Kingdom of Cambodia
Nation Religion King

Ministry of Labour and Vocational Training
No: 302.ប./ប.គ./ប.

Prakas on Shop Stewards in an Enterprise or Establishment

Minister of Labour and Vocational Training

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0913/903 dated 24 September 2013 on the Appointment of the Royal Government of Cambodia;
- Having seen the Royal Decree No. NS/RKT/1213/1393 dated 21 December 2013 on the Revision and Addition of the Composition of the Royal Government of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0416/368 dated 4 April 2016 on the Revision and Addition of the Composition of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/94 dated 20 July 1994 promulgating the Law on the Organization and Functioning of the Council of the Ministers;
- Having seen the Royal Kram No. NS/RKM/0105/003 dated 17 January 2005 promulgating the Law on the Establishment of the Ministry of Labour and Vocational Training;
- Having seen the Royal Kram No. CS/RKM/0397/01 dated 13 March 1997 promulgating the Labour Law;
- Having seen the Royal Kram No. NS/RKM/0516/007 dated 17 May 2016 promulgating the Law on Trade Union;

Hereby Decides

Article 1

All enterprises or establishments, as stipulated in Article 3 of the Law on Trade Union with 8 (eight) workers/employee up shall establish the shop steward as the sole representative in the enterprise or establishment. One official shop steward shall have one shop steward assistant.
The types of enterprises or establishments that are absolutely required to have shop stewards are [those operating in] industry, commerce, mine, construction, service, bank, agriculture, port, hotel, restaurant, school and other productions.

Official shop stewards and shop steward assistant shall be elected by workers/employee for a 2 (two) years mandate.

Article 2

The formalities and the procedure of the official shop steward and shop steward assistant election shall be implemented as follows:

A. Shop steward Candidates

- In the enterprise or establishment where there is no union, the employee/worker has full rights to voluntarily register their name in the list of candidates for the election of official shop steward and shop steward assistant. The employer shall consult with those worker/employee representatives to determine the formalities of nomination, the election date and the number of seats that are allotted to the discrete electoral bodies.

- In the enterprise or establishment where there is one or more trade unions, those trade unions can nominate candidate(s) based on the number of seats allotted to the prospective official shop stewards and shop stewards assistant. Worker/employee who is not a member of trade union can also stand as the candidate for official shop steward and shop steward assistant. The employer shall meet with those trade unions and worker representatives to determine the formalities of nomination, the election date and the number of seats that are allotted to the discrete electoral bodies.

- In the enterprise or establishment where there is neither worker union nor workers who volunteer to stand as candidates for official shop stewards and shop steward assistant, the Minister of Labour and Vocational Training shall settle this matter.

B. Division of Electoral Bodies

- The election of official shop steward and shop steward assistant shall follow the same modalities but shall be held separately. If there is any agreement before election or collective bargaining agreement or a regulatory provision applicable and providing for the discrete professional categories that entail distinct polls, then the election shall be organized in different places.

- In the enterprise or establishment with 51 (fifty-one) or more worker/employee, the election of the official shop steward and shop steward assistant shall be divided into two separate electoral bodies. The first electoral body shall be for the election of the official shop stewards and shop steward assistant representing ordinary workers. The second electoral body shall be for the
election of the official shop steward and shop steward assistant representing leaders, managers and those who have acquired a higher educational certificate at least in Bachelor Degree as well as those with a high level skill. In the event that the total number of voters in the second electoral body is less than 8 (eight) people, the election shall be held with only one combined electoral body.

- For the enterprise or establishment having many branches and each branch has 8 or more worker/employee, the election of official shop steward and shop steward assistant shall be organized separately.

C. Election Procedures
- Voting shall be held in secret and during the working hours;
- The employer shall post up a regulation [voting rules] and the voting procedures including the list of candidates in order to inform workers at least 3 (three) working days prior to the election day.
- Prior to the distribution of the ballots to workers to vote unless otherwise agreed, the election organizers shall allow workers to have 2 (two)-hours break in order to freely consider which candidate they would like to vote for.
- For the enterprise or establishment, where a complete stop of operation can cause damage to the raw materials or endanger the life, security and health of people, workers shall be permitted to take turn to vote.
- Voters have full rights to elect any candidate that they like but shall respect the voting rules and procedures.

Article 3
The election of official shop steward and shop steward assistant is considered to be valid only if the number of voters is at least equal to half of those registered to vote.

In the event where the number of voters is less than half of the number of those registered to vote, the employer shall re-organize the election after 15 (fifteen) days. No quorum of the voters is required for this election. The election procedures for this second round shall be the same as the one in the first round.

Article 4
Shop stewards being legitimate representatives of workers shall perform their tasks appropriately and faithfully. The mandates of shop stewards are as follows:
- To present to the employer any individual or collective grievances relating to the enforcement of wages, enforcement of Labour Law and general labour regulations and collective bargaining agreements applicable to the enterprise or establishment;

- To inform the labour inspector of all complaints and other criticisms relating to the enforcement of the labour legislations and regulations that the labour inspector is responsible for monitoring;

- To monitor the enforcement of the provisions relating to occupational safety and health;

- To propose useful measures to contribute in protecting the health and improving the safety and working conditions of worker/employee in the enterprise or establishment, particularly in the case of work related accidents or occupational disease; and

- The shop steward must be consulted and must put forward a written opinion on the draft of internal regulations as stipulated in Labour Law or propose modification to these regulations.

The presence of the shop steward in the enterprise or establishment is not an obstacle to the workers’ rights to present their own grievances directly to the employer or his representatives.

The shop stewards must be consulted and must put forward a written opinion on any planned measures for redundancy due to reduction in activities or internal reorganization of the enterprise or establishment.

In the enterprise or establishment where there is no trade union, shop steward can enter into a transitional collective bargaining agreement with the employer. The transitional collective bargaining agreement shall not exceed a 2 (two)-year term. This transitional collective bargaining agreement is automatically replaced by the collective bargaining agreement concluded between the most representative trade union and the employer in the event where this collective bargaining agreement provides equal or more benefits to workers than those of the transitional collective bargaining agreement.

Article 5

Within 8 (eight) days following the election of the shop steward, the employer shall prepare the minutes of the election of the shop steward for the following constituents:

- For the enterprise or establishment having the address in Phnom Penh, the employer shall send the minutes to the Department of Labour Dispute of the Ministry of Labour and Vocational Training.

- For the enterprise or establishment having the address in the provinces, the employer shall send the minutes to the Provincial Department of Labour and Vocational Training.

Article 6

The employer shall be materially, financially and mentally responsible for organizing this election.

Article 7

The employer shall provide the shop steward with an office, meeting room, working materials and an appropriate notice/information-displaying site. The employer shall allow each shop steward to have 2
(two) hours per week to perform their tasks by maintaining the same wages and other fringe benefits that they normally have received. In a special case and with consent of the employer, each shop steward can perform their tasks more than the allotted time.

**Article 8**

Worker/employee can dismiss shop stewards from their position before the end of the mandate in the case that the latter fails to perform their tasks. Decision on the dismissal shall be made in compliance with the same formalities and modalities of the election as those set for the election of shop stewards. Workers shall officially notify the Labour Inspector within 3 (three) days at the latest after deciding to dismiss the shop stewards from their position. After the official shop steward has been dismissed, the shop steward assistant shall act as his substitute until the new election of the shop steward for the new mandate has been conducted.

**Article 9**

The election of shop stewards shall be held within 6 (six) months at the latest after the opening of the enterprise or establishment.

In the event of the election of shop stewards for the new mandate, the election shall take place within 15 (fifteen) days prior to the end of the mandate of the shop stewards.

**Article 10**

Complaints relating to the election, the right to stand for election, and the irregularities of the election of shop stewards shall be referred to the Labour Court for settlement.

**Article 11**

Prakas No. 286 SKBY dated 5 November 2001 on the Shop Stewards in the enterprise or establishment and other related regulations that are contrary to this Prakas shall be abrogated.

**Article 12**

Director of the Cabinet, Director General of the General Department of Administration and Finance, Director General of the General Department of Labour, Director of the Department of Labour Dispute, Director of Labour Inspection, Heads of the Departmental Units under the Ministry of Labour and Vocational Training, and Directors of Provincial Department of Labour and Vocational Training, shall implement this Prakas in accordance with their respective tasks from the date of signing herein.

Phnom Penh, 2nd July 2018

Minister

Ith Sam Heng

CC:
- The Council of the Ministers
- The Secretariat of the Royal Government of Cambodia
- The Cabinet of Samdach Techo Prime Minister
- The Cabinet of Samdach, Excellencies Deputy Prime Ministers
- All relevant Ministries and Institutions
- The Municipal and Provincial Halls
  “For Information”
- As per Article 9
  “For Implementation”
- Royal Gazette
- Documentation and Archive