

AGREEMENT ON THE EMPLOYMENT OF WORKERS
between
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
and
THE GOVERNMENT OF THE KINGDOM OF THAILAND

Pursuant to the Article 6 of the Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Labour Cooperation 2015; the Government of the Kingdom of Cambodia represented by the Ministry of Labour and Vocational Training, and the Government of the Kingdom of Thailand represented by the Ministry of Labour (hereinafter referred to jointly as the “Parties” and individually as the “Party”). Have reached the following agreement:

Article 1

Purpose

The purpose of this Agreement on the Employment of Workers (hereinafter referred to as the “Agreement”) is to develop and expand cooperation between the Parties and establish a concrete framework for facilitating contractual employment of workers in the territory of the Parties in an efficient, transparent, rights-based and cost effective manner.

In this regard, both Parties shall take necessary measures to ensure that:

- a. Proper procedures for employment of workers are followed;
- b. Procedures on repatriation of workers who have completed the terms and conditions of employment contract to their country of origin are effective;
- c. Workers are entitled to obtain legal protections in accordance with the employment contract and shall abide by laws of the other Party.

Article 2

Definitions

For the purpose of this Agreement;

a. "Worker" means a citizen from the Party who is recruited and voluntarily enters the territory of the other Party for employment under this Agreement and agrees to work legally for an employer to earn wages and other benefits in return under the definite term of employment contract and other relevant provisions of the receiving country.

b. "Employer" means a business enterprise or a business owner or an individual person who employs the workers from the sending country pursuant to the relevant rules and laws of the receiving country;

c. "Sending Agency" means the Government Agency authorized by the competent authority and the agency (ies) approved by competent authority or by such authorized Government Agency to recruit and send the workers to work in the receiving country under this Agreement;

d. "Receiving Agency" means the Government Agency authorized by the competent authority and the agency (ies) approved by competent authority or by such authorized Government Agency to receive the workers from the sending agency to work in the receiving country under this Agreement.

Article 3

Competent Authority

For the purpose of the implementation of this Agreement, the competent authorities shall be:

a. Ministry of Labour and Vocational Training on behalf of the Government of the Kingdom of Cambodia;

b. Ministry of Labour on behalf of the Government of the Kingdom of Thailand.

Article 4

Application of Law

1. The recruitment of workers and their entry into the territory of the other Party for employment shall be regulated in accordance with relevant laws, rules and procedures of both countries.

2. The workers shall abide by local customs, traditions, laws, rules and regulations of the receiving country and shall not take part or interfere in political affairs or any other internal matters of the receiving country.

3. The workers shall contribute to the funds, if any, in pursuant to the laws and regulations of both countries.

4. The workers shall pay taxes, fees, and other relevant dues as required by the laws and regulations of both countries.

Article 5

Legal Protection of Workers

1. Workers who entered the territory of the receiving country for employment under this Agreement shall be entitled to the same fair treatments as enjoyed by local workers based on the basic principles of non-discrimination and equality, regardless of gender, ethnic and religious differences.

2. Workers who entered the territory of the receiving country for employment under this Agreement shall obtain protection, rights and benefits in accordance with the employment contracts, labour laws and regulations in force in the receiving country.

3. Workers can transfer their money and rightful property.

4. Workers have full rights and access to due process in cases of labour violations.

5. In situations where work conditions are abusive, exploitative or become untenable or employment contract has been terminated before its due date and the termination is not from his/her fault, the government authority shall make effort to find the new employer for the duration remains in his/her work permit, in accordance with the laws of the receiving country.

Article 6

Sending and Receiving Process

1. The sending agency shall have the transparent and efficient system for the registration of their own workers who are willing to be recruited to work abroad under this Agreement.
2. The Parties shall take all necessary measures to ensure proper procedures for employment of workers.
3. The competent authority of the receiving country shall inform its counterpart of the name list of permitted employers who have indicated their intention to employ foreign workers, including the number of workers, qualification of workers required, conditions of employment and offered remuneration.
4. The competent authority of the sending country shall inform its counterpart of the name list of workers who pass the recruitment process and the medical checkup as agreed by the Parties. The selected workers shall be offered an employment contract before travelling to the receiving country.
5. The competent authority shall establish the measures to ensure that the employment contract shall be directly concluded between worker and employer and shall be signed by worker and employer or legally authorized representative of employer.

Article 7

Employment Contract

1. The employment contract, approved by the competent authority of the receiving country, shall be concluded between the worker and the employer for the duration of two (2) years. The term of employment contract is extendable, if necessary, for another two (2) years. After completion of the term of employment, the worker shall return to their country of origin.

In the case of re-applying for employment in the receiving country, a worker needs to return to their country and a thirty (30) days break is required before re-applying for employment.

2. The worker is allowed to work only after he/she is granted the work permit by the competent authority of the receiving country and the worker shall work only for the permitted employer and in the permitted area (s) as recorded in the work permit.

3. The worker who will be employed under this Agreement must be at least eighteen (18) years of age.

4. In the event of an accident or serious illness or death of the workers during the term of employment contract, the employers shall notify to the competent authority of the receiving country and to the embassy of the sending country located in the receiving country.

5. The sending agency shall provide the workers with a copy of the employment contract.

6. For the reason of safety and health for the foreign workers, employers shall arrange the proper and hygienic accommodation for workers and workers should be accommodated in the arranged premises.

Article 8

Authentication

The employment contract and all other documents relating to the employment of workers shall be done in Cambodian, Thai and English.

Article 9

Orientation and Preliminary Education of Workers

1. The competent authority shall provide its counterpart with information on language, religion, living and working conditions in the receiving country, including information on workers' rights, and complaint mechanism, workers' duties and benefits under the laws and regulations of the receiving country.

2. The sending agency shall conduct a mandatory orientation free of charge for the workers concerning the information as prescribed in Paragraph 1 of Article 9 including contents of the employment contract or written offer of employment sent by the employers to the workers to ensure that workers have clear understanding of the terms and conditions of their employment.

Article 10

Visa, Work Permit and Health Services

The competent authorities shall coordinate with their authorities concerned to ensure that workers, who have been selected and duly permitted pursuant to the laws and regulations of the sending country, have fulfilled in pursuant of the laws and regulations of the receiving country, inter alia, the following requirements;

1. Visa;
2. Work permit;
3. Health insurance or health services as required.

Article 11

Return and Repatriation

1. The Parties shall extend their fullest cooperation to ensure that the worker who has completed his/her term of employment contract is repatriated to the country of origin with all repatriation costs responsible by the employer.

2. If a worker's employment contract has been terminated before its due date resulted from the fault of the worker, then he/she shall return to the country of origin on his/her expense.

3. The competent authorities of both Parties shall be responsible for administrating the name list of workers permitted to work under this Agreement. The competent authorities shall keep the name list of workers who have returned to their country of origin at the end of their employment for the purpose of reference and review.

4. The employers shall notify the competent authority of the receiving country the name list of workers who have left their employment either by the completion of their employment term or any other reasons. The competent

authority of the receiving country shall, in turn, provide such name list to the competent authority of the sending country.

Article 12
Dispute Settlement

Any dispute occurred between the workers and employers regarding the employment shall be settled by the Government Agencies concerned in accordance with laws and regulations of the receiving country.

Article 13
Cooperation on Implementation

1. The Parties shall take all necessary measures, in their respective territory, to prevent and suppress illegal border crossing, human trafficking for employment and illegal employment of foreign workers.

2. The competent authorities of the Parties shall conduct meeting on the implementation of the Agreement periodically for senior officials.

3. The competent authorities of the Parties through the coordinating officers shall work together to solve problems as well as protecting rights and benefits of workers in accordance with the employment contract including laws and regulations of the receiving country.

Article 14
Amendment

1. Any changes of this Agreement shall be made by mutual consent through negotiation between both Parties.

2. The Parties may revise, amend or modify all parts of this Agreement by mutual consent through diplomatic channels.

Article 15
Entry into Force and Termination

1. This Agreement shall enter into force on the date of signature by the Parties.

2. This Agreement shall be effective for two (2) years, and may be renewed upon mutual consent and shall remain effective during its renewal process unless either Party requests to terminate its effectiveness.

3. Either Party may request to terminate this Agreement or suspend the implementation of this Agreement on any reasonable ground by presenting written notice to the other Party.

4. The termination shall take effect sixty (60) days after the date of presenting written notice to the other Party.

5. The termination of this Agreement shall not affect the validity and duration of any employment contract until the completion of such contract.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Bangkok, Thailand on this 19th day of December 2015, in the English language.

FOR THE GOVERNMENT OF
THE KINGDOM OF CAMBODIA

FOR THE GOVERNMENT OF
THE KINGDOM OF THAILAND



(Ith Samheng)

Minister of Labour and Vocational Training

General



(Sirichai Distakul)

Minister of Labour