

**Kingdom of Cambodia  
Nation Religion King**



**Ministry of Labour and Vocational Training**  
No. 252

Phnom Penh, 23 September, 213

**Prakas  
On  
On site service of the Private Recruitment Agency and repatriation  
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 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 by private recruitment agency, and
- With the need of MoLVT.

## **Decided:**

### **Article 1:**

This Prakas defines the obligation in providing on site service of the Private Recruitment Agency and repatriation in order to effectively strengthen monitoring, coordination and problem solving pertaining to living and working conditions, health conditions, violation, tracking and notifying the disappearance cases of workers who were placed to work abroad and preparing the repatriation of workers.

### **Article 2:**

For on site service delivery, each Private Recruitment Agency shall appoint a Cambodian permanent representative to each receiving country. The number of representatives shall be matched with the number of workers in the receiving country. They must be well trained on “knowledge on legislation, language, culture and tradition” of the receiving country. They must be accredited and certified by the Ministry of Labour and Vocational Training. They must not be under the control of the partner company in the receiving country.

### **Article 3:**

The Private Recruitment Agency shall provide the following services to workers who are placed to work abroad such as:

- They shall inspect the workplace and submit a report to the Ministry of Labour and Vocational Training before sending workers;
- Accompany individual workers to his/her workplace and orient them about information of the receiving country and handover to the employer with proper documentation;
- Assist individual workers to have access to social security in accordance with existing laws and regulations of the receiving country;
- Assist individual workers to open a personal account in any nearest bank following the worker’s choice and monitor the transfer of the worker’s wage;

- Constantly monitor in order to know the worker's condition and delivering service on time to meet the worker's needs, and report to the Ministry of Labour and Vocational Training and Cambodian Consulate or Embassy in the receiving country;
- Help to facilitate with the employer to enable the worker to communicate with his/her family;
- Provide counseling and consultation services on working conditions including possible risks concerning occupational safety and health, rights and dispute resolution mechanisms.

**Article 4:**

If a labour dispute occurs, the Private Recruitment Agency shall handle, facilitate and resolve on time in complying with procedures set by law and regulations of the receiving country to protect the benefit of the worker.

If the dispute is unresolved through reconciliation or compromise, the Private Recruitment Agency shall report to the Cambodian Consulate or the Embassy and seek legal service for worker. All expenses shall be borne by the Private Recruitment Agency.

**Article 5:**

In case of abuse and violation against worker, the Private Recruitment Agency shall assist the worker in making a complaint and immediately reporting it to the Cambodian Consulate or Embassy of the receiving country and the Competent Authority of the receiving country to resolve it in accordance with the existing procedures.

**Article 6:**

In a case where a worker disappears during implementation of their employment contract, the Private Recruitment Agency shall use all possible means to find the worker by sending written notice to the Cambodian Consulate or Embassy of the receiving country, Competent Authority of the receiving country, Ministry of Labour and Vocational Training and Ministry of Interior of the Kingdom of Cambodia.

The Private Recruitment Agency shall cooperate with the Cambodian Consulate or Embassy of the receiving country and the Competent Authority of the receiving country to obtain official documentation on the disappearance of a worker and sending a written notice to the Ministry of Labour and Vocational Training and the Ministry of Interior of the Kingdom of Cambodia and the worker's family with clear information on the disappearance and collaboration with relevant Competent authorities.

In a case where the Private Recruitment Agency has clear information on finding the worker who has disappeared, the Private Recruitment Agency shall immediately send written notice to inform to his/her family for information, to the Cambodian Consulate or Embassy of the receiving country, Ministry of Labour and Vocational Training and Ministry of Interior of the Kingdom of Cambodia to take action on each case.

**Article 7:**

If a worker is found deceased the Private Recruitment Agency shall immediately send written notice to the Cambodian Consulate or Embassy of the receiving country, the Competent Authority of the receiving country, Ministry of Labour and Vocational Training, Ministry of Interior of the Kingdom of Cambodia and worker's family. It shall seek immediate intervention and resolution in accordance with existing procedures.

The transportation of the deceased body or ashes, benefits and belongings of the deceased worker to his/her family in Cambodia shall be the responsibility of the Private Recruitment Agency in collaboration with relevant parties.

**Article 8:**

Within one month, prior to the end of the worker's employment contract, the Private Recruitment Agency shall assist in preparing all necessary arrangements so that the worker successfully repatriates.

If there are any pending issues before the repatriation date, the Private Recruitment Agency shall cooperate with the Cambodian Consulate or Embassy in the receiving country and the Competent Authority of the receiving country in order to completely resolve the issue. The expenses shall be paid by the Private Recruitment Agency. Especially, concerning the unpaid wage which worker has not yet received, with a certification of the Cambodian Consulate or Embassy of the receiving country, the Private Recruitment Agency shall be responsible to pay the full amount to the worker in advance.

If a worker is due to return on a certain date but he/she does not return, the Private Recruitment Agency shall accompany him/her to show up and report to the Cambodian Consulate or Embassy of the receiving country to take action. Then, the Private Recruitment Agency shall notify this case to the Ministry of Labour and Vocational Training, Ministry of Interior of the Kingdom of Cambodia and worker's family.

In case of sickness or severe injury, the Private Recruitment Agency shall provide necessary assistance to the worker in preparation for safe repatriation.

**Article 9:**

When a worker arrives in the Kingdom of Cambodia, the Private Recruitment Agency shall arrange and coordinate the worker to obtain a certificate for recognition of work in the receiving country issued by the Ministry of Labour and Vocational Training.

**Article 10:**

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 13  
"For implementation;"
- Document-timelines.