



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

The Ministry of Labour and Social Welfares

No. 2417/MoLSW  
Vientiane, dated 29 July 2002.

## **Guideline**

### **on Implementation of Decree on Export of Lao Workers Working Abroad**

- Based on the Prime Ministerial Decree on Export of Lao Labour Working Abroad No 68/PM, dated 28 May 2002.
- In order to elaborate the contents and clarify the provisions of this decree and to ensure the uniformity of the implementation of decree properly and effectively.

**The Minister of the Labour and Social Welfares issues the guideline:**

#### **I. General Provisions**

1. This guideline aims to elaborate and explain the contents of each chapter and each article of the decree No 68/PM, in order to make the entrepreneurs in Lao labour export business and the job seekers intending to work abroad understand the objectives, regulations and various procedures in labour recruitment and export of Lao workers to work abroad.
2. Any person and legal entity having license to export of Lao worker to work abroad and Lao workers working abroad legally shall be protected their legitimate rights and interests under the decree No 68/PM, and other laws and regulations of Lao PDR.

#### **II. Conditions, Rights and Obligations of Lao Workers Working in Foreign Countries**

3. A Lao worker intending to work in foreign countries shall have following conditions:
  - 3.1. is Lao citizen, holds Lao nationality and residing in Lao PDR; a person holds Lao nationality, but live in other countries than Lao PDR has not met this requirement under the decree [decree No 68/PM].
  - 3.2. an applicant to work abroad shall have age at 18 years old, counting from his or her date of birth until the date he or she submits the application. No limited maximum age provides in the decree No 68/PM, but it shall refer to the specific requirement set by the hosting country that receipts the Lao workers such as: health condition, language and others.
  - 3.3. has education completed in primarily school education verified by the certificate or the letter of confirmation on his or her education qualification whether the applicant completed the primarily education system, vocational education or shelf-study.

3.4. have good and strong health: has no infected disease, HIV-AIDS, has the health certificate issued by the doctor or physician, [has the health condition proven that] can work well.

3.5. being good citizen: has no drugs abused, no convicted any crime; when submitting the application, the letter of the court proven that no crime convicted must be attached to prove.

4. The Lao workers working in foreign countries shall have the following rights:

4.1. to receive the salary or wage and other benefits based on the [employment] contracts;

4.2. to be protected rights and obligations under contracts and laws;

4.3. to conclude the [employment] contracts with the labour recruitment company.

The mentioned above rights mean: before traveling to work in foreign country, a worker must conclude a [recruitment] contract with the labour recruitment service company, this contract must stipulate his or her benefits and interests such as: how much for salary or wage [he or she] shall receive the salary or wage (it may be calculated in monthly, weekly, ... how much it will be deducted? where does it go and how long will it take? each worker must acknowledge and sign the [recruitment] contract with the company directly. When working abroad, if no benefit is received as provides in the contract, [the worker] has right to claim, if can not claim [to the employer or the recruitment company directly?] the worker can refer it to the authority under the laws. Before signing the [recruitment] contract, each worker must read and understand all clauses of the contract.

5. The Lao workers working in foreign countries shall have the following duties:

5.1. to obey and respect the labour disciplines of the hosting countries strictly and properly. Each country, each work sectors has its own different labour regulations, thus, the workers shall find out and perform accordingly.

5.2. to perform the employment contracts which they have concluded.

5.3. to obey and respect the regulations, laws and traditions of the Lao PDR and hosting countries, which they are working;

5.4. to perform their [taxation] obligations to the State properly. All obligations of the workers must be performed in accordance with the contracts and [these obligations] shall be notified to the workers before traveling to work abroad, the workers have duty to perform properly.

### **III. Conditions, Rights and Obligations of Labour Recruitment Service Company**

6. The labour recruitment service company shall have the following conditions:

6.1. must have the license to conduct business in export of Lao workers to work abroad granted by the relevant sectors of Lao PDR (the Ministry of Labour and Social Welfares, the Ministry of Commerce, the Ministry of Finance) under article 80, chapter 4 part III of the law on business, and chapter 3, article 9 and 10 of the decree on the implementation of the law on business No 31/PM, dated 10 February 1996.

6.2. [the company] must have the capital for deposit in exporting Lao workers abroad, it means that [the company] shall have registered capital under the law on business. The company must have the deposit for Lao workers working abroad, which shall be equal to the costs of the returned air-tickets multiple the numbers of the workers that sent to work abroad. That monetary deposit shall be deposit in the Bank of Lao PDR and the labour recruitment service administration organization, [and such deposit] can be used when there is emergency cases in the country where Lao workers are working such as: disaster, war,

outbreak, breach of contract of the party country to contract or employment company, in case that such deposit has not used, it shall be returned to the labour provider.

6.3. the company must organize systematically, have the knowledge and skilled personnel to perform its rights and duties as provided in decree No 68/PM.

7. The labour recruitment abroad company has the following rights:

7.1. to seek and research the labour market in any country worldwide as defines by work sectors (the detailed regulation shall be defined separately).

7.2. to conclude the contract with foreign companies or the employers in foreign countries after received the authorizations from the relevant State organizations.

7.3. to conclude the contract with Lao workers and export [send] the them abroad under the contracts with foreign companies.

7.4. to collect the fees of services as stipulates in article 12 of the decree No 68/PM.

7.5. to be protected its rights and benefits in accordance with the laws.

7.6. to have other rights as provide in the law on business of Lao PDR.

8. The labour recruitment service company shall have the following duties:

8.1. to provide the protection to Lao workers that exported to work abroad in accordance with the employment contracts;

8.2. to obey and respect the traditions and laws and regulations of the country and the hosting countries that import the lao workers;

8.3. to be responsible for the benefits of the Lao workers working abroad that sent by the company;

8.4. to provide the date, information about labour market, the situation of the workers that company has sent to the Ministry of Labour and Social Welfares on regular basic (1 month, 3 months, 6 months and 1 year).

8.5. to organize the training for Lao workers before exporting under supervision by the Ministry of Labour and Social Welfares;

8.6. to perform its obligations to the State as provide by the laws.

9. The labour recruitment service company intending to conduct the business on exports of Lao worker abroad, shall produce and submit the following documents:

9.1. [request for] authorization for export of Lao workers abroad using the standard form of the Ministry of Labour and Social Welfares, 1 copy;

9.2. 1 copy of the license on the Lao workers export abroad;

9.3. 1 set of the contract on labour provision and confirmation with the partner company.

9.4. 1 set of the recruitment contracts between the Lao workers and company (each worker has its own contract).

9.5. the name's list of workers in alphabet order in accordance with the form of the Ministry of Labour and Social Welfares.

All mentioned above documents must be produced completely and submitted to the Ministry of Labour and Social Welfares before sending the workers abroad.

#### **IV. Conditions, Rights and Obligations of the State organizations on administration of Lao workers exporters**

10. According to article 10 of this decree, the Ministry of Labour and Social Welfares has the following rights and obligations:

10.1. to consider the application for license on Lao workers export abroad;

10.2 to define the detailed regulation on administration of Lao workers exporters and Lao workers working abroad;

10.3 to define types of restricted occupations, and fields that prohibit the Lao workers to work abroad;

10.4 to conduct the monitor, follow up the sending of Lao workers working abroad;

10.5 to coordinate and cooperate with concerned organization in order to solve any occurred issue, particularly the breach of contracts with the labour recruitment service companies, workers, foreign companies; the violation of laws of Lao PDR or foreign laws, non-performances of rights, duties and obligations of the parties to contracts.

10.6 to formulate the 1 year, 5 years plans on labour export to submit to the government for approval.

11. The Ministry of Foreign Affairs, Ministry of Interior, Ministry of Finance, The committee on State planning and Cooperation, and other relevant ministries

have rights and duties to coordinate with Ministry of Labour and Social Welfares to issue regulations, and instructions on issues that relates to the Lao workers export to work abroad under their authorities and responsibilities.

## V. Collection of Charges and Fees on labour recruitment abroad

12. The charges and fees shall be collected as follows:

12.1. Charge for the labour recruitment abroad shall be charged in accordance with regulations and laws.

12.2. Fee of services of the labour recruitment abroad, the Ministry of Labour and Social Welfares shall formulate and define from time to time, but shall not be exceeded 15 % of salary or wage of each worker in each month.

## VI. Awards forward to outstanding performance and measures against the violators

13. The labour recruitment service companies, persons or legal entities have contributed to the implementation this decree properly, and effectively shall be awarded as appropriate.

14. The workers, labour recruitment service companies, persons, legal entities, concerned organizations have violated this decree shall be fined, and brought action against in accordance with the laws.

## VII. Final Provisions

15. The Ministry of Labour and Social Welfare has explained the main contents of each chapter and article [of the decree]. And the some provisions of some chapters that require to be extended into specific and detailed regulations that shall be further issued by the Ministry of Labour and Social Welfare.

16. This guideline shall be effective from the day of its signature.

The Minister of  
The Ministry of Labour and Social Welfares.  
[Seal and signature]  
PhinPhane PHENGKHAMME.



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