

**Kingdom of Cambodia
Nation Religion King**



Ministry of Labour and Vocational Training
No 249

Phnom Penh, 23 September, 2013

PRAKAS
On
Complaint Receiving Mechanism for Migrant Workers

Minister of Ministry 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 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 functioning and organizing of MoLVT;
- Referring to the sub-decree No. 190, dated 17 August, 2011 on sending Khmer workers abroad through private recruitment agency, and
- With the need of MoLVT.

Decided

Article 1:

The section to receive and resolve complaints concerning migrant workers is established in the Department of Employment and Manpower of the Ministry of Labour and Vocational Training and Provincial Departments of Labour and Vocational Training.

The Department of Employment and Manpower and Provincial Departments of Labour and Vocational Training can invite concerned parties to cooperate and advise, to resolve, conciliate or send complaints to the Institution which has responsibility in accordance with each case.

Article 2:

In the Kingdom of Cambodia, all complaints relating to migrant workers are to be submitted to the Department of Employment and Manpower of the Ministry of Labour and Vocational Training, located in Building #3, Boulevard of Russian Federation, Sangkat Teuk Laak I, Khan Tuol Kouk, Phnom Penh or to the Provincial Department of Labour and Vocational Training in each province.

Article 3:

Complaints relating to migrant workers can be filed by verbal means or in a written letter in accordance with the existing law, regulation and procedures. The content of any complaint shall cover the following:

- Subject of complaint;
- Name and address of complainant;
- Name and address of respondent;
- Cause and background of complaint;
- Date and place of case;
- Amount of money claimed for compensation (if any) and

Every complaint should provide supporting documents and other certificates (if any).

Article 4:

After receiving a written complaint, within a period not exceeding 10 working days, the Department of Employment and Manpower or the Provincial Department of Labour and Vocational Training in each province shall take action to handle the case in accordance with the procedure, through preparing an invitation letter to invite each disputing party to provide information and evidence needed to resolve the dispute appropriately.

All non-written complaints shall be immediately resolved by the Department of Employment and Manpower or the Provincial Department of Labour and Vocational Training following the procedure.

Article 5:

In a case where the complainant or his/her representative has received an invitation letter and he/she does not come to provide additional information to the Department of Employment and Manpower or Provincial Department of Labour and Vocational Training by the deadline 2 times without providing information on the appropriate reasons, the complaint shall be nullified.

Duration of each warning letter shall not exceed 3 days, from the day of receipt of the warning letter.

In a case where the respondent or his/her representative has received an invitation letter and he/she does not show up to the deadline 2 times without providing information on the appropriate reasons, the case shall be determined as unable to be resolved determining that the respondent shall be responsible for violations alleged.

The dispute resolution officials shall immediately notify each party on the nullified complaint or party shall be responsible for violations alleged.

The complainant as well as respondent shall be entitled to provide his/her last statement to the Department of Employment and Manpower or Provincial Department of Labour and Vocational Training not exceeding 3 days, from the day of receiving the warning letter, and the Ministry of Labour and Vocational Training shall take action in accordance with procedure.

Article 6:

Upon request for help by both parties, a third party can either accompany or represent any disputing party. The third party shall be an adult who has the right to make decision.

Article 7:

Every dispute resolution shall have a clear conciliation minute outlining the proceedings of the conciliation. The conciliation minute shall be signed by the official who has resolved the dispute between the two parties. A copy of this conciliation minute shall be distributed to all parties.

Article 8:

All agreements, made in front of the dispute resolution officials of the Department of Employment and Manpower or the Provincial Departments of Labour and Vocational Training, are binding ones. All resolved or unresolved agreements shall be made in front of the dispute resolution officials.

Article 9:

In a case where the dispute is not resolved by the dispute resolution officials of the Provincial Departments of Labour and Vocational Training within 20 working days, the case shall be referred to the Department of Employment and Manpower to handle and resolve in accordance with procedures.

As long as the case is still unresolved in the Department of Employment and Manpower, within 30 working days, the Department's dispute resolution officials shall announce to all parties that the case was not able to be resolved and this announcement shall be

included in the official conciliation minute signed by the dispute resolution officials and the disputing parties. The dispute resolution officials shall inform each party on their rights and existing legal procedures.

In a case where the dispute occurred outside the country, duration for resolution shall be prolonged in accordance with the law of the receiving country.

Article 10:

Outside the Kingdom of Cambodia, all complaints shall be submitted to the permanent office of the Private Recruitment Agency's representative, Consulate or Embassy of the Kingdom of Cambodia in receiving country or to the Competent Authority of the receiving country.

A representative of Cambodian Private Recruitment Agency based in the receiving country shall coordinate and assist the worker to lodge a complaint properly and on time to the Consulate or Embassy of the Kingdom of Cambodia in the receiving country and to the receiving country's Competent Authority.

Article 11:

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 Sauth

Recipients:

- Prime Minister's cabinet;
- Deputy Prime Minister's cabinet;
- Council of Ministers;

- 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