

MOU

Between

The Government of Lao People's Democratic Republic

and

**The Government of the Kingdom of Thailand
On Labour Co-operation**

The government of Lao People's Democratic Republic and the Government of the Kingdom of Thailand, hereinafter called "the parties";

With the concern of the problem of human trafficking activities, the problem, which is widely spread in the region and brings serious impacts to the social and economic systems, and it is the problem caused by extensive illegal labour employment.

Being aware of the principles provided in the "Bangkok Declaration on Illegal Migration, 1999"

With the strong desire to increase the co-operation for mutual benefits of the two countries, therefore, it has been agreed as follows:

OBJECTIVES AND SCOPE OF CO-OPERATION

Article 1

The parties will apply the following necessary measures:

- 1) Appropriate employment procedures.
- 2) Effective measures for the return of labourers after termination of employment contracts or for those returning home as a result of repatriation programs by the sectors concerned of the parties.
- 3) Proper labour control by the two parties.
- 4) The prevention and suppression of illegal migration, trafficking and illegal employment.

This MOU does not cover other regular official employment activities in accordance with the laws of the two parties.

AUTHORITATIVE RESPONSIBLE BODIES

Article 2

The Ministry of Labour and Social Welfare of the Lao Peoples' Democratic Republic and The Ministry of Labour of the Kingdom of Thailand are the bodies with responsibilities and rights to perform actions for the purpose of this MOU.

Article 3

The responsible bodies of the parties shall hold meetings between senior officials on a regular basis and/or meetings of ministerial level at least once a year by switching the turns to host the meetings to discuss about issues related to the enforcement of this MOU.

RESPONSIBILITIES AND PROCEDURES

Article 4

Employments shall take place only when permission are given by the authoritative bodies of the two parties before hand, and the two responsible bodies shall give he permissions only when employment procedures are conducted in accordance with the laws of each party.

The Responsible bodies may cancel or withdraw the permissions mentioned above at any time to ensure proper enforcement of the laws and regulations of each party.

The cancellation and withdrawal mentioned in paragraph 2 shall not have any impact to particular issues which have already been enforced before the date of cancellation or withdrawal.

Article 5

The authoritative body of one party shall notify the authoritative body of the other party concerning the need of employment in terms of quantity, time, qualification, conditions and benefits offered by any employers.

Article 6

The authoritative body of one party shall provide the authoritative body of the other party with lists of job applicants with information on age, addresses, reference persons, education back ground, and other experience which are necessary for the consideration of employers.

Article 7

Responsible bodies of the two parties shall cooperate with immigration authorities and other state organizations to enable the applicants, who are selected and given the permission as mentioned in article 4, to go through the normal procedures of formalities as follows:

- 1) Arrangement of visa and immigration documents.
- 2) Obtaining work permits.
- 3) Health assurance or health services
- 4) Payment to the fund for the arrangement of returning activities as prescribed by the authoritative body of each party.
- 5) Customs and other formalities to follow accordingly.

Article 8

Authoritative bodies must keep records of those who have received work permits in accordance with this MOU. Authoritative bodies of the two countries will keep records of those who have officially returned home from work after termination of employment. Such records shall be retained for at least 4 years starting from the date of official return or after the date of employment termination in order to provide evidence for checking purposes.

RETURNING AND REPATRIATION ARRANGEMENT

Article 9

Except for the case otherwise stipulated herein, the employment period for each person must not exceed 2 years. In case, where it is necessary, an extension is permitted for another 2 years. For all cases, an employment period for each person shall not exceed 4 years. Apart from this, termination may take place before the end of employment period.

After 3 years of the termination of employment, any labourer can apply for another employment, except for the case that the employment of such labourer was not terminated due to an act of violation of his/her employment contract.

Article 10

The parties must provide co-operation to send labourers back to their home countries when their employment periods are terminated.

Article 11

Authoritative authorities shall set up a fund to be used for sending the labourers back to their home countries by collecting an amount of 15% of each labourer's salary of each month to be able to organize official return of the labourers.

Article 12

Labourers, who wish to return home, have the right to get their money accumulated from the payment to the returning fund in full amount with interest by submitting a letter of request for withdrawal of the money 3 months prior to the date of returning home and such money must be returned to the labourer within 45 days after the termination of employment.

Article 13

In case a labourer is in the period of traveling across the border which is in the period of employment and such labourer has fulfilled all the formalities as

required by authoritative bodies, the case shall not be considered as cancellation of employment as prescribed in article 4.

Article 14

authoritative bodies of the country of employment shall identify the procedures and documents to be used for the application as stated in article 12.

Article 15

The right to receive the accumulated deposit from the returning fund shall be void if labourers do not identify themselves with the authoritative bodies in their home country after termination of their employment.

Article 16

Authoritative bodies in the country of employment shall withdraw money from the returning fund to be utilized for activities to return the labourers back to their home country.

LABOUR CONTROL

Article 17

Each party shall control the labour in accordance with relevant laws of each country.

Article 18

Labourers of the parties shall receive their wages and other benefits according to the local wage rates without exception of male or females, race and religion.

Article 19

Any disputes between labourers and their employers concerning employment issues shall be considered and solved by authoritative bodies in accordance with the laws and regulations of the country of employment.

MEASURES TO ILLEGAL EMPLOYMENT

Article 20

The parties shall apply all necessary measures within the territory of each party to prevent and suppress illegal cross-border migration activities, trafficking of labour and illegal employment.

Article 21

The parties shall exchange information regarding activities in human trafficking, illegal immigration, trafficking of labour and illegal employment.

AMENDMENT

Article 22

Any amendment and additional information to this MOU shall be made only by mutual agreement of the two parties by means of diplomatic relation.

SETTLEMENT OF DISPUTES

Article 23

The settlement of disputes, which may arise from this MOU, shall be considered by mutual understanding in the friendly manner between the two parties.

ENFORCEMENT AND CANCELLATION

Article 24

This MOU shall come into force upon the date of signature, except for the case that one party may notify for cancellation in writing. Such cancellation shall be effective within 3 months after the date of submitting the notification.

In presence of witness, the signatories are assigned by their respective governments to sign this MOU.

This MOU is signed in Vientiane, Lao People's Democratic Republic, on 18 October 2002 in Lao and Thai languages, and the two languages have the same value of all aspects.

For the Government of
Lao People's Democratic Republic
Thailand

For the Government of
The Kingdom of

Somphanh Phengkhamy
Minister of Labour and Social Welfare

Suwat Liptaphunlop
Minister of Labour