

**MEMORANDUM OF UNDERSTANDING
BETWEEN TRADE UNIONS IN CAMBODIA AND TRADE UNIONS IN THAILAND ON
PROTECTION OF MIGRANT WORKERS' RIGHTS**

PREAMBLE

The Trade Unions in Cambodia undersigned and the Trade Unions in Thailand undersigned, are hereinafter referred as “the parties”.

The parties agreed to develop a Memorandum of Understanding (MOU) with a view to facilitating joint activities on protection of migrant workers’ rights. The MOU promotes a rights-based policy when dealing with issues related to the protection, education and organizing of migrant workers.

The outline of this MOU is guided by the ACTRAV trade union manual, “In Search of Decent Workers – Migrant Workers’ Rights”, which aims at assisting trade union organisations to carry out activities based on the ILO instruments (C97 and C143) and various resolutions concerning labour migration, adopted by the international and regional trade union movement.

By signing this MOU, the parties are:

AFFIRMING the importance of migration for employment between Cambodia and Thailand and its positive contribution to the economies of both countries;

CONVINCING that the benefits of labour migration can be maximized through the effective governance system and respect for workers’ human and labour rights, enshrined by ILO Fundamental Principles and Rights at Work adopted at International Labour Conference, 1998 as well as within the concepts of ILO decent work;

ASCERTAINING that the situation of migrant workers should be addressed through the principles of international trade union solidarity, social justice, equal treatment, equal opportunity, and gender equity;

REAFFIRMING that freedom of association and the right to collective bargaining are a central and non-negotiable principle.

KEY PRINCIPLES

Both parties have agreed on the following key principles in addressing issues related to the rights of migrant workers:

- The Provisions of the ILO Constitution and the Philadelphia Declaration, proclaiming that labour is not a commodity;
- The ILO Multilateral Framework on Labour Migration which, affirming that all ILO Conventions apply equally to migrant workers, regardless of their status;
- The principles of ILO Conventions No.97 on Migration for Employment, 1949, and No.143 on Migrant Workers (Supplementary Provisions), 1975, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990;

- Provisions of national and international laws and jurisprudence to the effect that once an employment relationship has been established, all workers should enjoy the full panoply of labour rights.

TRADE UNION CAMPAIGNS AND ACTIONS

The parties have agreed to carry out joint trade union campaigns as following:

- Action 1: To raise awareness for potential and migrant workers in both sending and receiving countries concerning labour rights. To provide pre-departure training in the sending country concerning the subject of basic labour rights, culture and tradition and orientation programme in the receiving country concerning the subject of occupational health and safety and helpline contact numbers including the migrant resource center;
- Action 2: To cooperate on the promotion, ratification and implementation of ILO Conventions No. 87 (freedom of association), No. 98 (the right to collective bargaining), No. 97 (migration for employment) and No. 143 (migrant workers (supplementary provision)) as well as the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 1990 and to revise the legislation in line with the international instruments;
- Action 3: To raise the specific concerns of migrant workers in their national tripartite labour committees and encourage affiliated unions to integrate migrant workers in their collective bargaining agreement with the employers;
- Action 4: To take specific measures to address occupational health and safety concerns of migrant workers, particularly in hazardous, dangerous working conditions, as well as to promote special protection for the vulnerable workers in domestic, fishing and agricultural sectors;
- Action 5: To make joint efforts to lobby the concerned governments to revise the laws hindering the rights and benefits of migrant workers, especially with regard to the OSH Act, the Workmen's Compensation Act and the Alien Working Act;
- Action 6: To set up a migrant workers' consultative body and a special migrant workers' desk, within their respective organization to provide protection to the case of abuses and violation of labour rights and to reach out and organize migrant workers in both countries;
- Action 7: To encourage affiliated unions in both countries to build up cooperation in areas of registration of migrant workers as union members and selection of migrant workers' representatives in order to timely respond to the problems facing migrant workers and their communities; to encourage the migrants' communities to affiliate the existing unions;
- Action 8: To propose the Ministry of Labour in Thailand to organise a national contest for the "Prize of Best Employers of Migrant Workers" in the sectors where the majority of migrant workers are employed (the similar event shall be held with the recruitment agencies in Cambodia) and the awards will be presented at the International Migrants' Day on 18 December;

Action 9: To organize annual cross-border meetings and joint evaluation of progress made in the implementation of this MOU and for improvements as appropriate;

Action 10: To jointly initiate with the recruitment agencies' association(s) and the concerned government authority to develop a model employment contract for migrant workers, based on the principles of international labour standards and national legislations in both countries;

Action 11: To lobby the Thai government to change a policy to hire Cambodian translators who can help provide translation services to the migrant workers who are in need; to develop visualized advocacy materials (like cartoons) in Khmer for migrant workers;

Action 12: To actively engage in tripartite consultation and decision-making mechanisms to address the concern of migrant workers on social protection and assure that all migrant workers who are insured have full rights and benefits of social protection as equivalent as Thai workers; and

Action 13: To work together to set up a referral mechanism and reintegration activities for return migrant workers in the sending country.

IN WITNESS WHEREOF, both parties have signed this MOU in English with the technical assistance of the ILO Bangkok. The MOU will be translated into Thai and Khmer.

Prior to the revision or nullification of the MOU, both parties will discuss and agree on it. The MOU shall be effective upon signature.

On November 11, 2013 in Rayong, Thailand

With representatives of the undersigned trade unions

Chuon Mom Thol, President

Cambodian Confederation of Trade Unions
(CCTU)

Som Aun, President,

National Union Alliance of Chamber of
Cambodian (NACC)

Ath Thorn, President

Cambodian Labour Confederation (CLC)

Thavee Techateeravat, President

Thai Trade Unions Council (TTUC)

Hussachai Phayaban, Executive Committee for
Organising,

Labour Congress of Thailand (LCT)

Tawatchai Pholcharoen, Vice-President

National Congress of Private Industrial
Employees (NCPE)