

**Kingdom of Cambodia
Nation Religion King**



Ministry of Labour and Vocational Training

No: 251

Phnom Penh 23, September, 2013

**Prakas
On
Penalty and Reward to the 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 which promulgated the law on organizing and functioning 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 (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 through private recruitment agency, and
- With the need of MoLVT.

Decided:

Article 1:

This Prakas defines the penalty and the reward to the Private Recruitment Agency in the management of sending Cambodian workers to work abroad.

Article 2:

The Department General of Labor shall organize a tripartite mechanism to implement the procedure for appraising each Private Recruitment Agency once every two years.

Article 3:

The appraisal and rating of each Private Recruitment Agency shall check on processes such as: recruitment, pre-departure orientation, sending, job placement, management of application of employment contract, problem solving and repatriation of workers of the Private Recruitment Agency.

Article 4:

Levels of rating are as follows:

- 1st level: Very Good;
- 2nd level: Good;
- 3rd level: Fair, and
- 4th level: Poor.

A Private Recruitment Agency shall meet the minimum standard of level 3 in order to continue to operate its work.

For a Private Recruitment Agency which implement to meet the level 4, shall be temporary suspended for a period of not exceeding 1 year for correction and shall be re-appraised in order to obtain a permission to continue the operation.

Article 5:

The Ministry of Labour and Vocational Training shall appraise on each volume of mistake of the Private Recruitment Agency in complying with existing procedure to penalize according to each level provided in Article 39 of Sub-decree No.190 on management of sending Cambodian workers abroad through the Private Recruitment Agency.

When found that any Private Recruitment Agency failed to comply with the existing laws and regulations, the Ministry of Labour and Vocational Training shall cooperate with the Institution and relevant Competent Authority to prepare the implementation procedure in accordance with law.

A complete termination shall be made when the Private Recruitment Agency does not comply with the existing laws and regulations and its activities which violated the laws and regulations and the complaint shall be filed following the complaint procedure to the Competent Authority.

Article 6:

The Cabinet, the Department General of Administrative 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.