



គណៈកម្មាធិការ
សហប្រតិបត្តិការដើម្បីកម្ពុជា
Cooperation Committee
for Cambodia
Comité de Coopération
Pour le Cambodge

ទស្សនវិស័យ: ការអភិវឌ្ឍប្រកបដោយនិរន្តរភាពសម្រាប់ប្រទេសកម្ពុជា
Vision: Sustainable development for Cambodia

MINUTE OF SPECIAL MEMBER MEETING ON “PROCESS OF WORK PAPER FOR EXPATS WORKING IN CAMBODIA”

Date: 21 August 2014
Time: 02:00pm - 03:45pm
Meeting Venue: CJCC
Recorded By: Mr. Khim Sambo Rothana

Special Meeting on “Process of Work Paper for Expats Working in Cambodia”

The special meeting is aim to bring member organizations together to understand and clarification to the joint prakas between the Ministry of Interior and Ministry of Labor and Vocation Training on the inspection over foreign labor in Cambodia. The meeting is not only provide opportunity to members to listening to the information from the government but it is also an enabling space to for member to raise and debate on hot issues related to the work permit for expats working in Cambodia. This special meeting on 21 August 2014 share and discuss the following specifics. The objective of the meeting is to provide the process of the foreigner’s operational activities in Cambodia

The special meeting participated by 90 participants from local and international member organizations.

The emerging issue on work permit for foreign labor operational activities in Cambodia was shared by Mr. Vann Vannak, Beareu Director of Department of Employment and Labor of Ministry of Labor and Vocational Training. During the meeting guest speaker had explained that the foreigners holding the visa type E need to apply the work permit immediately for their legally working in Cambodia and they will get fine if they don’t apply the work permit, the punishment to illegal working will be charge to the rate that state in the law, however the information of apply work permit for foreigner holding the visa type B and C are not confirm yet.

Mr Vann Vannak also wished to have more time for discussion and encouraged CCC to share more information to its members when it is informed more updated policy from the Ministry.

Mr Vannak encouraged all participants to ask him for information through this number at 012 327 777.

Topic	Presentation
Mr Khon Bunthong, Head of Operation of CCC	The open remark was made by Mr. Khorn Bunthong, Head of Operations of Cooperation Committee for Cambodia (CCC), he thanked all participants attending this special meeting as it has a very interesting topic. He also encouraged all participants to get ready to ask questions to write good reports for their directors on this topic.
Mr Vann Vannak, Representative from Ministry of Labor and Vocational Training	<p>Mr. Vann Vanank, Beareu Director of Department of Employment and Labor of Ministry of Labor and Vocational Training (MoLVT) was briefly told the article in the parkas all participants. “Before hiring foreign staff, all institutions need to follow and ask for work paper from the MoL”, he said, adding that Mol is planning to fine any company which has been hiring expats for years and has just applied for work paper for them.</p> <p>“Number of expat is not over 10% of the whole staff, and the work paper application must be before the end of November each year”, he said. “The request must be made to MoL if any company or NGO really need to hire expat more than 10% of the whole number of staff”, he added.</p> <p>According to Mr Vannak, work paper needed for all expats to work in Cambodia. Application for work paper must be done within 15 days since the</p>

	<p>arrival of expats wishing to work to Cambodia. The work paper cost 100\$ and will be valid for <u>one</u> year.</p> <p>Questions:</p> <ol style="list-style-type: none">1. Is the work paper needed for volunteer expats (6 months to 2 years)? And how much is it?2. The meaning of title of this Prakas seems to refer to foreign <u>labor</u> workers in Cambodia, not NGO staff. So, what is the exact definition of the title of this Prakas? Does it refer to expat in private companies or NGOs?3. Is the Prakas needed for holders of Visa B and other visa types? <p>Answers:</p> <ul style="list-style-type: none">• So far, the MoL has taken action on all expats holding <u>visa type E</u> in some industrial companies, but not in NGOs yet due to the letter n^o341 issued in 2001 from H.E. Hor Namhong, Minister of MoFA, which stated that all expats working for NGOs, Embassies, and funding agencies do NOT need to have work paper to work in Cambodia. So, the MoL and the MoFA will discuss in the future to make a clear policy on this.• The application form is free of charge and the work paper costs 400,000 Riels (approximately 100\$) per year for a foreign staff.• For the definition of the title, Mr Vannak is not clear about it and he will invite another specialists to explain this if there is more meeting organized by CCC. <p>Question:</p> <ol style="list-style-type: none">1. When MoL confirms on the policy that all expats need to pay for work paper, will there be any fine for expats who have not paid for the work paper for years? Based on the Prakas, should we start implementing for expat working in NGOs from now on? How about Khmer staff working for several places?2. How long is for the visa E for some expat working at NGO?3. Is there any policy for profit group working in NGO? How about volunteer who receiving only money for meals and accommodation? <p>Answers:</p> <ul style="list-style-type: none">• Based on the letter from MoFA, staff of NGOs and Embassies do not need work paper. But if the Prakas is implemented, there will be no extra fine for those foreigners, but they need to multiply the payment by the year of their stay or work in Cambodia. (e.g. if they have worked here for 5 years, they have to pay 500\$). For Khmer staff working several places, it is impossible for them to do this because all application for work paper requires recommendation from work, staff ID cards, and other documents from their workplace. (For more information, MoL will update all NGOs through CCC)• Visa E holders need to apply for work paper within 15 days since their arrival to Cambodia. The work paper will valid for <u>one</u> year.• MoL doesn't have clear policy on profit group working in NGOs yet. There will be more meetings of MoL and MoFA regarding to this. <p>Question:</p> <ol style="list-style-type: none">1. Previously, there was a verbal agreement between government and NGOs that volunteer expat would be offered free visa to work in Cambodia. Is it
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	<p>true and valid?</p> <ol style="list-style-type: none">2. It is possible that some people work for several places (both Khmer and expat). Please clarify the appropriate policy on this!3. For staff exchange; is there any obligation to pay for work paper? <p>Answer:</p> <ul style="list-style-type: none">• For free visa for volunteer staff and staff exchange, I will bring questions to MoL and seek for other related staff to response to this question.• For Freeland: they need to pay for work paper while working in their main workplace, so they work for other places because they have paid for their work paper for the whole year. For Khmer staff, they are offered an unlimited validation of work paper. <p>Questions:</p> <ol style="list-style-type: none">1. The ED of NGO has held Visa E for over ten years. What is the intervention? Is there any health check center offering fast service in Cambodia? Or can health check result be from clinic from outside Cambodia?2. Expats who work in Cambodia, but they get salary and pay tax in their countries. What is the intervention for this? If expat over 10% at a workplace, is there any fine for the employer? When is the fine started for Visa E holders working for NGOs?3. For tourist visa, should NGO send this kind of staff holding this visa to ask for work paper? <p>Answer:</p> <ul style="list-style-type: none">• The policy has been implemented on the Visa E holders since since 2007. MoL has not fined any expat yet, but they need to repeat all payment a year multiplied by number of years of their work. Health check can be received if they already have the result from their countries in order to apply for work paper at the MoL. Requesting for work paper for KH staff does not require the medical check-up document.• Every expat needs to have work paper in order to work in Cambodia although s/he gets salary from outside Cambodia and pays tax for his/her country. If the number of expat is more than 10% of the whole staff, the employer need to make a list of expat to describe about their skills, knowledge, and how important it is to hire them; then submit to the ministry. Expats holding Visa E need to apply for work paper within 15 days since their arrival in Cambodia. The work paper will be delivered within 8 days after the application.• There is no obligation to collect tax from tourist visa holder. But the employers need to advise them to change their visa type to business or E. <p>Questions:</p> <ol style="list-style-type: none">1. For now, why is there a requirement from MoFA to extend visa by having work paper first from MoL?2. Who is responsible for the fine, employee or employers? For consultants and advisor, is it needed to do it as well?3. For expat marrying to Khmer and living here for years, should they be included for work paper application? <p>Answer:</p>
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	<ul style="list-style-type: none">• Based on the first article in the labor law, there is an exception for expats to work in Cambodia without work paper. And based the sub-degree 75 from the government, all visa extension requires work paper. However, there is some visa extension without work permit due to the letter from H.E. Hor Namhong.• Employers need to pay for work paper of employees. For consultant and advisor, MoL does not have clear policy on this yet.• For expat living for years and marrying to Khmer spouse is also required to apply for work paper.
Other recommendation and request from NGOs:	<ul style="list-style-type: none">• It is good to have letter for Hor Namhong for NGO staff not to apply for work paper. CSOs would like MoL to organize a national workshop to get input from expat staff working as they are volunteering for the sake of Cambodia?• Need more details that any place applying NSSF, they need to offer work permit book.• We, CSOs, have objection on this Prakas. But we need a consistency between NGOs and Govn't with clear policy that all expat need to pay work paper or not.