

LABOUR MIGRATION FROM CAMBODIA A FACT SHEET



NUMBER OF CAMBODIAN MIGRANT WORKERS

- In 2004, there were over 180,000 Cambodian workers registered in Thailand. Approximately 110,000 of these migrants held work permits.
- The Memorandum of Understanding on Cooperation in Employment of Workers with Thailand came into effect in 2006 and by June 2007, 3,628 Cambodians had been recruited and sent to Thailand under the MOU.
- There are a significant number of unregistered workers in Thailand. The IOM has estimated that there are about 80,000 unregistered Cambodian workers in Thailand.
- Between 2003 and 2006, 9,154 Cambodians were registered and sent to work in Malaysia, the Republic of Korea and Saudi Arabia (Ministry of Labour and Vocational Training)

WHERE DO THEY WORK?

- Approximately half of the registered migrant workers in Thailand live in the eastern provinces of Chonburi, Trat and Rayong.
- In Thailand, most Cambodian migrant workers work in the fishing, agriculture and construction industries, but a significant percentage also works in the domestic services sector.

Employment needs, quota and extension of work permit for irregular immigrant workers in Thailand, Cambodian Nationality 2004*			
Sector	Activities		
	Immigrant worker demand	Quota	Work permits issued
Fishery	47.867	46.811	23.217
Agriculture and livestock	66.508	58.906	20.544
Construction	58.016	56.488	27.646
Household servant	12.240	11.363	8.258

*Office of Foreign Workers Administration, department of Employment, Ministry of Labour, on 31 May 2005 (reported by Asian Research Center for Migration)

DEMAND FOR CAMBODIAN WORKERS EXCEEDS SUPPLY

The data on the registration process shows that the demand for migrant workers by Thai employers exceeds the official quota in each sector. In each sector, the quota of work permits was not filled.



NATIONAL LEGISLATION ON LABOUR RECRUITMENT

Sub-Decree 57 on sending Khmer Migrants Abroad, 1995

- Is the most important law regulating labour migration management from Cambodia
- Gives the Ministry of Labour and Vocational training (MOLVT) the authority to license any company to send Cambodian workers abroad.
- Sets the basis for cooperation of the MOLVT and the Ministry of Interior (MOI) for issuing passports and the Ministry of Foreign Affairs (MFA) in monitoring workers at destination countries.
- Details the processes and procedures of cooperation between the MOLVT and private recruitment agencies, including the obligation for the recruitment agencies to sign a written contract with the worker and to organise pre-departure training.
- Sets the criteria for licensing such the deposit of a guarantee fund within the MOLVT.

Sub-decree 70, 2006

- Complements Sub-decree 57 by creating a Manpower Training and Overseas sending Board to act as a public agency for recruiting, training, sending and managing Cambodian workers to work overseas.

Prakas 108, 2006,

- Deals specifically with education and awareness raising on health related issues, particularly HIV/AIDS to Cambodian migrant workers and their families.

Prakas 012, 2007 on the “creation of a Labour Migration taskforce”

- Develops and implements policies and action plans under the Labour Migration Section of the MOLVT.



INTERNATIONAL AND REGIONAL INSTRUMENTS

Cambodia has ratified all of the eight **Fundamental ILO Conventions** about people's rights at work.

Cambodia has signed but has not yet ratified the **1990 UN Convention on the Protection of the Rights of all Migrant Workers and Members of their families**.

Cambodia has not yet signed or ratified the Convention No. 97 on Migration for Employment (Revised), 1949, Convention No. 143 on Migrant Workers (Supplementary Provisions), 1975 and Convention No. 181 on Private Employment Agencies, 1997.

Cambodia cooperates with Malaysia, the Republic of Korea and Thailand about labour issues.

The **Memorandum of Understanding on Cooperation in Employment of Workers** with Thailand was signed in 2003 and recruitment of Khmer workers under this MOU started in 2006. The MOU is based on the principles in the 1999 Bangkok Declaration on Irregular Migration and requires regular consultation at senior or ministerial level at least once a year.

The first article of the MOU lists its 4 main areas of application:

- proper employment procedures
- collaboration or effective repatriation of workers
- due protection of workers
- prevention and effective action against illegal border crossing, trafficking and illegal employment



THE RECRUITMENT PROCESS

Thirteen private recruitment agencies are currently licensed by the MoLVT. Twelve of these agencies recruit workers for employment in Thailand and one for Malaysia.

Migration to Thailand through a recruitment agent takes between 2 and 4 months.



KEY CHALLENGES FOR SAFE RECRUITMENT

Recent research in Cambodia and Thailand indicates that there are several key challenges for safe migrant recruitment in Cambodia:

- Many migrant workers perceive formal recruitment as slow and expensive.

- Informal recruitment remains a popular alternative to formal recruitment channels.
- The expectations of many migrant workers and employers are not being met - many workers end up working in jobs that do not match their expectations and employers are often disappointed when workers terminate their employment contract early.
- Migrant workers who use formal recruitment channels are not necessarily enjoying better protection of their rights and interests than workers who migrate informally. Areas of vulnerability for migrant workers include recruitment fees, deduction of salaries, pre-departure information and training, contract substitution, employment contracts and mechanisms of recourse.
- The existing laws and policies are not being enforced effectively and consistently, which allows recruitment malpractices to persist.

WORKING CONDITIONS FOR MIGRANT WORKERS

A 2005 study of migrants working in Thailand in the sectors of agriculture, domestic work, fishing boats/fish processing and small scale manufacturing found that many migrant workers experience exploitative working conditions.

- More than 40% of migrant domestic workers were paid only 1,000 Baht per month – or less. Nearly nine-out-of-ten (89%) received 3,000 Baht or less.
- Around 20% of migrants on fishing boats claimed they were forced to work.
- More than 90% of workers in three sectors had no written contract (the question was not asked of domestic workers). Less than half of them were in possession of their original identity documents.
- More than 75% of those registered to work in the fishing sectors did not have access to their documents which were held by their employers.
- Around 60% of migrant domestic workers weren't allowed to leave the premises to meet with others and 8% claimed they had been physically confined or 'locked up' by the employer
- Nearly half (45%) of those in the fishing sectors and about four out of every five (82%) domestic workers say they work more than 12 hours per day
- Nearly four-out-of-five domestic workers (79%) had no regular day off per month – and the same was true for more than two-thirds of migrant respondents in agriculture (67%)



RECOMMENDED GUIDELINES ON THE RECRUITMENT OF MIGRANT WORKERS

Representatives from the Governments of China, Cambodia, Laos, Thailand and Vietnam, workers' organisations, employers' organisations and United Nations and international organisations have worked together to develop recommended guidelines on the recruitment of migrant workers.

The guidelines articulate agreed good practices for the recruitment of migrant workers in the Greater Mekong Sub-region. The guidelines cover the topics of:

- pre-departure procedures and services
- regulation of recruitment agencies
- fees for recruitment services, and
- working conditions and rights.