

**Kingdom of Cambodia
Nation Religion King**



Ministry of Labour and Vocational Training
No. 250

Phnom Penh, 23 September, 2013

**Prakas
On
Inspection on Private Recruitment Agency
Minister of Labour and Vocational Training**

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

Decided:

Article 1:

The Ministry of Labour and Vocational Training shall conduct inspection on the Private Recruitment Agency in order to ensure the effectiveness of the application of laws and regulations relevant to the management of sending of Cambodian workers to work abroad.

Article 2:

The Ministry of Labour and Vocational Training shall conduct ordinary inspection on the premises of all Private Recruitment Agencies including their Pre-Departure Orientation Training Centres in accordance with relevant laws and regulations.

Article 3:

After receiving a report or complaint pertaining to a labour dispute, working conditions, illness, work related accidents, labour rights of workers, or any misconduct in violating laws and regulations, the Ministry of Labour and Vocational Training shall conduct a special inspection case by case on the Private Recruitment Agency and its Pre-Departure Orientation Training Centres.

In a necessary case, the Ministry of Labour and Vocational Training is able to request cooperation from the Institution or relevant competent authority.

In a case where the Private Recruitment Agency has been found guilty of a criminal offense, the Ministry of Labour and Vocational Training shall send the case to the Institution or relevant Competent Authority to take action in complying with legal procedures.

Article 4:

The Officer who conducts the inspection on the Private Recruitment Agency shall have authority to inspect the compound, location, building, pre-departure orientation training centers and have the right to ask the Private Recruitment Agency to show important

documents such as their records book on worker management, reports on training on occupational safety and health, list of staff, payroll book, service contract and employment contract of worker, internal rules of the pre-departure orientation training centers and internal rules of the Private Recruitment Agency.

Article 5:

For every inspection, the Officer shall prepare a clear inspection minute on either non-compliance or compliance with laws and regulations, as well as recommendations for implementation. The inspection minute shall be signed by the competent labour inspector and the legal representative of the Private Recruitment Agency.

Article 6:

In a case where there is a mistake of non-compliance with laws and regulations, the Inspection Officer shall clearly check and provide comments to the Senior Officers of the Ministry of Labour and Vocational Training in order to instruct, to warn or to revoke the license of the Private Recruitment Agency and in order to take action based on the legal procedure for each case.

When found that any Private Recruitment Agency has failed to comply with the existing laws and regulations, the Labour Inspector shall cooperate with the Institution or the relevant Competent Authority to prepare an implementation procedure in accordance with law.

Article 7:

The Cabinet, the Department General of Administration and Finance, the Department General of Labour, Department General of Technical Vocational Education and Training, General Inspector of Department General of Inspection and the Units under Ministry of Labour and Vocational Training and the Private Recruitment Agencies shall implement effectively this Prakas from the date of signature.

**Minister
Vong Saut**

Recipients:

- Prime Minister's cabinet;
 - Deputy Prime Minister's cabinet;
 - Office of the Council of Minister;
 - Ministry of Foreign Affairs and International Cooperation;
 - Ministry of Interior;
 - Ministry of Economy and Finance;
 - All municipal and provincial offices
- “For information;”
- In accordance with article 17
- “For implementation;”
- Document-timelines.