related to the election, rights to stand as candidates and incorrectness of the election of shop steward shall be filed to the labour court for resolution.

### **Article 11**

Prakas 286 dated 05 November 2001 on shop steward in enterprise or establishment and any provision contrary to this Prakas shall be abrogated.

### **Article 12**

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 12
- “for implementation”
- Official gazette
- Archives

