

**Kingdom of Cambodia**  
**Nation      Religious      King**



**Ministry of Labour and Vocational Training**

**No: 046/13**

**Phnom Penh 13 February 2013**

**PRAKAS**  
**On**  
**Recruitment Process and Pre-Departure Orientation Training**

**Minister of Ministry of Labour and Vocational Training**

- Referring to the constitution of Kingdom of Cambodia;
- Referring to the royal decree No. 0908/1055, dated 25 September, 2008 on the nomination of the Royal Government of Cambodia;
- Referring to the royal krom No.02/94 dated 20 July, 1994 which promulgated the law on functioning and organizing 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;
- Referring to the sub-decree No. 52, dated 01 April, 2005 on functioning and organizing of the Ministry of Labor and Vocational Training;
- Referring to the sub-decree No.190, dated 17 August, 2011 on sending of Khmer workers abroad by private recruitment agency; and
- Referring to the needs of the Ministry.

**Decided**

**Article 1:**

Determine the conditions for Private Recruitment Agency to operate satisfactorily the recruitment process and pre-departure orientation training for Khmer workers before

migrating for work overseas to ensure that each worker is accessing legal work, is in appropriate physical and mental health and has clearly understood their responsibilities, rights, benefits, ways of working, discipline, vocational skills, language of work place, way of living, laws and cultural traditions of the receiving country.

**Article 2:**

In public advertisements or by any other means demonstrating the demand for recruitment of workers of both sexes for overseas jobs, Private Recruitment Agency shall promote only true and real information in employment and working conditions to be done by workers and benefits to be received by workers. The messages of advertisements shall be approved by the Ministry of Labour and Vocational training.

**Article 3:**

Private Recruitment Agency shall use its own staff and workers who have been recruited, trained and appointed to work in accordance with the effective provisions of Labour Law of Kingdom of Cambodia in the implementation of all tasks in the recruitment process of workers both sexes for sending to work abroad.

Following the requests of each Private Recruitment Agency, the Department General of Labour will check and issue an ID card (Pass) for each recruitment agent of Private Recruitment Agency who have successfully completed training course and recognized by the Department General of Labour for official use.

**Article 4:**

In checking and selecting process of each migrant worker including selecting from local areas and placing the workers to stay in pre-departure orientation centre Private Recruitment Agency as well as each recruitment agent shall provide information and good cooperation with competent authority in each local area.

In the recruitment process, Private Recruitment Agency shall correctly implement in order to ensure that where any worker requests to work in any place in any country, the worker has clearly understood the work required and voluntarily registered to request to work with no force or coercion in any way, either directly or indirectly.

**Article 5:**

In the process of recruitment, Private Recruitment Agency as well as Recruitment Agent must not recruit workers both sexes who are under age 18 (eighteen). In case of receiving country needs workers who are aged above 18 (eighteen), this recruitment shall be correctly implemented in accordance with the determination.

In cases where it is suspected that the applicant worker is under the age of age requirement or is a child, Private Recruitment Agency as well as Recruitment Agent shall request the cooperation of the competent authorities or local authorities in order to certify the real age of each worker.

In the recruitment process, Private Recruitment Agency as well as Recruitment Agent shall check and complete the package of documents for each worker correctly.

**Article 6:**

Private Recruitment Agency shall assist every applicant worker to access to receive the medical check-up (physical and mental) in any designated hospital to ensure that workers sent abroad are good health (physical and mental) in accordance with tasks for each employment contract of each worker.

Following the voluntary decision of each applicant worker, the Private Recruitment Agency shall prepares the applicant migrant workers to sign the job placement service contract and employment contract with voluntary and no force and in compliance with effective procedures to ensure that:

- Each worker understands clearly the conditions and articles of each contract, and
- The main conditions as determined in the employment contract shall be reflected in job placement service contract.

For the employment contract between the worker and employer who worker to work with, despite it being written in any foreign language, the Private Recruitment Agency shall provide an attachment in Khmer language to ensure that workers clearly understand every articles and conditions of contract.

**Article 7:**

In the recruitment and placement of each worker, in the legal workplace or any legal position of any employment of any place in the destination country, the Private Recruitment Agency

shall assist worker to request and to obtain enough legal documents for travelling, entry to work, living and receiving benefits.

The workers shall have important documents for labour migration such as a correct passport, correct employment entry visa, work permit, employment contract, job placement service contract and travel ticket.

Alongside the important documents above, the Private Recruitment Agency shall also ensure that:

- Workers receive addresses and important telephone numbers of institutions, competence ministries, the Private Recruitment Agency, Partner Company and Embassy.
- Personal documents of workers are not permitted to withhold illegally.
- While staying and working abroad, Private Recruitment Agency shall ensure that each worker has legal documents which enable travel in the receiving country.

For other expenses relating to seeking employment abroad, the Ministry of Labour and Vocational Training will check and guide specifically by each country.

**Article 8:**

In period of receiving training of pre-departure orientation, language training and instruction on work skills, worker are permitted to stay outside or inside the Training Centre of Private Recruitment Agency based on the voluntary signed job placement service contract between the worker and Private recruitment Agency.

Although, workers stay in or outside the center, in the training time of receiving training orientation, they shall respect the internal rule and regulation of each centre which set by each Private Recruitment Agency under controlling and approving from Ministry of Labour and Vocational.

**Article 9:**

Although in every case, before sending workers abroad, Private Recruitment Agency shall provide training on pre-departure orientation to workers in accordance with pre-departure orientation curriculum as determined by the Ministry of Labour and Vocational Training.

The Department General of Labour shall issue the “certificate of pre-departure orientation” according to the requests from each Private Recruitment Agency. This document is one of a number of documents required by the Ministry of Labour and Vocational Training for controlling and ongoing permission for Private Recruitment Agencies to send workers abroad following the request from the Private Recruitment Agency.

Private Recruitment Agency shall provide training on pre-departure orientation to workers in accordance with the minimum standard of pre-departure orientation curriculum as determined by the Ministry of Labour and Vocational Training.

**Article 10:**

Following the request from each Private Recruitment Agency to set up additional new Centre, the Ministry of Labour and Vocational Training will check and decide on the request on a case by case basis within period not over 15 (fifteen) days of working days starting from the date of verifying the characteristic of center as stipulated in article 11.

**Article 11:**

Each orientation training centre is recognized as appropriate characteristic if the centre meets all of the following determined requirements:

- It is located in a convenient location;
- It is on an appropriately large plot based on needs;
- It consists of enough buildings based on needs;
- It is equipped with sufficient training equipment and materials for each skill;
- It is clear that the centre pay attentions to the needs of male and female workers;
- The pre-departure orientation training course, language course, guidance on technical skill and guiding the workers on other knowledge based on needs of workplace has a clear curriculum and the Training Centre has qualified trainers and teachers on language and guidance on technical skills.

The labour inspectors responsible for employment and manpower shall inspect all characteristic and evaluate each points in order to make suggestions to Minister of the Ministry of Labour and Vocational Training to review and to make decision on each Training Centre on a case by case basis.

**Article 12:**

For any Orientation Training Centre where receive the workers to stay, the Private Recruitment Agency shall prepare the accommodation, appropriate place for food, sport areas, ensure hygiene and good health for workers and has an emergency box especially for women workers. Should not any practice which is similar with a place of confinement.

**Article 13:**

Private Recruitment Agency shall manage and ensure that each worker were recruited and sent to work abroad of each each time shall:

- Have all correct documents of labour migration;
- Travel safely and arrive at the workplace on time, and
- Deploy correctly in accordance with the employment contract and job placement service contract and report to the Ministry of Labour and Vocational Training.

**Article 14:**

Each Private Recruitment Agency shall ensure that each worker was sent and deployed to to work abroad in accordance with the employment contract for each time. The Private Recruitment Agency shall:

- Report on time to the Ministry of Labour and Vocational Training.
- Record information and data relating to each worker in record book and keep appropriately this book as an official document.

**Article 15:**

Recruiting workers to work abroad in the form of employment to cut the debt is prohibited.

**Article 16:**

Each Private Recruitment Agency, shall correctly operate the recruitment process and appropriately provide pre-departure orientation following this Prakas (Ministry order).

Any treatment that contradicts the provisions in this Prakas and are regarded as offenses as described in the laws and regulations, shall be ordered according to the procedure of effective law.

**Article 17:**

The Cabinet, Department General of Administrative and Finance, Department General of Labour, Department General of Technical Vocational Education and training, General

Inspector of Department General of Inspection, Units under MOLVT and Private Recruitment Agencies should implement effectively this Prakas from the date of signature.

Minister

Vong Sauth

Recipients:

- Prime Minister's cabinet;
- Deputy Prime Ministers' cabinet;
- Council Ministers
- Ministry of Foreign Affairs and International Cooperation;
- Ministry of Interior;
- Ministry of Economic and Finance;
- All municipalities and provinces;
- "For Information"
- As article 17- "For implementation"
- Document-Timelines