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Migration of Cambodian Workers

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#### Abstract

ABTRACT

Migration for work is a common thing in many places in the Greater Mekong Sub-region. People who are living along the border get into their workplaces in the neighboring countries every day by just crossing the border for many years. However, the movement with the wrong guidance and with no management has led people into the high risk affected by exploitation or become the victims of human trafficking as offenders promising them a better job in the industry sector or somewhere else in destination country.

The emigration is an issue arising in Cambodia. The serious increase in multicategories of emigration attracted the impression by the Royal Government of Cambodia who acknowledged the impact on the long term policy for emigration. The emigration, however, it is punctual or not punctual, it is realized that constitutes the provision action in a nation with lower employment opportunity. Therefore, such research must reply to the following research questions: -What factor does cause the flow of emigration manpower? -How is better juridical standard performance of the Royal Government? -How is the legality of the manpower recruitment company to better the manpower migration?

Such research aims mainly to protect, vanquish and prevent the manpower migration that always occurred frequently in our current Cambodia society in which such research aims to research on: -The juridical standard performance of the Cambodian manpower migration life -Efficiency of the other operational policies -Household economic progress of the Cambodian emigration manpower and ASEAN Association.

The study shows that: 1- Only 52 percent of women serving as the maids have the appropriate age for domestic work in Malaysia, according to the law, both in Cambodia and Malaysia.

In addition, more than 20 percent are under 18 years old at the time of predeparture training and another 25 percent are between the ages of $18-21$ years.

2- 18.2 per cent of the workers who have chosen as the study sample endured with abuse during pre-departure training and they did not get any training even they are entitled under the law.


Cambodian law requires migrant workers recruitment agency trains the migrants on the work system, custom-tradition and fundamental laws of the destination country. But the majority of samplers reported that they just get only pre-departure training on work skills and language and there is so little on cultural and law training. In these trainings, it has been reporting that there were enduring with abuse. 14 women ( $18.2 \%$ ) described the threat and another 14 women ( 18.1 percent) indicated that they had been abused by words from the recruitment agency's trainers.

3- The contract of the recruitment agency rarely meets the minimum requirements of the law.
14 among 77 interviewed migrant workers (18.1 percent) said they did not understand the contract, or the consequences of the breakdown contract. Workers who said they understand the terms of their contracts, the majority stated that they know only the duration of the contract ( 43 respondents, or 55.8 per cent). 10 workers (10 percent) indicated that they did not receive any information about the conditions in the contract.

4- There is no standard policy or defined pay and recruitment agency fees. The total amount (both payments and fees) paid to recruitment agencies, is between \$ 2000 and \$ 2676 for maid worker.

Cambodia migrant samplers have to pay the recruitment agency fees between $\$ 810$ and $\$ 1200$, while the price paid by the agency to the Malaysian Employers is between \$ 1190 and \$ 1529 . However, it found that female domestic workers are responsible for these fees paid by their employers, and they worked from 4-5 months to 12 months without wages to pay.

5- 68 workers ( 88.3 percent) reported that their salary were docked and about $1 / 3$ of them (20 of 68) reported to be cheated by this dock.
17 workers ( 22.1 per cent) felt that they are being exploited, while these women really did not get paid less than women who are exploited. It found that there is a discrepancy between the salary promised by recruiters and agencies compared to actual wage which has been exploited. Those who have completed two full years under the contract are likely to get paid as promised by the recruitment agencies. However, 74 percent of maid workers reported that salaries were delayed, 61 percent of those actually get all the pay for the period of the contract which is again to the Malaysia law.

6- The law related to the environmental monitoring at workplace in the destination countries remains unclear. Only 8 workers ( 7.7 percent) reported that there is a monitoring at their workplace.
7- Both in Malaysia and Cambodia, the complaints and dispute resolution/or reliance on legislation mechanism is limited as migrants have to get through the lengthy procedures.
85.7 per cent of the answers related to the complaint and its process showing the negative result. Therefore, migrant workers do not seem to have any complains about the failure in complain mechanism. Migrant domestic workers have undermined the main provisions governing complaining procedures and resolving under the Malaysian labor law. Cambodian migrants have therefore provided minimal protection.

Currently, there are 28 recruitment agencies licensing from MOLVT. These include both MOLVT and 2 NGOs. Workers in the sampling of 77 domestic workers were those who were registered in 9 agencies.

However, both men and women migrants are facing with being as the victims. Some, fall into crime (illegal immigrants or illegal workers) that have been imprisoned or punished. Some are being trafficked to other countries suffering from all forms of exploitation and waste the time, resources, strength, honor, dignity, and remain fall into poverty, which turn to be the government's burden inevitably.

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## THESIS ABTRACT

The Royal Government of Cambodia continues to prepare and write the policy on the emigration (migration) of the Cambodian manpower forces to abroad as a mean to increase the local economic growth and fight against the unemployment. The main goal for the Cambodian manpower has South Korea, Malaysia and Thailand.

The emigration is an issue arising in Cambodia. The serious increase in multicategories of emigration attracted the impression by the Royal Government of Cambodia who acknowledged the impact on the long term policy for emigration. The emigration, however, it is punctual or not punctual, it is realized that constitutes the provision action in a nation with lower employment opportunity. Therefore, such research must reply to the following research questions:
-What factor does cause the flow of emigration manpower?
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Such research obtained good result, we used the second data, the existing data such as speech, statement, bulletin, press, magazine and newspaper with clear sources. Moreover, in order for such research is getting more perfect, also obliged to have some legal documents in connection with this thesis such as the Royal Decree, Sub-decree, Prakas, Notification.

Most of the emigration of the Cambodian people is the resident at the districts, villages or rural areas that is the local relocation. This, in accordance with the National Institute of Statistics of Cambodia, the number of immigrants of the Cambodian people is $35 \%$ ( 35 percents). However, also the percentage of emigration we realized that the men emigration is more than women. Most of emigrants are younger (their ages from $15-25$ ) is $30 \%$ ( 30 percents). The factor to cause them to emigration because
they have not house, land and severe living standard, therefore, they emigrated to find standard of living (Maltoni, Bruno 2005).

The emigration workers from its nation to work abroad are to seek for income to raise themselves and their family. Due to in the country has not sufficient employment and low wage, so that they have to apart from their nation in venture with impediment, risk and no one to help protect freedom and help solve the dispute arising. This caused by the policy issue of Thailand who gave the wage in amount of 300 Thai Baht daily in which attracted the manpower forces from Cambodia, Lao and Myanmar. Previously, they did only 7 provinces/cities, the labor cost was 300 Thai Baht daily, but in 2013, the government of Thailand implemented nationwide. The second factor is that the labor wage of another nation is higher and the local agriculture encountered higher cost issue, but the sale price is cheaper and no market and the people lacked information in which these are the issues, so that once Cambodia conducted integration into ASEAN Economy, all other products will flow into the country while the unskilled Cambodian workers/manpower could not compete with them. But this issue, the government was and $s$ revising the manpower legal proceeding and announced to better the contract in connection with the local emigration manpower.

Mr. Lee splits the factor that caused emigration into two groups, the factor to promote and the factor to attract. The promotion factor is what that is not favorable to the location where he/she resides, and the attraction factor is what to interest him/her in such area.

Promotion factor including: insufficient employment, petty opportunity, initial condition, what to scarcity or drought, fear in politics, slavery or force to work, shortage in health care service, loss of harmonization, natural disaster, threat to life, shortfall in political freedom or religion, pollution issue, lack of residence, land possession issue, land owner, threat, racism, chance to get married, punishment and war.

Attraction factor including: opportunity of employment, good living condition, political freedom and religion, employment, education, good healthcare service, attraction atmosphere, safe security, household relationship, industry and good opportunity in marriage.

Categories of emigration are to follow the legal affairs: through the legal company to the agreement based country and illegal or not in order through the formal system or there is not legal document.

- Cross-border with or without passport or cross-border pass, but without work permit in the targeted country.
- Purchase the cross-border pass through international gate or leave through the zonal gate or informal corridor by appointment, guide by the illegal guider or in accomplice with the both border authorities.
- Some of employment can be in rotation at the location nearby the border, and some going far crossing the province for months, but can communicate with the family and return back home, and some remains longer years by escaping from place to place and cheated and abused and trafficking to other countries.
- Issuance of the work permit in Thailand is limited, therefore, thousands of manpower who worked illegally in Thailand without permission led to face with risk, compression and accusation of illegality.

The Ministry of Labor and Vocational Training will approve to give the permission to each private legal entity to act as the private recruitment agency within 15 (fifteen) working days commencing from the receipt date of the application.

The private recruitment agency must enter into and execute the contract with the Ministry of Labor and Vocational Training about the obligations and procedure of selection, education, instruction, orientation, sending and managing the Cambodian manpower to work abroad properly in pursuance with the sub-decree No. 190 ANK/BK dated 17 August 2011 on the management, sending the Cambodian manpower to work abroad through the private recruitment agency and the other related regulations (article 3).

In these last years, our people together emigrated and cross-border to work abroad seriously either through formal system or informal system in anarchy and without clear management.

As the matter of fact, the illegal emigration manpower, they will face with the risks, but now, our government paid attention to and cared about helping facilitate the illegal manpower to be legal. In addition, the government published and educated what called legal, illegal and prevention, specially, the government prepared the policy to execute the contract to become a standard and placed to implement that the State executed around three Prakas in connection with the emigration manpower management well. The partner organizations in southern Asia, eastern Asia, including the 10 countries in southeast Asia and also rescued manpower from Thailand, Malaysia, Indonesia, Taiwan and other countries for hundreds of manpower.

Supporting the process of COMMIT UNIAP to learn more about the result and experience of the former Cambodian maids who used to work in Malaysia, to reach this, the data collectors of UNIAP interviewed 77 women who returned from working as the maids in Malaysia left through one of the 28 agencies in Cambodia. Additional to the semi-structured interview such as in-depth interview for more 16 to be aware of the interviewees in connection with the expectation, experience, relationship, cost and interests of such working way.

It detected the following 07 main issues:

- $1^{\text {st }}$ : experience of the persons who unlawful and illegal ages in the selection
- $\quad 2^{\text {nd }}$ : training before departure
- $3^{\text {rd. }}$ : contract
- $4^{\text {th. }}$ : burden and wage
- $5^{\text {th }}$ : salary of maid, deduction and payment
- $6^{\text {th }}$ : employer and workplace in Malaysian, and
- $\quad 7^{\text {th }}$ : review way, dispute settlement and legal affair

In total, the time spent for the opportunity of employment as maid frequently is one obtained pay based on the 02 years contract and sometimes, is longer. But frequently, the wage did not provide until termination of the contract in which this issue to force the women to be patient with the employment situation for longer time, tired and sometimes, serious mistreatment to obtain the wage upon commitment which does not almost to reach, unless, the complete agreement does not end. The law either in Cambodia or Malaysia gives limited defense for these maids, however, they have more chances to bettering such as through the contract reform, presentation of mutual relationship between the manpower and the manpower recruitment agency or the employer and employee will not think of pressure of obligations of the manpower to the agency and employee.

The research showed that:

1. Only 52 percents of maids who are suitable for the maid in Malaysia in accordance with the law either in Cambodia or Malaysia.

Over 20 percents at the underage of 18 during training before departure and another 25 percents are from 18-21. The law of Cambodia provided that the candidate who wishes to work abroad must be reached to 18 years old in line with the law of Malaysia provided that the foreign manpower who are the maids must be reached
from 21-41 years old. However, the underage manpower of 21 years old has not work condition or worse living situation than the manpower whose age is over 21 years old. Therefore, the Malaysia noticed that the younger manpower whose age is over 21 years old can earn quite money.
2. For 18.2 percents of the manpower to be selected as the sample are patient with the abuse situation during pre-departure training and they did not obtain whatsoever training as they are entitled to obtain under the law.

The Cambodia law obliged the manpower recruitment agency to train the emigration manpower on the labor system, custom, tradition and the basic law of the targeted country. But most of the emigration manpower as the sample reported that merely obtained pre-departure training with the work skill and language and the training about the culture and law is the least. In these training courses, the main information provider reported that be patient with the situation of abuse. 14 women (18.2 percents) described that she had threat and another 14 women (18.1 percents) proved that she has been abused verbally by the trainer of the manpower recruitment agency.
3. The contract of the Cambodian manpower recruitment agency is rarely to comply by the minimum requirement of the Cambodia law.

14 of 77 emigration manpower ( 18.1 percents), the interviewees stated that they did not understand the contract or consequence of the disconnection to their contract. The manpower confirmed that they were aware of the conditions of their contract, most confirmed that is true, they were aware of only the duration of the contract ( 43 respondents or equals to 55.8 percents). 10 of manpower ( 10 percents) confirmed that they did not obtain whatsoever information about the condition in the contract.
4. No standard policy or restriction to payment and cost of the manpower recruitment agency. The total amount (either payment or cost) payable to the manpower recruitment agency ranging from 2,000USD and 2,676 USD to each maid

The Cambodian emigration manpower in the sample must pay to the manpower recruitment agency between 810 USD and 1,200 USD while the cost payable by the agency to the Malaysian employer is the cost between 1,190 USD and 1,529 USD. However, the maids have been found that available responsibility for these service fees as paid by their employer and they worked from 4-5 months to 12 months without wage to pay the liabilities.
5. 68 manpower ( 88.3 percents), reported that deduction of their salary approximately $1 / 3$ of those ( 20 of 68 ) reported that they have been cheated due to such deduction.

17 manpower ( 22.1 percents) felt that they have been cheated while these maids did not obtain her salary less than the maids to be cheated and they detected that available inconsistent between the salary as committed by the selector and the agency compared with the genuine salary as cheated. All everyone who terminated the employment for two years under this contract will obtain salary as committed by the manpower recruitment agency, but, however, 74 percents of the maids reported that the salary receivable has been extended, 61 percents of those obtained their salary to be kept in the duration of the contract and obtained at the termination of the contract in which to violate the law of Malaysia.
6. The Cambodia law in connection with the environmental control at workplace in the targeted country remains unclear. Only 8 manpower ( 7.7 percents) reported that their workplace has inspection.

The standard that the Malaysian employer must obtain under the law of Malaysia to hire the maids is also limited. The work situation is not good, determined identification with this research through another indicator and in connection with the maids that could not comply by their two years contract in which frequently suffered financial impact and negative security to those maids.
7. Either the Cambodia law or Malaysia law, the mechanism for complaint, dispute settlement and/or reliance on the law is to determine by the long way procedure as required to the emigration manpower.
85.7 percents of the answer in connection with the complaint and the process of the complaint proved the positive result, therefore, the emigration manpower seemed no review of the failure in the complaint mechanism. The emigration manpower to work as maid throw away the significant regulation governing the complaint procedure and the settlement under the labor law of Malaysia, therefore, the Cambodian emigration manpower gave the least protection.

Currently, there are 28 manpower recruitment agencies obtained the license from MoLVT to select the manpower. This group included either MoLVT or 02 nongovernmental organizations. The manpower in the sample of the 77 maids interviewed for such research is to enroll to serve at 09 agencies.

In accordance with the local NGOs released that the living situation in the training center is lower, no hygiene and narrow. The NGOs also confirmed that the trainee who stayed in the center has been always barrier from leaving and giving insufficient food, water. The information source from other newspapers released that worse situation encountered by the women in the center, including verbal and physical threat, as well as detention.

In contrary with these reports, as well as the vision of the NGOs, most of the women thought that the living situation in the center before departure, generally, is suitable and clean and obtained sufficient food and water. 67 women ( $87 \%$ ) said that they have been permitted to leave the center after receipt of the permission upon the request. However, 20 percents of emigration manpower really said that they obtained threat and verbal mistreatment by the trainer at the agency and a woman reported that she encountered physical mistreatment.

The research finds that among 77 selected manpower as sample or 22.1 percents were patient with the situation of labor cheat and 11 persons (14.3\%) have been trafficked based on the definition of Palermo and the law of Cambodia and Malaysia.

Detention of the manpower women by the private environment proved many faced issues for the government and some trustee in determination and helping intervention to the case of labor self-dealing and human trafficking. However, we hope that with some of these shares including understanding and information on the manpower women who repatriated in this research will enable the persons concerned to play its role as the activist in performing recommendation to better the situation of thousands of Cambodian manpower women working in Malaysia at the present and future time.

However, our manpower either men or women were and are facing with the vulnerability, some of them fell into offense (illegal immigration or working illegally) to be imprisoned or punished, some of them have been trafficking to other countries and suffered self-dealing in all forms, waste the time, source, physical force, honor, dignity and remains to fall into poverty being become the burden of the government.

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