



# Guideline on Dispute Resolution of Migrant Worker Grievances

## Making migrant workers' access to justice and remedy a reality

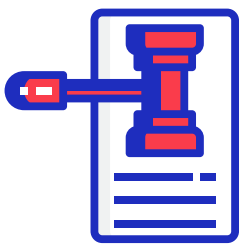
The Guideline is a reference for labour officials, Migrant Worker Resource Centre (MRC) staff, service providers, and stakeholders to use to support migrant workers through the dispute resolution process.

This document summarises key points in the Dispute Resolution process and provides information for potential complainants.

## The complaint resolution process is crucial

### All migrant workers have the right to decent work and the right to complain if they are exploited or abused.

The Dispute Resolution Guidelines are designed to deliver rights-based, gender responsive, transparent and timely access to justice for migrant workers. The Guidelines steer officials towards complaints resolution that ensure outcomes and remedies accord with Cambodian Labour Law, Sub Decrees, prakas, regulations, and international labour standards, and does not restrict access to other redress mechanisms.



### All migrant workers can lodge complaints

Family members of migrant workers can also begin the process, especially when the migrant worker is still overseas. Migrant workers, members of their families or their appointed representatives can all lodge complaints through the Dispute Resolution Process. Complaints can be lodged individually, or as part of a group claim.

## Any occurrence or individual in the migration process can be the subject of complaint

- Complaints can be directed at individuals' behaviour or conduct, or a situation that arises during migration, like underpayment or having a passport withheld.
- Complaints can be directed to any actor in the migration process, including recruitment agencies, employers or migration officials, in Cambodia or in destination.
- The Guidelines give advice as to how officials can pursue complaints in destination countries. The most common types of complaints include underpayment or non-payment of wages, retention of identification documents and delayed deployment/job not provided.

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## Complaints can be lodged at any time during the migration process



It is a good idea to lodge the complaint as soon as it arises, but complaints can be lodged even after the migrant worker has returned home.

Any time there is a cause for complaint – for example, excessive fee charging, a breach of contract, or fraudulent or misleading advertising – encountered at any time during the migration process, a complaint can be lodged.

## MRCs, the PDOLVT and MOLVT can all receive complaints to begin dispute resolution



**Migrant worker advocates, civil society and other legal aid services can also assist in lodging complaints**

Once a complaint arises, it can be lodged by the migrant worker, or a family member at an MRC, or directly to PDOLVT or MOLVT.

There is a form to complete, or an advocate can assist with the paperwork.

## The Dispute Resolution Guidelines outline the process for resolving complaints



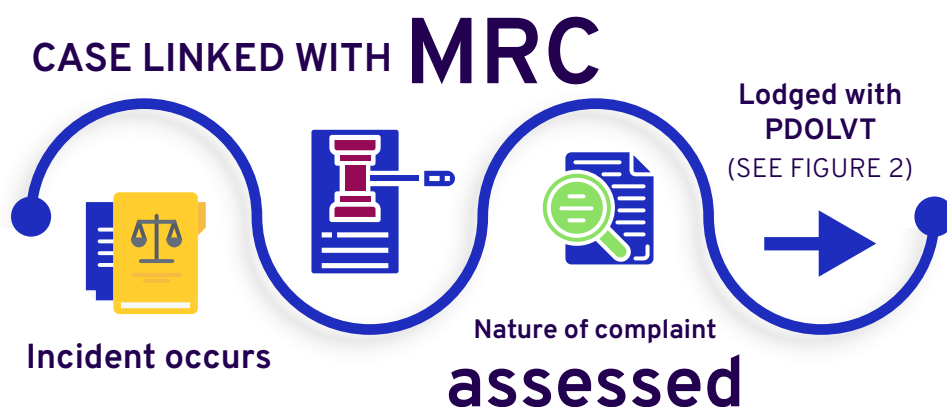
**There is a process in law for resolving complaints**

All complaints should be assessed through a process of inviting parties to discuss the complaint separately with a dispute resolution officer within PDOLVT or MOLVT, in the hope that a mediated outcome can be jointly agreed.

If an outcome is not reached at the provincial level, the complaint is referred to the MOLVT for action.

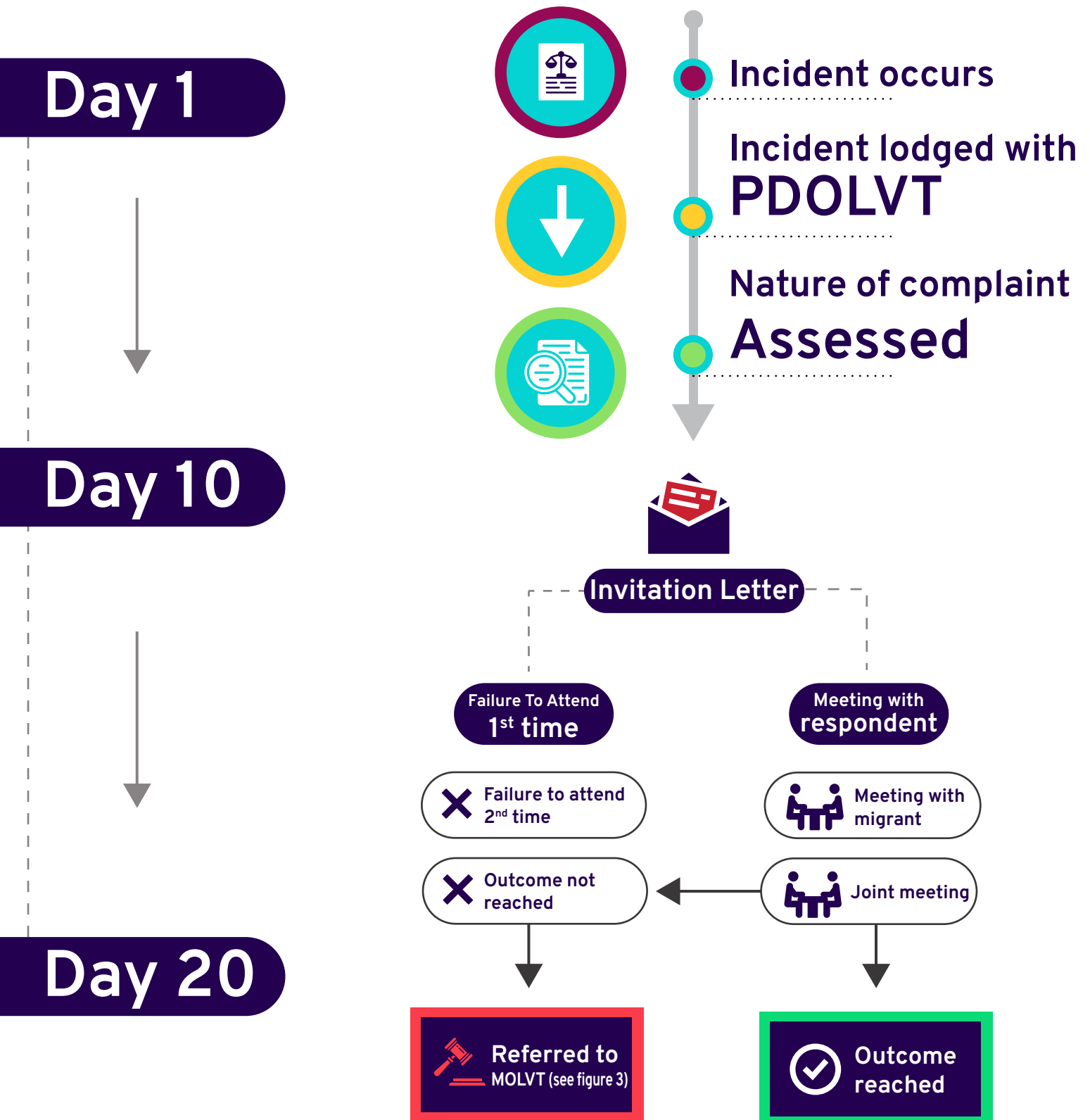
### Figure 2: Describes the main steps

for resolving migrant worker grievances as set out in the **Prakas No. 249 Complaint Receiving Mechanism for Migrant Workers.**



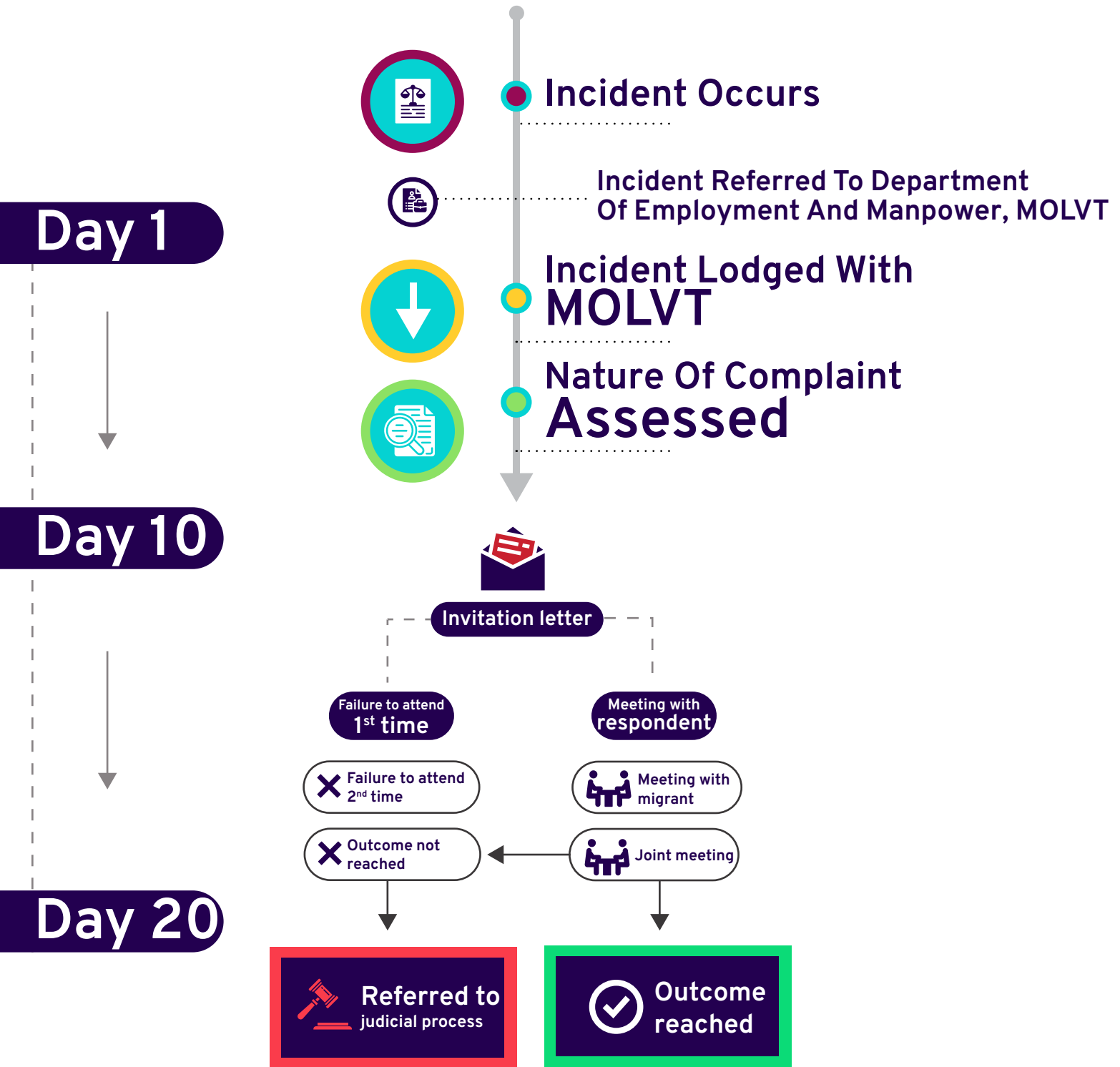
# Figure 2: Steps for dispute resolution

for migrant worker grievances – lodged with PDOLVTs



# Figure 3: Steps for dispute resolution

for migrant worker grievances – lodged with MOLVT



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