



Final Report
On
Implementation of Project on improving legal framework for better protection of women
migrant workers in Cambodia

(15 May to 31 December 2012)

I. Background

UN Women Cambodia Country Office's Programme on Empowering Women Migrant Workers provides assistance to the Ministry of Labour and Vocational Training (MoLVT) to address the concern of women migrant workers in terms of policy formulation, implementation of law and policy, monitoring and evaluation of law and policy and strengthening the institutional capacity development of the MoLVT to ensure long-term sustainability.

In 2012, UN Women has provided technical and financial support to the MoLVT so that the MoLVT is able to address the concerns of migrant workers, especially women migrant workers. With good cooperation with UN Women, the MoLVT has produced and strengthened the legal and policy framework to ensure better promotion and protection of rights of women migrant workers.

UN Women supports the priority of the MoLVT to achieve its mandate, specifically in the area of labor migration. This mandate includes proper implementation of the Royal Government of Cambodia's 2010 Policy on Labour Migration and the 2011 Sub-decree¹⁹⁰ on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies to ensure the rights of women migrant workers are protected and claimed. Specifically, the Policy and Sub-decree provide for the development of standardized contracts to include contracts between the migrant worker and recruitment agencies, and contracts between migrant workers and employers.

In order to support the MoLVT in fulfilling their mandate, UN Women has provided the opportunity to discuss and develop a **sample Memorandum of understanding Between The Government of Malaysia and the Government of Kingdom of Cambodia (MOU) on the Recruitment and Placement of Cambodian Domestic Workers**. The support for the

discussion and development of the MOU has been provided through a series of three Consultative Workshops (6 days) at the Phnom Penh hotel and some Technical Working Group Meetings to enhance the legal protection of women migrant workers. The MoU is attached with 3 annexes including Responsibility of Employers, Employment Contract and cost structure:

- The First Consultative Workshop on “Discussion and **Development of Sample MOU**” was held at the Phnom Penh Hotel, Cambodia on the 04th and 05th of October 2012. 92 participants attended including Government representatives, employers association, CAMFEBA, Malaysian Embassy, Recruitment Agencies, ACRA and trade unions, ILO, UNIAP, IOM, UN-Women, UNFPA and NGOs.
- The Second Consultative Workshop to finalize “**Development of Sample MOU**” was held in the Phnom Penh Hotel on 13th November 2012. 70 participants from Government representatives, employers association, CAMFEBA, Recruitment Agencies, ACRA and trade unions, ILO, UNIAP, UN-Women and NGOs.
- The Second Consultative Workshop on “**Development of Employment Contract between Malaysian Employer and Cambodian Domestic Worker**” on 14th November 2012 at Phnom Penh hotel. 70 participants from Government representatives, employers association, CAMFEBA, Recruitment Agencies, ACRA and trade unions, ILO, UNIAP, UN-Women and NGOs.
- The Third Continuing Consultative Workshop on “**Development of Employment Contract between Malaysian Employer and Cambodian Domestic Worker**” was held in the Phnom Penh Hotel on 21st -22nd November 2012. 87 participants attended including Government representatives, employers association, CAMFEBA, Recruitment Agencies, ACRA and trade unions, ILO, UNIAP, UN-Women and NGOs.

II. Purpose of the project

Goal: Improve the legal framework for better promotion and protection of the rights of women migrant workers

Outcome: Legal framework including MoU, employment contract is ready for protection of migrant workers

Output 1: Draft Employment contract standardized produced

Output 2: Drafted MOU Cambodia-Malaysia on migrant workers produced

Output 3: Improved application of RAs for legal framework and guideline

III. Result of the project implementation

- 1) **The Sample Memorandum of understanding Between The Government of Malaysia and the Government of Kingdom of Cambodia (MOU) on the Recruitment and Placement of Cambodian Domestic Workers and the Development of Employment Contract between Malaysian Employer and Cambodian Domestic Worker** was produced and finalized in Cambodia; and it is ready for further consultation and agreement by the relevant and necessary Malaysian stakeholders.

About the workshops

The workshops was opened by senior representatives from Ministry of Labor and Vocational Training, Malaysian Representative Embassy and UN Women, with strategic note and speech to participants for active engagement in providing inputs for development of MOU and Employment Contracts and promotion and protection of migrant workers, especially women who are more vulnerable. Participatory brainstorming and discussion were held words by words in Khmer from government, NGOs, RAs and trade unions to ensure the MOU and Employment Contract were well covered to protect the rights of migrant workers.

The workshops was closed by senior representatives from Ministry of Labor and Vocational Training and UN Women, with strategic note and speech to participants for active engagement in providing inputs for development of MOU and Employment Contracts and promotion and protection of migrant workers, especially women.

Day 4th -5th November 2012

The workshop started to discuss words by words about the Sample Memorandum of Understanding between the Government of Malaysia and the Government of Kingdom of Cambodia (MOU) on the Recruitment and Placement of Cambodian Domestic Workers with active participation of all participants. MoLVT was a facilitator for whole sessions:

1. The Title and General meaning
- 2- For the purpose of the Memorandum of Understanding
 - Article 1 : explained about definition of :
 - Employer
 - Domestic Worker
 - Malaysian Mission
 - Malaysian Recruitment Agency (MRA)
 - Cambodian Recruitment Agency (CRA)
 - Article 2-16: explained about the general meaning and responsibilities of all parties of this MOU.

Day 13th -14th October 2012

The workshop continued to discuss words by words about the " APPENDIC A " :

A-Responsibilities of Employer from point (I) to point (XVIII) .

B-Responsibilities of Malaysian Recruitment Agencies from point (I) to point (X) .

C-Responsibilities of Cambodian Recruitment Agencies from point (I) to point (VIII) .

D-Responsibilities of Domestic Workers from point (I) to point (V) .

The workshop continued to discuss words by words about the " APPENDIC B " :
" Contract of Employment "

- 1- The Title and General Sample of the Employment Contract
- 2- Duration of the Contract
- 3- Place of work/ residence of Domestic Worker
- 4- Duties and responsibilities of Employer

Day 21st -22nd November 2012

The workshop continued to discuss words by words about the " APPENDIC B " :
" Contract of Employment "

- 5- Payment of wages
- 6- Rest Period
- 7- Termination contract by the Employer
- 8- Termination contract by the Domestic Worker
- 9- General Provision
- 10- Extension of the Contract
- 11- Times Essence
- 12- Governing Laws

The workshop continued to discuss words by words about the " APPENDIC C ":
On the " Cost Structure on the Recruitment and Management of Cambodian
Domestic Workers "

- 1-Fee to be born by Employer
- 2-Fee to be born by Domestic Workers

Day 19st November 2012

MoLVT organized one-day training to Recruitment agencies to build up the capacity of recruitment agencies on legal framework and policies related to labor migration. 85 participants from recruitment agencies fully attended the training. The key topics included labor migration policy, ILO convention 189 on domestic workers, sub-decree 190, 3 prakas to sub-decree 190, placement service contract, Gender and Migration. The workshop went well with active engagement from the recruitment agencies and they understood about the regulation, policies and other guidelines which requires the Recruitment agencies to follow and with the intention of effective application in order to promote and protect the rights of migrant workers, especially women migrant workers. The workshop was opened by the senior representative from the Ministry of Labor and Vocational Training, UN Women and the president of Cambodian Recruitment Agencies (ACRA) with strategic

note and recommendations of working together for better protection of migrant workers as the Recruitment agencies play crucial role for migrant workers.

IV. Conclusion

The representatives from government, NGOs, Trade Unions and Recruitment Agencies gained a better understanding of the **Memorandum of Understanding Between The Government of Malaysia and the Government of Kingdom of Cambodia (MOU) on the Recruitment and Placement of Cambodian Domestic Workers and includes of Annex A-B-C** as they all actively engaged in the process of the MOU and provided valuable inputs and comments. Mr. Hou Vudthy, the Deputy Director General of General Department of Labour, MoLVT, on behalf of the MoLVT strongly support UN-Women project to support the Ministry of Labor in development of these MOU and Annexes which is a legal binding for protection of migrant workers, especially women migrant workers. He also raised that each session of the consultation workshop shared a lot of experiences and lesson learned, findings of labour migration protection gap from the existing provisions.

All the participants felt very satisfied with the result of workshop, specifically the MOU and 3 Annexes or appendices were developed. They found them very useful document for protection of migrant workers, especially women migrant workers. The presence of participants were higher than the expected and planned as indicated in the LoA because they found the workshops were quite interesting and useful documents for promotion and protection of the rights of migrant workers and it is the most key instrument for legal binding between Malaysia and Cambodia. The MoU and its annexes are the instrument that most of relevant stakeholders were eager to see it consulted, produced and in place.

The Ministry of Labour and Vocational Training thanked to all participants for providing excellent inputs. This is to show a good cooperation between government, NGOs, trade unions and recruitment agencies and UN Agencies to address the concerns of migrant workers. Ministry of Labor and Vocational Training strongly support and agreed for **this Sample MOU**.

The Draft of MOU and Its annexes are very important legal documents which will be asked for approval before sending it to Malaysian side and to be discussed with Malaysian Technical Working Group through diplomatic channel in the near future.

Also, the enforcement of Recruitment agencies in the application of regulation, guidelines and other instruments are quite important to promote and protect the rights of migrant workers, especially women. In the meantime, they need to be engaged and consult in development of any instrument. The MoLVT is disseminating the documents where they are related to them so that they have better understanding and are able to apply more effective in protecting migrant workers, especially women migrant workers who are sent to work abroad as domestic workers.

V. Follow-up Activities

The Ministry of Labour and Vocational Training continues further cooperation and partnership with the UN-Women to address the concerns of women migrant workers' rights. MoLVT is considering developing other provisions for better implementation of Sub-degree 190 on the Management of the Sending of Cambodian Workers to Work Abroad through Private Recruitment Agency and other framework for better protection of migrant workers. These include Prakas, Pre-departure training curriculum, MoU, capacity building and awareness-raising for duty bearers and rights holders including recruitment agencies—where MoLVT needs support from development partners, especially UN Women, to continually provide support for the development of these instruments.

Phnom Penh, 03 December, 2012

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Have seen and approved

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