

Kingdom of Cambodia
Nation Religious King



Ministry of Labour and Vocational Training

No: 047/13

Phnom Penh 13 February 2013

PRAKAS
On
Private Recruitment Agency

Minister of Ministry of Labour and Vocational Training

- Referring to the constitution of Kingdom of Cambodia;
- Referring to the royal decree No.0908/1055, dated 25 September, 2008 on the nomination of the Royal Government of Cambodia;
- Referring to the royal krom No.02/94 dated 20 July, 1994 which promulgated the law on functioning and organizing of the cabinet;
- Referring to the royal krom No.0105/003 dated 17 January, 2005 which promulgated the law on establishment of the Ministry of Labor and Vocational Training;
- Referring to the sub-decree No.52, dated 01 April, 2005 on functioning and organizing of the Ministry of Labor and Vocational Training;
- Referring to the sub-decree No.190, dated 17 August, 2011 on sending of Khmer workers abroad by private recruitment agency; and
- Referring to the needs of the Ministry.

Decided

Article 1:

Each legal entity is permitted to be a Private Recruitment Agency for recruitment, training on orientation, sending and management of Khmer workers to work abroad after authorization of PRAKAS from the Ministry of Labour and Vocational Training.

Authorization of Private Recruitment Agency, is the permission for the successful applicant registered company only. The licensed Private Recruitment Agency cannot make sub contracts, selling any part of own Prakas to any person or to any company.

Article 2:

On application for permission to operate as a Private Recruitment Agency, each legal entity shall submit proof of all the following a number of necessary conditions:

- Shall have a company constitution and certificate issued by the Ministry of Commerce;
- Identity documents and address documents of main shareholder and manager issued by local authority which they live.
- Main shareholder and manager shall have Khmer nationality and hold at least 51% of the company;
- Shall have documents recognized local authority on opening the location of company and on opening the centre for recruitment process, sending and managing workers working abroad;
- Shall have adequate human resources and materials for operating the business;
- Shall have a permanent representative in the receiving country of workers and s/he has legal knowledge of receiving country. The representative is not under the power of the partner recruitment company in the receiving country.
- Shall have a center for providing pre-departure orientation to workers as determined by the Ministry of Labour and Vocational for providing complete pre-departure orientation training to all workers.
- In the process of sending workers to work in abroad, the Private Recruitment Agency must officially inform to the Ministry of Labour and Vocational Training on the legal partner companies in each receiving country which recognized by the Ministry responsible for labour in the receiving country. Each Recruitment Agency do not permit to have more than two partner companies in receiving country.
- The labour inspectors responsible for employment and manpower shall inspect all above mentioned requirements and evaluate each point in order to provide suggestions to the Minister of Ministry of Labour and Vocational Training to check and decide the case by case.
- Ministry of Labour and Vocational Training will decide to give the permission to each private legal entity to operate as a Private Recruitment Agency within 15 (fifteen) days of working days starting from the day of receiving application.

Article 3:

Each Private Recruitment Agency shall sign and implement an agreement with the Ministry of Labour and Vocational Training on duties and procedures for recruitment, pre-departure orientation training, sending and proper management of Khmer migrant workers in accordance with the sub-decree No.190 dated 17 August, 2011 on the management of the sending of Cambodian workers abroad through Private Recruitment Agencies and other relevant provisions.

Article 4:

After receiving permission from the Ministry of Labour and Vocational training within 15 (fifteen) working days, each Recruitment Agency shall deposit the Riel currency equivalent of \$100, 000 (one hundred thousand) US Dollars as a guarantee into the bank account of the Ministry of Labour and Vocational Training in any bank determined by the Ministry. The original copy of the guarantee deposit shall be kept in the Ministry of Labour and Vocational Training.

In case the Private Recruitment Agency does not deposit the guarantee deposit in accordance with the conditions above, the Ministry of Labour and Vocational Training shall withdraw the permission to operate as a Private Recruitment Agency which was given.

Article 5:

All Private Recruitment Agencies shall report monthly, quarterly, semester and yearly basis on the activities of recruitment, training on pre-departure orientation, sending and management of Khmer migrant workers abroad to Ministry of Labour and Vocational Training on time following the deadline.

Article 6:

All Private Recruitment Agencies shall report immediately to the Ministry of Labour and Vocational Training when any problem is encountered by workers in order to enable the Ministry to take action to solve the problem in a timely manner.

Article 7:

All Private Recruitment Agencies must take responsibility for any problem or event happening during the training time of the pre-departure orientation course, while the migrant worker is travelling abroad and repatriation.

Private Recruitment Agencies must coordinate with relevant authorities in the receiving countries to ensure migrant workers receive social insurance in accordance with the regulations of receiving country.

Article 8:

With regard to staff such as staff and workers at central office, staff and workers at the training center of pre-departure orientation, Private Recruitment Agencies shall appropriately implement the provisions of the Labour Law and other relevant provisions.

Private Recruitment Agency shall provide training and improve the capacity of own staff on Labour Law and other relevant provisions.

Article 9:

Private Recruitment Agency shall responsible for all activities of each section of company such as administration section, recruitment section, skill training section, language learning section and pre-departure orientation training section.

Article 10:

The information and personal documents of workers shall be kept confidential, unless a request from a competent authority.

Article 11:

Private Recruitment Agency shall keep all documents relating to recruitment, training on pre-departure orientation, sending and management of migrant workers working abroad for inspection of the Ministry of Labour and Vocational Training.

Article 12:

Each year, the Ministry of Labour and Vocational Training shall review the processes and results of each Private Recruitment Agency for evaluation for:

- Commending, guiding or issuing a warning on a case by case basis
- Continuing or ending the PRAKAS on the permission to run the Private Recruitment Agency.

Article 13:

The Cabinet, Department General of Administrative and Finance, Department General of Labour, Department General of Technical Vocational Education and training, General Inspector of Department General of Inspection, Units under MOLVT and Private Recruitment Agencies should implement effectively this Prakas from the date of signature.

Minister

Vong Sauth

Recipients:

- Prime Minister's cabinet;
- Deputy Prime Ministers' cabinet;
- Council Ministers
- Ministry of Foreign Affairs and International Cooperation;
- Ministry of Interior;
- Ministry of Economic and Finance;
- All municipalities and provinces;

“For Information”

- As article 13- “For implementation”
- Document-Timelines