

Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia
No. 57/ANK/BK
July 20, 1995

ANUKRET
on the Export of Khmer Labor to Work Overseas

Royal Government of Cambodia

- Seen the Constitution of the Kingdom of Cambodia;
- Seen the Labor Law promulgated by the Sub-Decree No.99 dated October 13, 1992;
- Seen the Law on the Organization and Functioning of the Council of Ministers, promulgated by the Royal Decree dated July 20, 1994;
- Seen the Royal Decree of His Majesty the King of Cambodia, Preah Bat Samdech Preah NORODOM SIHANOUK VARMAN, dated November 1, 1994, on the Formation of the Royal Government of Cambodia;
- Seen the Royal Decree of His Majesty the King of Cambodia, Preah Bat Samdech Preah NORODOM SIHANOUK VARMAN, dated October 24, 1994, on the Modification the Composition of the Royal Government of Cambodia; and
- Responding to the proposal of the Secretary of State of Social Welfare, Labor and Veteran Affairs

IT IS HEREBY DECIDED

ARTICLE 1:

With the objectives of improving living conditions of people and enhancing their professional skills, while the job market in the country is inadequate to absorb the unemployed and the under employed, and to raise revenues for the State, the Royal Government shall authorize the export of Khmer labor to work overseas.

ARTICLE 2:

The process of exporting Khmer labor to work overseas and the management of these labor forces shall be the responsibilities of the Ministry of Social Welfare, Labor and Veteran Affairs.

The Ministry of Social Welfare, Labor and Veteran Affairs may authorize, through a Ministerial Declaration, any company to export Khmer labor to work overseas.

The Ministry of Social Welfare, Labor and Veteran Affairs shall issue additional directives to implement this law when it is deemed necessary.

The Ministry of Social Welfare, Labor and Veteran Affairs shall co-operate with the Ministry of Interior in establishing working procedures, i.e. the issuance of passports to export workers, and shall also co-operate with the Ministry of Foreign Affairs and International Co-operation in the management of these Khmer export workers.

ARTICLE 3:

Shall be considered as candidate for working overseas every Khmer worker 18 years or older and of the two sexes who have applied for a job at the Ministry of Social Welfare, Labor and Veteran.

ARTICLE 4:

The Ministry of Social Welfare, Labor and Veteran Affairs shall be referred as the party providing the labor (Provider Party). The company applying for the recruitment shall be referred as the party receiving the labor (Receiver Party).

ARTICLE 5:

The Receiver Party shall specified the followings in their requests:

- start and termination date of the work
- nature of the work
- location of the work site
- number of workers and skills required
- salaries and other remunerations including lodging accommodation, food, clothing, medical care and other basic living necessities.
- Means of transport of labor to and from.

Upon receipt of the request, the Provider Party shall provide to the Receiver Party within 45 days a response indicating whether they can fulfill the terms of the request or whether they need to discuss further the matter.

The Receiver Party shall provide to the Provider Party within 30 days a response indicating whether to accept the terms in its entirety or in part. If there is no reply past a 30 days period and there is further follow up discussion, the Provider Party shall deem that the Receiver Party have given up their request.

ARTICLE 6:

The process of export labor to work overseas shall be executed subject to the authorization of the Provider Party and the agreement of employment contracts between the workers and the Receiver Party.

ARTICLE 7:

Upon receipt of the official authorization, the Receiver Party shall deposit, within 7 days, a surety fund of USD 100,000 in the account of the Provider Party. Failure to do so will result in the invalidation of the authorization .

Such surety fund shall be use to compensate workers in the event the Receiver Party fail to implement any provisions of the work contract. During the course of the contract, if some portion of the surety was paid out to the workers, a restitution of such amount shall be made by the Receiver Party.

The surety fund shall be returned back to the Receiver Party when the labor contract expire. The amount of the surety fund may be reduced for any employer who recruits only a limited number of workers to work in his own workshop or handicraft shop. But such employer shall discuss with the Ministry of Social Welfare, Labor and Veteran Affairs to make the labor contract with the workers.

ARTICLE 8:

The Receiver Party shall pay remunerations and service fees for documents preparation to the Provider Party as agreed in the provisions of the contract.

ARTICLE 9:

The employment contract shall include the followings:

- Name and address of each party
- start and termination date of the work
- Location and nature of the work
- Skills of labor
- Salaries and remunerations
- Portion of the salary and other remunerations which shall be sent to the worker's family
- Working hours, weekends and annual holidays
- lodging accommodation, food, clothing, medical care
- Insurance premium for each labor
- Mode of delivery of workers to and from the work location
- Expenses of transport of labor to and from
- Provisions for repatriating workers prior to the normal termination of the employment contract

ARTICLE 10:

Workers shall be entitled to paid annual holidays to be paid by the Receiver Party. The annual holidays shall be computed to be at least one and a half days per a complete work month.

ARTICLE 11:

The employment contract shall be prepared and executed in the two languages of equivalent weight in Khmer and French or English. The employment contract shall not exceed two years. Upon expiration of the initial employment contract, both parties may discuss the extension of the contract or execute a new contract. In the event of either happening, an authorization shall be obtained from the Ministry of Social Welfare, Labor and Veteran Affairs.

ARTICLE 12:

The Provider Party shall recruit workers depending on their skills in the amount specified in the contract. The employment contract signed by the workers and the Receiver Party shall be approved by the labor inspector in charge.

ARTICLE 13:

When signing the employment contract, each labor shall provide the followings:

- Abbreviated background of the person concerned attached with two photographs.
- Security clearance 2 copies
- Medical Certificate issued by the Health Department 2 copies
- Copy of the degree/diploma or skill certificate (if any) 2 copies
- Copy of the passport of the person concerned 2 copies
- Labor License 1 copy

ARTICLE 14:

Prior to departure, both parties shall be in charge of training workers on the work system, customs and traditions and the basic laws of the country of the Receiver Party.

ARTICLE 15:

The salary of each of labor shall be subject to the taxation with regard to the Cambodia law being in force.

ARTICLE 16:

The Receiver Party shall cover the expenses of the officials of the Provider Party on official duty to accompany the workers to the country of the Receiver Party, in order to inspect the working conditions and the living accommodations of the workers as stipulated under the provisions of the contract. The Provider Party shall dispatch his officials to monitor on site the implementation of the contract when it is deemed necessary.

ARTICLE 17:

In the event of any conflict, the Receiver Party shall immediately settle the dispute with the worker in accordance with the provisions of the employment contract. In the event the dispute reached a deadlock, a report shall be then sent to the Royal embassy or diplomatic officials of the Kingdom of Cambodia in that country to request their intervention in the resolution of the dispute.

ARTICLE 18:

The Receiver Party shall send a notice to the Provider Party within 45 days prior to the date of the workers repatriation. The Receiver Party and the Provider Party shall cooperate to prepare and arrange the date of the labor repatriation.

ARTICLE 19:

In the event any worker is reported missing during the course of his contract, the Receiver Party shall then dispatch the information to the Royal embassy or the diplomatic mission of the Kingdom of Cambodia accredited in that country and to the Ministry of Social Welfare, Labor, and Veteran Affairs of the Kingdom of Cambodia.

ARTICLE 20:

Any individual who undertake to send Khmer labor to work overseas in violation of the provisions of this Sub-Decree shall be punished in accordance with the existing laws in force.

ARTICLE 21:

Any provisions contrary to this Sub-Decree shall be annulled.

ARTICLE 22:

The Co-Ministers in Charge of the Cabinet of the Council of Ministers, the Co-Ministers of Interior, the Minister of Foreign Affairs and International Co-operation, the Minister of Economy and Finances, and the Secretary of State of Social Welfare, Labor and Veteran Affairs shall implement this Sub-Decree from its date of signature.

The First Prime Minister
NORODOM RANARIDDH

Phnom Penh, July 20, 1995
The Second Prime-Minister
HUN SEN