

**Summary Report of
Skills Sharing Workshop on Labour
Recruitment Practices in Cambodia**

21-22 March 2007

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INTRODUCTION

A two-day workshop titled “Skills Sharing Workshop on Labour Recruitment Practices in Cambodia” was held from 21 to 22 March 2007 at the Sunway Hotel in Phnom Penh. The workshop was co-organized by the Ministry of Labour and Vocational Training (MOLVT) and the UN Inter Agency Project on Human Trafficking (UNIAP), together with the International Labour Organization (ILO), the UN Development Fund for Women (UNIFEM) and the International Organization for Migration (IOM). It saw the participation of more than 80 representatives from the MOLVT, Ministry of Women’s Affairs, Ministry of Foreign Affairs, Ministry of Interior, private recruitment agencies, employers’ association, local non-government organizations (NGOs), and the media.

The workshop was organized to support the Project Proposal Concept Number 8 (PPC8) under the COMMIT SPA which aims to address exploitative brokering practices in order to improve “regional cooperation to prevent and suppress illegal and/or exploitative brokerage practices”. Under the Coordinated Mekong Ministerial Initiative against Trafficking in the Greater Mekong Sub-Region (COMMIT) Sub-regional Plan of Action (SPA), exploitative brokering practices have been identified by the six Governments of the Greater Mekong Sub region (GMS) as one of the ten priority areas for regional attention.

The objectives of the workshop are:

1. To provide a skills sharing forum for officials from the Ministry of Labour and Vocational Training to learn about the procedures of labour recruitment and the policy and legislative framework governing labour recruitment in Cambodia
2. To raise conceptual understanding of human trafficking, human smuggling and various forms of international migration as well as international conventions relating to migrant workers
3. To provide a forum for interaction and exchange between recruitment agencies and the Royal Government of Cambodia (RGC) to consider how policy can assist both parties
4. To create tangible goals and actions that work towards achieving higher standards for the conduct of private recruitment agencies in Cambodia

Discussion on the first day of the workshop centered on the understanding and clarification of key migration concepts and the policy and legislative framework governing labour migration in Cambodia. The Legal Support for Children and Women (LSCW) facilitated a discussion on the definitions of human trafficking and human smuggling, and on the distinctions between various forms of international migration. The MOLVT gave a presentation on the existing policies and regulations for external labour migration and shared some of the problems that the RGC encounters with countries receiving Cambodian migrant workers. UNIFEM introduced the participants to its Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers while UNIAP presented the case study of the Philippines as a good model in labour migration management in the region.

The second day began with a presentation of ILO conventions relating to labour, employment and migrant workers. The morning was taken up by the sharing of experiences by private recruitment agencies. Participants were able to gain a better understanding of how recruitment agencies operate and the problems and challenges they face in sending Cambodian workers overseas. They also learned that an association for recruitment agencies will soon be set up and this may pave the way for greater transparency, accountability and good practices within the industry. The workshop concluded with participants agreeing on the need for a code of conduct for private recruitment agencies in Cambodia.

The tangible outcome from this workshop was a consensus among the participants on the role of private recruitment agencies in Cambodia and a set of guiding principles for their conduct.

(Please see Appendix A for a more detailed programme.)

This summary report highlights some of the issues that were discussed and debated during the two-day workshop. The conclusions are presented at the end of this report.

THE PARTICIPANTS

More than 80 people attended and participated in the workshop. 14 of them came from the Ministry of Labour and Vocational Training in Phnom Penh. There were also 14 directors and deputy directors from the Provincial Department of Labour and Vocational Training. The provinces from which they represent are as follows:

1. Banteay Meanchey
2. Battambang
3. Kampong Cham
4. Kampot
5. Kandal
6. Kep
7. Koh Kong
8. Pailin
9. Prey Veng
10. Pursat
11. Siem Reap
12. Svay Rieng

There were representatives from the Ministry of Women's Affairs, Ministry of Foreign Affairs and Ministry of Interior (Department of Anti-Trafficking and Department of Immigration). All the 12 licensed recruitment agencies in Cambodia were invited to take part in the workshop. They are:

1. Cambodia Labour Supply (CLS)
2. CDM Trading Manpower
3. Chhun Hong Manpower
4. Human Power
5. Human Resource Development (HRD)
6. Mey Yorn Service
7. Philimore Cambodia
8. SPT International Cambodia
9. Top Manpower
10. Ung Rithy Group
11. V C Manpower
12. Victory Cooperation

In addition, a representative from the Cambodian Federation of Employers and Business Associations (CAMFEBA) participated in the workshop. So did representatives from local NGOs such as LSCW, LICADHO, ADHOC, Mith Samlanh (Friends International) and CARAM Cambodia.

(Please see Appendix B for the participants' list.)

HIGHLIGHTS OF WORKSHOP

A. Keynote address by H.E. Oum Mean, Under-Secretary of State, MOLVT

H.E. Oum Mean extended a warm welcome to all participants, especially representatives from the Provincial Department of Labour and Vocational Training. He said that the MOLVT is committed to enhancing employment opportunities for Cambodian people and will continue to improve its policies and laws in assisting migrant workers and protecting them from harm. He agreed on the need for regulations and interventions by the government to address exploitative labour brokerage practices in Cambodia, and stressed that the RGC is dedicated toward fighting human trafficking through the COMMIT Process. Finally, H.E. Oum Mean gave thanks to the organizers for providing a forum for MOLVT and other key actors to exchange information and experiences on the problem of labour exploitation and human trafficking.

B. Conceptual clarification

Ms Ly Vichuta, Director of LSCW, gave a presentation on the international definition of human trafficking, the smuggling of people and migrant workers. She distinguished between the different types of migratory movements and highlighted the risks faced by irregular or undocumented migrant workers. Throughout the presentation, examples were used to illustrate the complexities in identifying a victim of trafficking due to the fact that clear distinctions between trafficking and other forms of supposedly legal movements may be more apparent than real. Ms Ly Vichuta acknowledged that the concept of labour migration management is very new in Cambodia, especially with regards to cross border movements between Cambodia and Thailand, which has been on-going since time immemorial. Trafficking is seen as an act of violence against the individual while smuggling is an offence against the state. She introduced different themes in her presentation in order to facilitate better conceptual understanding among the participants. The following themes were discussed:



- Who is a **recruiter** in human trafficking? Can a recruiter also be a human smuggler?
- Concept of **consent**: a victim of trafficking may have given consent to a recruiter but that consent is nullified if the s/he ended up in an exploitative situation
- Concept of **relationship**: a victim of trafficking is usually not party to the relationship among the traffickers. In smuggling, the person is seen more as a client rather than as a victim. S/he is part of the decision making process. However it is acknowledged that a clear boundary between “victim” and “customer” is hard to draw in reality
- **Purpose** of movement: can be viewed from either the perspective of the recruiters or facilitators; is it for exploitation at destination or merely to enter the country?
- Concept of **profit**: traffickers make profit at all stages of the migration process while a smuggler receives an agreed sum of money for his/her services

Representatives from the MOLVT displayed a strong interest in the subject matter by raising many questions, such as whether a migrant worker can become a victim of trafficking or not and how does

one distinguish between a human trafficker and a smuggler. Ms Ly Vichuta clarified that anyone can become a victim of trafficking if s/he has been forced, coerced or deceived into migration and ended up in a situation of exploitation. The role of a smuggler is to facilitate movement across international borders while a trafficker moves a person for the purpose of exploitation at destination. She added that trafficking could occur within or outside of a country while smuggling almost always involves crossing international borders. A participant pointed out that human traffickers are always changing their ploys and tactics so as to circumvent the laws, therefore it is important for policymakers, migrant workers and other stakeholders to be aware of this.

Participants were presented with two case studies and asked to identify elements of human trafficking and smuggling. There were varying interpretations from the participants when asked to decide if the worker(s) in the case studies was a victim of trafficking or smuggling. Views were split as to what was considered exploitation and/or trafficking. At the end of the session, it was agreed that a migrant worker can be both a victim of exploitation as well as an offender to the state if s/he had entered the country illegally and engaged in employment without a proper work permit.

C. Existing policy/legislative framework on sending of workers to Thailand, Malaysia and South Korea

An overview of the current policies and laws relating to external labour migration in Cambodia was given by Mr Chuop Narath, Deputy Director of the Department of Manpower and Employment, MOLVT. The key policy document was the “Sub-decree 57 on Sending Khmer Workers to Work Abroad” created by the former Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation in 1995. Mr Chuop Narath highlighted some of the articles contained in the sub-decree, such as Article 9 on the items to be included in an employment contract, Article 7 on the guarantee fee of US\$100,000 that a licensed recruitment agency is required to deposit with the MOLVT, and Article 15 on the taxation of workers’ wages.

Apart from sub-decree 57, a new Sub-decree 70 on the “Establishment of a Manpower Training and Overseas Sending Board (MTOSB)” was created in July 2006. The MTOSB is equivalent to a public employment agency and one of its first tasks is to recruit, train and send workers to South Korea. Mr Chuop Narath explained that sub-decree 70 was created as part of the fulfillment of requirements between the RGC and the South Korean Government. In addition, other laws relevant to labour migration in Cambodia include: Prakas 108 on the education of HIV/Aids created in May 2006 and Prakas 012/07 on the working taskforce on labour migration created in Jan 2007. The MOLVT will soon produce an announcement on the list of private recruitment agencies that are licensed to recruit and send workers to Thailand.



Mr Seng Sakda, Director General of the General Department of Labour, MOLVT, gave a presentation on the recruiting and sending of Cambodian workers to Thailand, Malaysia and South Korea. He reiterated that Cambodia is in the early stages of managing external labour migration and there are numerous teething problems to be resolved. The RGC has established labour arrangements with the Governments of Thailand, Malaysia and South Korea and each of them has a different set of criteria and requirements for accepting Cambodian workers. For instance, Thailand does not require Cambodian workers to undergo compulsory pre-departure

training while South Korea and Japan have higher expectations of the level of education and skills of the migrant workers. He listed the recruitment agencies that are licensed to send workers to Thailand, i.e. CLS, Philimore, HRD, Human Power, Victory Cooperation, Top Manpower and Ung Rithy; to South Korea, i.e. MOLVT and MTOSB; and to Japan, i.e. Victory Cooperation, CLS, C-Pro. Cambodia is currently in the process of negotiating an agreement with Japan on an internship programme for Cambodian electricians.

Mr Seng Sakda shared with the participants the problems that Cambodia faces as a labour sending country. To date, only some 70,000 work permits have been issued for Cambodian workers in Thailand. More than 100,000 workers remain at irregular status and their situation is of particular concern to the RGC. In addition, pre-departure training and orientation is a very important component of the RGC's labour sending strategy. The MOLVT sees the provision of accurate and adequate information to migrant workers as a means to avoiding misunderstandings between the workers, recruitment agencies and employers, and minimizing the chances of workers terminating their contracts prematurely. Therefore, the MOLVT welcomes the involvement and cooperation of international organizations like the UNIAP, ILO, IOM and UNIFEM, and local NGOs in designing and planning the content and structure of pre-departure training, especially on the laws and customs of receiving countries, the terms and conditions of employment, the nature of work and working conditions, and so on. The small human resource base of Cambodian embassies is a constraining factor in their ability to fully assist Cambodian migrants; hence there is a need for the MOLVT to send labour attaches to work within the embassies in select receiving countries.

The issue of whose responsibility it is to assist and protect workers when they encounter problems was raised. Mr Seng Sakda agreed with the recruitment agencies that it is difficult for them to conduct their businesses if they suffer from bad press. He welcomed suggestions on what the MOLVT and recruitment agencies should do in such situations. He underscored the importance of migrant workers' contribution to the development of Cambodia by using the example of migrants working in South Korea: if each migrant earns US\$800 a month, 3,500 migrants would earn a total of US\$33.6 million a year. Such remittances would benefit Cambodia greatly. Mr Seng Sakda acknowledged the problem of long-waiting time for the processing of travel documents, for example, it takes about 30 to 60 days to make a passport. Partly as a result of this, many migrants are using the services of informal recruiters, who are able to facilitate their traveling and work in less than a month, in favour of licensed recruitment agencies.

Mr Seng Sakda highlighted some of the problems of Cambodian migrants in Malaysia and South Korea. In Malaysia, foreign migrant workers have to comply with local laws and customs. As Cambodians are permitted a free 30-day visa entry to Malaysia, there have been instances of people who overstayed their visas and ended up as illegal immigrants. Part of this is due to the existence of illegal recruiters in Malaysia who take advantage of the eagerness of Cambodians for paid work. Such illegal practices present a problem for both the Governments of Cambodia and Malaysia. With regards to South Korea, Mr Seng Sakda said that the situation is very tricky. Many Cambodians are attracted by the prospect of working in South Korea as they are able to earn a high salary and obtain free accommodation. Their enthusiasm to seek work in South Korea has led to the proliferation of illegal recruiters who make false promises to unsuspecting villagers only to abscond with their money. Despite efforts by the MOLVT in disseminating information to the public on how to work in South Korea, they are still receiving many cases of people who were cheated by fake recruiters. The Government of South Korea has a stringent criterion in the selection of foreign migrant workers. One of which is that they need to be able to speak the Korean language. Cambodians who wish to work in South Korea are required to pass a listening and reading test conducted in the Korean language. Each

test costs US\$30. Once they pass the test, they can proceed to fill in the application forms. Only then can they be certified to work in South Korea. At present, South Korea has given Cambodia a quota of 3,000 workers for the year 2007. The MOLVT is concerned that they might not be able to meet this quota due to the difficulty in passing those tests. The implication is Cambodia would not be able to request for a higher quota from South Korea in future.

At the end of Mr Seng Sakda's presentation, many questions and comments were raised and a lively discussion ensued. The representative from LSCW asked if it is legal for Cambodians to work in Thailand with a CI but without a visa. He sought clarification on the conditions and procedures in applying for a CI in Thailand: is there a legal document that clearly explains this? Mr Seng Sakda said that there is no such document yet. He clarified that a CI does not permit a foreign worker to travel within Thailand. Foreign workers must register with the relevant Thai authorities and obtain proper work permits and a 13-digit card in order to reside and work in Thailand. He said that a CI could only be issued if a worker has the 13-digit card and a work permit. This process is being overseen by the inter-ministerial taskforce. The representative from LICADHO pointed out that there have been many instances whereby workers were made to pay an advance of US\$160 to recruitment agencies and she wanted to know why this was happening. In addition, she said that agencies have been reported to demand a high amount of compensation from workers who decided to terminate their contracts after finding working conditions to be bad. She sought suggestions on what could be done about both situations. In response, Mr Seng Sakda said that in principle, the MOLVT does not permit recruitment agencies to obtain advance payment from workers. However migrants have to bear the costs of obtaining passports, visas and medical examinations themselves. The prevailing practice is, agencies would pay for these first and the migrants would repay the agencies with the first few months of their salaries. Regarding the termination of contracts, Mr Seng Sakda said that workers have the responsibility of fulfilling their employment contracts and should be mentally and physically prepared to endure hardships, otherwise they should not embark on working overseas.

The representative from the Kampot Provincial Department of Labour and Vocational Training (PDLVT) commended recruitment agencies that have established good working relationships with the provincial government. He cited Philimore Cambodia as the best agency in Kampot for providing timely monthly reports to his department, and for their intervention in retrieving overdue wages from exploitative employers. The representative from the Prey Veng PDLVT said that Prey Veng is one of the poorest provinces in Cambodia. Prey Veng has 12 districts, 116 communes, and over 1000 villages. It has produced more migrants than any other province in Cambodia. In 2006, it is estimated that some 100,000 workers have migrated from there. The impact on local labour force, diseases and health has been adverse. The PDLVT is currently working with the National Authority on AIDS to educate villagers about HIV/AIDS and safe migration, but more assistance from the central government and NGOs is needed. He also cited the case of a recruitment agency, Me Yorn, taking US\$110 from a worker and being non-transparent about terms and conditions of work. He rebuked the agency for lying to the worker and demanding such a large sum of money. He advised recruitment agencies to conduct their businesses in an ethical and transparent manner; otherwise the workers will turn to irregular migration channels. There are currently three agencies operating in Prey Veng: Me Yorn, Philimore and Top Manpower. A representative from the central MOLVT calls for recruitment agencies not to be too profit-driven and to put more effort into raising the quality of the workers. The reputation of agencies will stand to benefit greatly from sending workers who are well trained and good at their jobs.

The comments and allegations from the government officials led to a flurry of response from the recruitment agencies. The representative from Top Manpower argued that workers are not without blame in creating some of the problems that were raised. He cited instances of workers running away

from their employers or renegeing on their contractual obligations. This puts the agencies in a difficult position as they would have to compensate the employers. The representative from Human Power echoed Top Manpower's problem in dealing with irresponsible and fickle-minded workers. The workers' lack of commitment has resulted in significant financial losses to the agencies. The representative from Me Yorn admitted to having charged the workers US\$110 but he said they had not charged them for passports, work permits, medical checkups, and placement services. He added that the company has suffered losses after news of this was reported in the media. It has caused many workers to withdraw from their applications or terminate their contracts. Some workers even boycotted going to Thailand on the scheduled date of their departure. He said that companies often have to bear a large part of the losses, with little or no support from any other institution. In his concluding remarks, Mr Seng Sakda reiterated the need to encourage workers from running away from their contractual obligations. In contrast with the situation in Thailand and Vietnam, Cambodian workers are not required to pay an advance to recruitment agencies. Because they have invested little prior to departure, Mr Seng Sakda explained that Cambodian workers are less committed to fulfilling their contractual obligations.

There were many suggestions from the participants on improving the protection of Cambodian migrant workers, including:

- Allow migrant workers to keep their own passports as passports are a form of formal and legal identification for them. Recruitment agencies could make clear in the employment contracts the items that the workers are entitled to possess.
- All contracts to be written in the Khmer language and read out many times to the workers before they sign them
- Ensure that workers fully understand the terms and conditions for employment and the implications of their agreeing to work overseas
- Recruitment agencies to provide regular reports to the MOLVT (both provincial and central) on the number of workers they have recruited and sent
- Recruitment agencies to be more transparent in their conduct and to provide timely assistance to migrant workers. This will prevent villagers from turning to irregular migration channels which will then affect the agencies negatively.
- Migrant workers to be better trained and educated. They should learn how to use the telephone and make overseas calls, particularly if they need to contact someone in Cambodia for assistance

D. UNIFEM Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers

Mr Khoun Bunny from UNIFEM introduced the participants to the UNIFEM Covenant of Ethical Conduct and Good Practices of Overseas Employment Service Providers. He cited the objectives of this covenant as: To stimulate discussion on why there is a need for professionalism, protections for migrant workers and principles of corporate social responsibility within the human resource recruitment and placement sector; To provide a forum for exchange of experiences among recruitment agencies on protections provided to women migrant workers and ways to put into practice the idea of corporate social responsibility; To identify practical activities at regional and national levels that will spread a culture of professionalism, protections for migrant workers and principles of corporate social responsibility, to maximize the development impact of migration; and To establish mechanisms to achieve these. Mr Khoun Bunny gave an overview of the processes in creating this covenant and explained the strategy and priority action that needs to be taken at the regional level (See Appendix C for Covenant). Although Cambodia was part of this process, it has not signed up for any initiatives to

be taken either nationally or regionally.

E. Best practices in labour migration management: the Philippine model

Ms Lee Chen Chen, Consultant with the UNIAP, presented the Philippine model and shared some of the best practices in labour migration management in the region. She outlined the Philippine Overseas Employment and Administration (POEA) as the main regulating body on labour migration in the Philippines and its role in supervising and monitoring the activities of private recruitment agencies. She explained the function of the Philippine Overseas Labour Offices (POLOs) and the Filipino Workers' Resource Centre in assisting Filipino workers in destination countries. She listed the Philippines' minimum standards for overseas employment contracts, including guaranteed wages for regular working hours, free transportation to and from worksite, repatriation of remains and belongings at expense of employer, one rest day per working week, procedures for settlement of disputes and so on. Ms Lee Chen Chen emphasized that the top priority of labour sending governments is to ensure the well-being of migrant workers and the payment of decent wages. The presentation ended with the sharing of some of the best practices in the region, including:

- Provide migrants with timely, comprehensive, and accurate information to help them make informed choices
- Full disclosure of terms and conditions at recruitment and in employment contracts
- Close supervision and monitoring of recruitment agencies
- Stiff penalties as an effective deterrent to malpractices
- Simplify rules and regulations for migration through formal channels so as to prevent corruption and abuse by officials, recruiters and employers
- Raise education and quality of workers to reduce their vulnerability
- Information dissemination on illegal migration and trafficking, especially in rural areas
- Country-specific approach such as bilateral agreements, restrictions or bans to be put in place

F. Presentation on safe migration and ILO conventions

Mr Khleang Rim from the ILO gave a presentation on what safe migration entails and the ILO conventions relevant to migrant workers. In particular, he drew the attention of the participants to ILO Convention No. 97 and 143 on Migration for Employment and Migrant Workers respectively. In the Asia Pacific region, only New Zealand and Sabah (Malaysia) have ratified Convention No. 97. On the other hand, Convention No. 143 has not been ratified by any of the 27 Asia-Pacific member States. Mr Khleang Rim highlighted certain provisions contained within the Private Employment Agencies Convention (No. 181) and its accompanying Recommendation (No. 188) that are relevant to combating human trafficking. For example, paragraph 8(b) of the Recommendation stipulates that Private Employment Agencies should 'inform migrant workers, as far as possible in their own language or in a language with which they are familiar, of the nature of the position offered and the applicable terms and conditions of employment'. Model employment contracts are one of the tools that should be used by recruiters to ensure that the rights of the migrant worker are respected and that situations of trafficking and forced labour are avoided. Mr Khleang Rim gave a list of some of the items that should be included in an employment contract.

G. Recruiting and sending Cambodian workers to overseas: perspectives of recruiters and employers

Two recruitment agencies were invited to present at the workshop: Top Manpower and Philimore Cambodia. Mr Orn Boonhak, CEO of Top Manpower, gave an overview of his company's modus

operandi in recruiting and sending Cambodians to work in Thailand. Firstly, a demand for workers needs to be given to the MOLVT. The recruitment agencies will then be informed of the demand, including the nature of the job, wages, working hours and workers' requirements, after which they can proceed to place a job advertisement. Cambodians have to undergo a medical examination certifying their good health before they qualify to work in Thailand. Although Thai labour laws do not require testing for HIV/AIDS, workers are required to test for six key diseases/conditions: tuberculosis, cholera, pregnancy, elephantiasis, drug addiction and substances in blood. Cambodians who pass the health test will have their passports made for them. Along with photographs, the passports will need to be endorsed by the MOLVT and the Ministry of Foreign Affairs before being submitted to Thailand for application for **calling visa** and a 2-year **non-immigration visa**. Upon receiving the visas, Top Manpower will then conduct pre-departure training for the workers, the content of which includes working and living conditions in Thailand; explanation of terms and conditions in the contract between the agency and workers, and in the contract between employers and workers; customs and norms in Thailand such as foreigners are not allowed to form unions in Thailand. Mr Orn Boonhak said that his company is in the process of drafting a set of guidelines for pre-departure training that will be reviewed by the MOLVT.

Mr Orn Boonhak said that the prevailing wages for Cambodian workers in Thailand are based on Thai labour laws. Since 1 January 2007, Thailand has enforced a minimum wage standard which differs from province to province. Bangkok commands the highest wage at 191 THB per day, followed by Phuket, Chonburi, Saraburi, and Nakornratchasima. The rate in Rayong is 161 THB per day, followed by Chiang Mai, Krabi, and Kanchanaburi. Payao and Nan are at the lowest of the scale at 144 THB per day. Top Manpower will try to negotiate for higher wages so that migrants can remit home 3,000-6,000 THB (US\$171) a month. They also encourage workers to work overtime and on weekends in order to earn more money. Top Manpower works with ACLEDA bank in creating bank accounts for migrants and assisting them with remittances. Mr Orn Boonhak said that his company suffers losses if workers do not fulfill their contractual obligations, therefore it is in their interest to ensure workers fully understand the terms and conditions of their employment and to provide a safe and decent work environment for the workers. He reminded the participants that migrant workers, like recruitment agencies and employers, have obligations to fulfill too. He cautioned NGOs and the media to be more discerning about the facts before jumping to accusations of malpractices by recruitment agencies. He also welcomed the involvement of human rights NGOs such as LICADHO as a witness during the signing of contracts.

Mr PK Sok Chanpheakdey, Director of Philimore Cambodia, gave a brief presentation on his company's background and operations. Philimore Cambodia has been established since 2002 and it is currently licensed to send Cambodian workers to Malaysia and Thailand. The company places emphasis on training workers and it has cooperated with several legal companies and NGOs in providing pre-departure training. Each training lasts two to six weeks and covers topics such as the English language, skills upgrading, culture and norms of destination countries. To date, Philimore Cambodia has sent over 1,000 Cambodian workers overseas.

Following the two presentations from Top Manpower and Philimore Cambodia, Mr Teh Sing, Vice President from CAMFEBA, gave a brief presentation on the mandate of CAMFEBA and its role in initiating the forming of the association of recruitment agencies. CAMFEBA stands for Cambodian Federation of Employers and Business Associations. It represents over 700 companies in Cambodia and has a representation in committees, working groups, seminars, conference etc at both national and regional level. With the technical and financial support of the ILO/Japan Project on Managing Cross-border Movement of Labour in South East Asia, CAMFEBA organized a workshop on 14 March 2007

to establish an association of recruitment agencies in Cambodia. The workshop was attended by 10 recruitment agencies; they reached a consensus on making Cambodia “a good sending country”. Mr Teh Sing said that the draft for the formation of the association has already been sent to all 13 licensed recruitment agencies and they envisaged the association to be formally established in the next one month. A Code of Practices will be drafted and adopted by all its members. CAMFEBA will continue to support the recruitment agencies in their capacity building. Mr Teh Sing encourages the active involvement of NGOS like CARAM, ADHOC, LICADHO, and the UN agencies in the forming of the association.

The question and answer session that followed saw a lively exchange between participants. A representative from UNIAP highlighted the need for recruitment agencies to exercise more caution in using independent brokers who are not properly trained and who are accountable to no one. It is not uncommon for brokers to deliberately mislead villagers in order to persuade them into agreeing to migrate. Therefore, recruitment agencies that employ the services of independent brokers should consider training them. CAMFEBA expressed their interest in supporting this. Mr Hou Vuthy from the MOLVT added that agencies have a responsibility to educate their brokers or agents on the agreement between them and the MOLVT. Furthermore, all job advertisements have to be disseminated in an ethical and transparent way; the terms of employment should not be misrepresented with the intention of getting more applicants.

The representative from LICADHO raised the question of how recruitment agencies decide on the amount of fees to charge. She also asked if the ILO or MOLVT is able to translate all relevant Thai laws and policies into the Khmer language so that they are accessible to Cambodian workers. In response, the representative from LSCW said that LSCW has already translated Thai Labour Laws into the Khmer language and they are happy to share this information with any interested individual or organization. He reiterated the need for the MOLVT to shorten the waiting time to obtain the proper documents and permits. The recruitment agencies suggested that the processing of any document should take *no more than 3 days*. Currently, it takes about two months to obtain a passport and 1.5 months to obtain a calling visa. This is one of the main obstacles faced by recruitment agencies. Last but not least, a representative from the Child Labour Department of the MOLVT said that it is important to keep upgrading the skills of Cambodian migrant workers. He suggested the MOLVT to conduct an assessment of current pre-departure training curriculum(s) to identify areas for improvement. Recruitment agencies should also undertake to provide more vocational training to workers so as to increase their competitiveness in overseas labour market.

CONCLUSIONS

In general, most of the participants agreed that the workshop had provided a forum for a fruitful exchange and interaction between all stakeholders, i.e. the recruitment agencies, NGOs and government ministries. It has allowed the MOLVT to clarify their policies and regulations on sending Cambodian workers overseas. It has provided the recruitment agencies an opportunity to voice some of their grievances and the challenges they face to the MOLVT. In addition, NGOs were able to gain a better understanding of the work of private recruitment agencies. This sharing of information and networking can be viewed as a basis for greater future collaboration among stakeholders. As Cambodia’s labour sending industry is still in its fledging stage, appropriate regulation and monitoring by the MOLVT and development organizations could help address the problem of exploitative labour brokerage practices.

All the participants agreed to adopt two sets of conclusions: one on the role of recruitment agencies in Cambodia and the other on the basic underlying principles in creating a code of conduct for private recruitment agencies. The conclusions reflect the discussion and debate of various issues that has taken place over the course of two days. They are not intended to contravene any existing policy or law of the MOLVT. It is important to note that *the conclusions have not been officially endorsed or adopted by any governmental ministry, company, or organization*. While they can be used as policy recommendations, they are not intended to be binding on any individual or business or institution that participated in the workshop. The application of these conclusions is at the discretion of the participants.

Conclusion A: Role of private recruitment agencies in Cambodia

Private recruitment agencies in Cambodia play an **important role** in:

- Facilitating Cambodian workers in finding paid work overseas
- Providing a safe and legal channel for migrant workers
- Assisting migrants in obtaining travel documents and work permits
- Alleviating domestic unemployment pressures by creating jobs outside of Cambodia
- Ensuring terms of employment are fair and acceptable to workers, recruitment agencies, and employers
- Ensuring basic rights of workers are protected under national laws and the laws of receiving countries
- Ensuring workers do not end up working in exploitative situations at destination countries
- Providing pre-departure training and orientation for workers
- Promoting vocational training and skills upgrading of workers
- Guaranteeing safe return of workers to Cambodia upon completion or termination of contracts

Conclusion B: Principles for establishing national guidelines for recruitment agencies

The **basic underlying principles** in establishing the national guidelines for private recruitment agencies in Cambodia are:

1. Cambodian migrant workers have fundamental human rights that are enshrined in the national Constitution and international human rights conventions
2. Recruitment agencies shall cooperate with the Royal Government of Cambodia and other key actors in promoting a safe and legal channel for migrant workers
3. Recruitment agencies shall observe the highest ethical and professional standards in the way they conduct their businesses
4. Recruitment agencies shall negotiate for a fair deal on behalf of workers, based on the prevailing laws and conditions in receiving countries
5. Recruitment agencies shall denounce unlawful recruitment practices and human trafficking, and cooperate with the Royal Government of Cambodia, UN agencies, NGOs and other key actors in preventing their occurrence

I. Closing speech by H.E. You Ay, Chair of COMMIT

In her closing speech, H.E. You Ay thanked all the participants for contributing to a successful workshop. She provided the background for PPC8 and congratulated UNIAP Cambodia for having produced a report that examined exploitative labour brokerage practices in Cambodia. She stressed that the problems relating to illegal migration and human trafficking are the responsibilities of the RGC, not merely that of the MOLVT. The MOWA takes a special interest in these issues as many

Cambodian women have been trafficked as a result of employing the services of illegal recruiters. H.E. You Ay said that migration management is a very complex issue and requires the cooperation of all stakeholders. In this regard, she encouraged the private recruitment agencies and NGOs to continue working closely with the MOLVT to promote safe migration for all Cambodian people.

Appendix A: Programme

DAY 1				
Time	Activity	Materials/ Info required	Resource person	Expected outcome
07.30 – 08.00	Registration			
08.00 – 08.30	Opening Ceremony	Welcoming / Explanatory Remarks	Co-organizers HE Oum Mean Mr Seng Sakda from MoLVT	
08.30 - 09.00	<i>Coffee Break</i>			
09.00 – 09.30	Conceptual clarification on trafficking, smuggling and labour migration	UN definitions Definitions by RGC	Ms Ly Vichuta from LSCW	Understanding of migration through regular & irregular channels, and how exploitation can occur at each stage
09.30 – 10.15	Small group activity on trafficking, smuggling and labour migration	Case studies	Ms Ly Vichuta & LSCW team	
10.15 – 10.30	Presentation on sub- decree 57, prakas & laws relevant to migrant workers	Sub-decree 57 New policies/prakas to better protect migrant workers	Mr Chuop Narath from MoLVT	Knowledge of government’s policies on recruitment, sending and protection of migrant workers Identify areas for improvements
10.30 – 10.45	Questions & Answers			
10.45 – 12.00	Critical analysis of recruiting and sending practices to Thailand and Questions & Answers	Introduction to procedures as stated in bilateral labour agreement with receiving country	Mr Seng Sakda from MoLVT	Updates on recruitment and sending to Thailand so far Sharing of problems and lessons learned Identify areas for improvement
12.00 – 13.30	<i>Lunch Break</i>			
13.30 – 14.30	Critical analysis of recruiting and sending practices to Malaysia, South Korea & Japan and Questions & Answers	Introduction to procedures as stated in bilateral labour agreement with receiving country	Mr Seng Sakda from MoLVT	Updates on recruitment and sending to Malaysia, South Korea & Japan so far Sharing of problems and lessons learned Identify areas for improvement
14.30 – 15.30	Presentation on UNIFEM ethical conduct & good practices for employment providers	UNIFEM’s covenant of ethical conduct and good practices	Mr Khoun Bunny from UNIFEM	Sharing of objectives of covenant and process in reaching the conclusion Discuss whether Cambodia can adopt a similar code of conduct for employment agencies
15.30 – 15.45	<i>Coffee Break</i>			
15.45 – 16.15	Sharing of Philippine model for labour sending	Labour migration management in Philippine	Ms Lee Chen Chen from UNIAP to give brief outline	Awareness of some of the best practices in region
16.15 – 16.45	Questions & Answers			
16.45 – 17.00	Closing remarks		HE Hou Vuthy from MoLVT	

DAY 2				
Time	Activity	Materials/ Info required	Resource person	Expected outcome
08.00 – 09.00	Presentation on ILO conventions and principles	ILO conventions and principles	Mr Khleang Rim from ILO	
09.00 – 10.00	Presentation on recruitment and sending practices		Representatives from Top Manpower & Philimore Cambodia	Knowledge of roles (including services provided) and mode of operations of recruitment agencies in Cambodia
10.00 – 10.30	<i>Coffee Break</i>			
10.30 – 11.00	Presentation on findings from workshop on organizing recruitment agencies	Conclusions from workshop	Mr Teh Sing from CAMFEBA	Sharing of agreement on forming Association of recruitment agencies
11.00 – 12.00	Questions & Answers		Mr Khleang Rim from ILO to moderate	Discussion of how current policy/legislative framework affect recruiting practices and migratory movements
12.00 – 13.30	<i>Lunch Break</i>			
13.30 – 15.00	Plenary discussion on guidelines for employment agencies		Mr Khoun Bunny from UNIFEM to moderate	Discussion and debate on guidelines for employment agencies Consider the outcomes to be derived from workshop
15.00 – 15.30	<i>Coffee Break</i>			
15.30 – 15.45	Summary of outcomes of workshop	Summary of outcomes of workshop	UNIAP	
15.45 – 16.00	Closing Remarks	Closing Remarks	HE Hou Vuthy from MoLVT HE You Ay from COMMIT	

Appendix B: List of participants

1. SENG SAKDA, Director General, MLVT
2. HOU VUTHY, Deputy Director General, MLVT
3. OUK RAVUTH, Chief of Officer, MLTV
4. MEY CHANVISAL, Deputy Chief of Office, MLVT
5. HAS BUNTHY, Director of Department of Labour and Vocational Training, Svay Rieng
6. PANG HATH, Labour Office Director of Department of Pursat
7. DUONG SAV VORN, Director, PDLVT Kampot
8. NET HOEURN, Director of Department of Labour and Vocational Training, Kampot
9. PANG SOKCHEA, Deputy Director of Department of Labor and Vocational Training, Siem Reap
10. PHOUNG CHEA, Director of Department of Labour and Vocational Training, Battambang
11. CHUOP NARATH, Deputy Director of Ministry of Labour and Vocational Training
12. CHAN VUTHA, Immigration Officer
13. ROTH, Director of Department of Labour and Vocational Training, Koh Kong
14. CHENG HEANG, Deputy Director, Kampong Cham
15. KEO MENG, Officer, Kampong Cham
16. SUN VANNA, Deputy Director of MWA
17. SAKHOEURN SAVADY, Deputy Director of Legal Department, MWA
18. PARNG VANNAKRETH, Director of MDLUT
19. DITH LAY HEAR, Director of MDLVT, Kep
20. KIN KEUN, Director of Department of Labour and Vocational Training, Pai Lin
21. LIEM CHHOEURTH, Deputy Director of MLVT, Battambang
22. THUL NEANG, Director of Department, Kandal
23. MAN YOUSER, Executive Director, Mean Chey
24. YIN KEO MENG, Staff, MLTV
25. PHALLY, Vice Chief of MLVT
26. SO PHALA, Staff, MLVT
27. KHY SORN, Deputy Department, MLVT
28. MEY VUTHY, Staff, Department of Employment and Manpower
29. MEAS SAMPHOS, Deputy of Department of Employment and Manpower
30. KHUN PISETHARA, Department of Employment and Manpower
31. EM BUNTHOEUN, Officer, Department of Employment and Manpower
32. THET SAMOEUN, Deputy of Department of Employment and Manpower
33. AN VANTHA, Department of Employment and Manpower
34. NETH SOPHORN, Department of Employment and Manpower
35. SAO VANNSEREYVUTH, Director International Cooperation, MOWA
36. CHHOUR VICHET, MD, Human Power
37. LHLEANG RIM, NPC, ILO
38. VENG TONG RATHA, Project Coordinator, ILO
39. SAN SYTHA, Assistant, UNIFEM
40. KRISTY FLEMING, Project Advisor, UNIAP
41. UNG VANNA, Project Assistant, UNIAP
42. LEE CHEN CHEN, Consultant, UNIAP
43. HIM PHALLINE, UNIAP
44. LY VICHITHA, Director, LSCW
45. MOM SOK CHAR, Project Officer, LSCW

46. SEN SANGKHIM, Project Officer, LSCW
47. THE SING, Vice President of CAMFEBA
48. NAVUTH YA, E.D, CARAM
49. KHLEANG SOVANNA, Program Officer, CARAM
50. SAO CHANHORM, Coordinator, LICADHO
51. NHEM KIM HOY
52. OR VORN, Deputy Director of Anti Human Trafficking
53. AY SOKHEMA, Deputy of Department of Anti Human Trafficking, MOI
54. NOP RATHA, MFA
55. SENG SET THYCHEY, Vice president, URG
56. CHEM SINITH, Mith Samlanh
57. NOUTH SOPHORN, Staff, DoCL
58. TANG SOPHEAK, Staff, DoCL
59. CHENG THOUH, Cambodian Television Network, CTN
60. HOUT RATHA, BAYON TV
61. TEP NIMOL, Reporter, FM 102
62. PHOUR RIN, Reporter, 93.5FM
63. ORN BOONHAK, Director, TOP
64. KENG SOVANNARANN, Marketing Manager, TOP
65. TONI PALONBI, Project Assistant, FI
66. NUON SOTHY RITH, General secretary, CWLFU
67. CHHUN AT, Marketing, C MEY YORN
68. NHEM RADA, STD
69. KONG SOPHEAK, STP
70. SOK NEAN PHEAKDEY, PMC
71. LEANG LIM HEANG, Staff, CDM
72. PHEAP SOPHORN, Staff, CLS
73. RAT THEY, UC
74. LIM MONY, ADHOC
75. ROTH RANINE, Staff, MLOV
76. PEN SETHA, Staff, MLOV
77. KAT THEARY, Administrator, CVC
78. YOU AH, Administrator, CVC,
79. LONG CHANTHA, Assistant to Director, HRD