

ANNEX F



KEMENTERIAN DALAM NEGERI, MALAYSIA.
BAHAGIAN IMIGRESEN DAN PENDAFTARAN NEGARA.
MINISTRY OF HOME AFFAIRS, MALAYSIA
IMMIGRATION AND NATIONAL REGISTRATION DIVISION
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Our Ref. : KDN:(S)100/857/7/
-6-(3-)
Date : 30 September 1999



His Excellency Ambassador.
Royal Embassy of Cambodia,
Kuala Lumpur - Malaysia,
No. 83, JKR 2809,
Jalan lingkungan U-Thant,
55000 KUALA LUMPUR.

His Excellency,

THE RECRUITMENT OF FOREIGN WORKERS FROM CAMBODIA TO WORK IN MALAYSIA

Reference to the above matter, I would like to inform your excellency that the Honourable Minister of Home Affairs has agreed to allow Cambodia as the source country to recruit foreign workers to work in Malaysia.

2. As your excellency noted, an exchange note with regard to the recruitment of workers has been agreed earlier between the Government of Malaysia and Cambodia on the 13th. December 1996. The Government of Malaysia has appointed the Foreign Workers Task Force (FWTC) as an official agency of the government whilst the government of Cambodia had delegated Cambodian Labour Supply (COA) to be incharged the recruitment of Cambodian nationals to work in Malaysia.

3. The Ministry of Home Affairs of the view that the present exchange of note has to be reviewed to accommodate certain changes in the new arrangement.

4. Herewith I attach a copy of the draft procedures for the recruitment of Cambodian nationals for employment in Malaysia on government to government basis for your action.

5. Kindly inform us the suitable date to discuss further on the matter.

(Sila cutitkan rujukan Kementerian di akhir/bila berurusan)

Thank your.

Your sincerely,



BAHARON BIN TALIB,
Immigration and National Registration Division,
for Secretary General,
Ministry of Home Affairs.

C.C.:

Ketua Setiausaha,
Kementerian Luar Negeri,
Wisma Putra,
50602 KUALA LUMPUR.

(Att.: Encik Zainuddin Yahya)

A4:B1/surat-1/nor

LAMPIRAN A

RECRUITMENT PROCEDURES FOR CAMBODIAN NATIONAL FOR EMPLOYMENT IN MALAYSIA

1. The Government of Malaysia and the Kingdom of Cambodia has agreed to adopt the procedure for recruiting Cambodian national for employment in Malaysia which will be applicable for all recruitment of Cambodian national for employment in Malaysia. Nevertheless the agreed procedures shall not be applicable in the recruitment of expatriate and domestic maids.
2. The agreed procedures shall be as follows:
 - 2.1. Employer may recruit workers from Cambodia directly or through their representatives in Cambodia;
 - 2.2. The employer shall not be required to pay any payment for such recruitment other than workers transportation cost to Malaysia. The employer shall not received any form of payment from workers or anybody else;
 - 2.3. Salary offer shall be as per the employers salary scheme and shall be employers prerogative. The salary must be clearly stated in the terms and contract of employment;
 - 2.4. The employer shall be responsible to provide ticket for workers transportation from the exit point in Cambodia and the entry point in Malaysia. The employer shall also be required to reimburse the workers transportation cost from their place of origin to the exit point;
 - 2.5. The workers shall be responsible for the payment of levy, pass, visa and processing fee. However, for the first year of employment, the employer shall advance such payment and shall be allowed to deduct the workers monthly salary to recover such advance subject to the approval of Director General of Labour. The amount and duration of deduction must be clearly stated in the terms of employment;

- 2.6. The employer shall be responsible to provide security deposit required by the Immigration Department;
- 2.7. In the event of death of employees, the funeral or the sending off of the remain shall be arranged and at the expense of employer as provided under Foreign Workers Compensation Scheme;
- 2.8. The employer shall be required to provide suitable accomodation;
- 2.9. The employer shall provide coverage for each worker under Foreign Workers Compensation Scheme;
- 2.10. The workers must be certified fit by the medial centre accredited by Ministry of Health, Malaysia. The worker shall carry a copy of the medical certificate and be able to produce to Health Officer at the time of entry or whenever required;
- 2.11. All cost to obtain travel document, medical examination and other expenses in Cambodia shall be borne by the workers;
- 2.12. The term and format of the contract of employment must be clear and must explained to the workers during the selection exercise;
- 2.13. A copy of agreed term of employment shall be given to the workers before or at the time of commencing of employment and shall be the same as that was explained to the workers during the selection exercise. The basic condition term of service shall be as Appendix A;
- 2.14. The employer shall be responsible to obtain foreign workers card from Immigration Department and the card shall be kept by the workers and be produced to the enforcement agency whenever required as the identity doument for the workers during the stay in Malaysia;

- 2.15. The employer shall be responsible to renew workers work pass one month before the expire date. Any penalty or compound due to the failure of the employer to do so shall be born by the employer;
- 2.16. The repatriation cost of the worker shall be borne as follows:
- (a) at the completion of employment - employer
 - (b) termination due to mis conduct - worker
 - (c) resignation - worker
 - (d) termination by the employer - employer
- 2.17. The employer shall be responsible for the safe keeping of the workers passport and to surrender such passport to the Cambodian in the event of abscondment;
- 2.18. The workers shall not be involved in any marital knot during their stay in Malaysia. The workers shall not also be allowed to bring in their family members. The employer shall report to the Immigration Department immediately in the event of contravention of this condition and the workers must be deported; and
- 2.19. The workers recruited should be between the age of 21 to 40 years.
3. This procedures shall take effect and shall not effect any recruitment exercise done prior to this procedures.

LAMPIRAN B

TERM AND CONDITION OF EMPLOYMENT

1. Occupation :
2. Name of company :
3. Sector/product :
4. Description of job : (to specify type of work and environment either in air-condition factory, dusty heavy/dirty work, work under heat, etc.)
5. Basic salary : (clearly stated not merely refer to certain scheme)
6. Allowances :
 - 6.1. Overtime : (estimate)
 - 6.2. Other allowances :
7. Normal working hours :
8. Weekly rest day/leave :
 - 8.1. Weekly rest day :
 - 8.2. Sick leave :
 - 8.3. Public holiday :

- 9. Other benefits :

 - 9.1. Housing :
 - 9.2. Medical benefit :
 - 9.3. Retrenchment benefit :
 - 9.4. Graduity :
 - 9.5. Others :

- 10. Duration of contract : (not more three years)
- 11. Prohibition to bring in family and marriage : (workers are prohibited from bringing their family and also not allowed to involve in any marital knot during their stay in Malaysia)
- 12. Salary deduction, pass, visa or processing fee deduction : (state duration and amount)
- 13. Involvement in trade union activities : (the workers are not allowed to get involved in trade union activities)
- 14. Health : (the workers must be certified medically fit by accredited medical centre)
- 15. Age limit : (the workers shall be between the age of 21 – 40 years)

DKS/tern.../HHB/nor