



የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ

ፌዴራል ነጋሪት ጋዜጣ

FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

አሥራ ሰባተኛ ዓመት ቁጥር ፳፮
አዲስ አበባ መጋቢት ፲፮ ቀን ፪ሺ፫ ዓ.ም.

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ
የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ

17th Year No. 26
ADDIS ABABA 25th March 2011

ማውጫ

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፩. አጭር ርዕስ

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ደንብ ቁጥር ፪፻፪/፪ሺ፫” ተብሎ ሊጠቀስ ይችላል፡፡

፪. መቋቋም

፩/ የግል ድርጅቶች ሠራተኞች ማህበራዊ ዋስትና
ኤጀንሲ (ከዚህ በኋላ “ኤጀንሲ”) እየተባለ
የሚጠራ የሕግ ሰውነት ያለው ራሱን የቻለ
የፌዴራል መንግሥት መሥሪያ ቤት ሆኖ በዚህ
ደንብ ተቋቋሟል፡፡

፪/ የኤጀንሲው ተጠሪነት ለሠራተኛና ማህበራዊ
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COUNCIL OF MINISTERS REGULATION No. 202/2011

COUNCIL OF MINISTERS REGULATION TO PROVIDE FOR
THE ESTABLISHMENT OF THE PRIVATE ORGANISATION S'
EMPLOYEES SOCIAL SECURITY AGENCY

This Regulation is issued by the Council of Ministers
pursuant to Article 5 and 34 of the Definition of Powers and
Duties of the Executive Organs of the Federal Democratic
Republic of Ethiopia Proclamation No.691/2010.

1. Short Title

This Regulation may be cited as the "Private
Organizations' Employees Social Security Agency
Establishment Council of Ministers Regulation No.
202/2011"

2. Establishment

1/ The Private Organizations' Employees Social Security
Agency (hereinafter "the Agency") is hereby
established the as an autonomous federal government
agency having its own juridical personality.

2/ The Agency shall be accountable to the Ministry of
Labour and Social Affairs.

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፫. ዋና መሥሪያ ቤት

የኤጀንሲው ዋና መሥሪያ ቤት በአዲስ አበባ ሆኖ እንደአስፈላጊነቱ በማናቸውም ሥፍራ ቅርንጫፍ ሊኖረው ይችላል፡፡

፬. ዓላማ

የኤጀንሲው ዓላማ የግል ድርጅቶች ሠራተኞች ማኅበራዊ ዋስትና ፕሮግራሞች እንዲጠናከሩና እንዲስፋፉ ማድረግ ይሆናል፡፡

፭. ሥልጣንና ተግባር

ኤጀንሲው የሚከተሉት ሥልጣንና ተግባራት ይኖሩታል፡-

- ፩/ የግል ድርጅቶች ሠራተኞች ማኅበራዊ ዋስትና ሕጎችን፣ ደንቦችንና መመሪያዎችን በሥራ ላይ ያውላል፤
- ፪/ የግል ድርጅቶች ሠራተኞች ጡረታ ዐቅድን ለማስፈጸም ቀልጣፋና ብቃት ያለው አሠራር ይዘረጋል፤ ይተገብራል፤
- ፫/ የግል ድርጅቶች ሠራተኞች ጡረታ መዋጮ አሰባሰብ ሥርዓት ይዘረጋል፤ መዋጮ ይሰበስባል፤ በሚመለከተው የመንግሥት አካል በኩል በተገቢው ጊዜና መጠን መሰብሰቡን ያረጋግጣል፤ የግል ድርጅቶች ሥርዓቱን ተግባራዊ ማድረጋቸውን ይቆጣጠራል፤ አስፈላጊ ሲሆን ሰነዶችንና መዛግብትን አስቀርቦ ወይም በግል ድርጅቶች ተገኝቶ ይመረምራል፤
- ፬/ የግል ድርጅት ሠራተኞች ጡረታ ፈንዶችንና ከፈንዶቹ ጋር የተያያዙ ሀብቶችን ያስተዳድራል፤
- ፭/ የግል ድርጅት ሠራተኞችን ለጡረታ መብት ብቁ የሚያደርጉ ማስረጃዎችን በቅድሚያ አሰባሰቦ ይይዛል፤
- ፮/ የጡረታ መዋጮ በወቅቱ በማይከፍሉ፣ የጡረታ መዋጮ ሂሳብ መዝገብ በማይዙ፣ ማስረጃ በማይልኩ እና መረጃ በማይሰጡ የግል ድርጅቶችና ግለሰቦች ላይ ሕጋዊ እርምጃ ይወስዳል፤
- ፯/ የግል ድርጅቶች ሠራተኞች የጡረታ መብትን ለማስከበር የሚቀርቡ ማስረጃዎችን ብቃትና ተቀባይነት፣ የጥቅም ዓይነት እና መጠኑን ይወስናል፤ ክፍያ ይፈጽማል፤
- ፰/ የግል ድርጅቶች ሠራተኞች የጡረታ መብትና ጥቅም ጥያቄዎች ላይ ውሳኔ ይሰጣል፤

3. Head Office

The Agency shall have its Head Office in Addis Ababa and may have branch offices elsewhere as necessary.

4. Objective

The objective of the Agency shall be to strengthen and expand private organizations' employees social security programs.

5. Powers and Duties

The Agency shall have the powers and duties to:

- 1/ implement private organizations' employees social security laws, regulations and directives;
- 2/ establish efficient and effective system to implement the private organizations' employees pension scheme;
- 3/ establish a system for the collection of private organizations' employees pension contributions, collect contributions, ensure that pension contributions are collected by the appropriate organ in time and in the correct amount, supervise the implementation of the system by employers and, where necessary, audit their documents and records by requiring their submission or through site visits;
- 4/ administer private organizations' employees pension funds and assets related thereto;
- 5/ collect in advance and maintain records of evidentiary data that entitle private organizations' employees to pension benefits;
- 6/ take legal actions against employers and individuals who fail to pay pension contributions, maintain accounts of contributions and furnish required documents and information on time;
- 7/ determine, the adequacy and validity of evidentiary data submitted in connection with claims of the employees of private organizations pension entitlements, as well as the types and amounts of benefits, and effect payments of benefits;
- 8/ decide on claims related to pension rights and benefits of employees of private organizations;

፱/ የግል ድርጅቶች ሠራተኞች ጡረታ ፈንድን በትሬዝሪ ቦንዶችና የገንዘብና ኢኮኖሚ ልማት ሚኒስቴር በሚያወጣው መመሪያ በሚወሰኑ ትርፋማና አስተማማኝ በሆኑ ሌሎች ኢቨስትመንቶች ላይ ያውላል፤

፲/ የግል ድርጅቶች ሠራተኞች ጡረታ ፈንድ በየተወሰነ ጊዜ በሂሣብ ስሌት አዋቂዎች እንዲጠና ያደርጋል፤

፲፩/ የግል ድርጅቶች ሠራተኞች ጡረታ ፕሮግራሞች ስለሚጠናከሩበት ሁኔታ ጥናት እያካሄደ ለመንግሥት ያቀርባል፤ ሲፈቀድም ተግባራዊ ያደርጋል፤

፲፪/ በሥልጣንና ተግባሩ ሥር የሚካተቱ ጉዳዮችን በሚመለከት መመሪያዎችን ያወጣል፤

፲፫/ የንብረት ባለቤት ይሆናል፤ ውል ይዋዋላል፤ በስሙ ይከላል፤ ይከሰሳል፤

፲፬/ ዓላማውን ከግብ ለማድረስ የሚያስፈልጉ ሌሎች ተግባራትን ያከናውናል፡፡

፮. የኤጀንሲው አቋም

ኤጀንሲው፡-

፩/ የሥራ አመራር ቦርድ (ከዚህ በኋላ “ቦርድ” እየተባለ የሚጠራ)፤

፪/ በመንግሥት የሚሾሙ ዋና ዳይሬክተርና እንደአስፈላጊነቱ ምክትል ዋና ዳይሬክተሮች፤ እና

፫/ አስፈላጊው ሠራተኞች፤

ይኖሩታል፡፡

፯. የቦርዱ አባላት

፩/ ቦርዱ የመንግሥት፣ የአሠሪና የሠራተኛ ተወካዮች ይኖሩታል፤ የተወካዮቹም ቁጥር እኩል ይሆናል፡፡ ጠቅላላ ብዛታቸውም እንዳስፈላጊነቱ ይወሰናል፡፡

፪/ የቦርዱ ሰብሳቢና መንግሥትን የሚወክሉ አባላት በመንግሥት ይሰየማሉ፡፡ የአሠሪና የሠራተኛ ተወካዮች የሆኑ የቦርዱ አባላት የሚመረጡበት ሥርዓት በመንግሥት ይወሰናል፡፡

፫/ የኤጀንሲው ዋና ዳይሬክተር የቦርዱ አባልና ፀሐፊ ይሆናል፡፡

9/ invest the private organizations’ employees pension fund in treasury bonds and other secured investments specified by directives issued by the Ministry of Finance and Economic Development;

10/ cause periodical actuarial study and review of the private organizations’ employees pension funds;

11/ undertake studies to strengthen pension programs of employees of private organizations, submit the studies to the government and implement same upon approval;

12/ issue directives on matters that come within its powers and duties;

13/ own property, enter into contracts, sue and be sued in its own name;

14/ carry out such other activities as may be necessary for the fulfillment of its objective.

6. Organization of the Agency

The Agency shall have:

1/ a Board of Management (hereinafter the "Board"),

2/ Director General and, as may be necessary, Deputy Director Generals to be appointed by the government, and

3/ the necessary staff.

7. Members of the Board

1/ Members of the Board shall be equally represented from the government, private organizations and the employees of the private organizations; and their number shall be determined as may be necessary.

2/ The Chairperson and government representatives shall be assigned by the government. The election procedure applicable to representatives of private organizations and employees shall be determined by government.

3/ The Director General of the Agency shall be member and secretary of the Board.

፳. የቦርዱ ሥልጣንና ተግባር

፩/ ቦርዱ የኤጀንሲውን ሥራዎች በበላይነት ይመራል፤ ይቆጣጠራል፡፡

፪/ በዚህ አንቀጽ ንዑስ አንቀጽ (፩) የተመለከተው አጠቃላይ አነጋገር እንደተጠበቀ ሆኖ ቦርዱ፡-

ሀ) የኤጀንሲውን ስትራቴጂ፣ ዕቅድ፣ በጀትና የሥራ አፈጻጸም ሪፖርት ያጸድቃል፤

ለ) የግል ድርጅቶች ሠራተኞች ጡረታ ዐቅዱንና ፈንዱን የሚመለከቱ አጠቃላይ የፖሊሲ ጉዳዮችን ለመንግሥት አቅርቦ ያስወስናል፤

ሐ) ኤጀንሲው በዚህ ደንብ አንቀጽ ፭ ንዑስ አንቀጽ (፲፪) መሠረት የሚያወጣቸውን መመሪያዎች ያጸድቃል፡፡

፱. የቦርዱ ስብሰባ

፩/ ቦርዱ በሦስት ወር አንድ ጊዜ ይሰበሰባል፤ ሆኖም አስፈላጊ ሆኖ ሲገኝ በማናቸውም ጊዜ ሊሰበሰብ ይችላል፡፡

፪/ በቦርዱ ስብሰባ ላይ አብዛኞቹ አባላት ከተገኙ ምልዓተ ጉባኤ ይሆናል፡፡

፫/ የቦርዱ ውሳኔ የሚተላለፈው በስብሰባው ላይ ከተገኙት አባላት በአብዛኛው ድምጽ ሲደገፍ ነው፡፡ ሆኖም ድምጹ እኩል ለእኩል የተከፈለ እንደሆነ ሰብሳቢው ወሳኝ ድምጽ ይኖረዋል፡፡

፬/ የዚህ አንቀጽ ደንጋጌዎች እንደተጠበቁ ሆኖ ቦርዱ የራሱን የአሠራር ሥነ ሥርዓት ደንብ ሊያወጣ ይችላል፡፡

፲. የዋና ዳይሬክተሩ ሥልጣንና ተግባር

፩/ ዋና ዳይሬክተሩ የኤጀንሲው ዋና ሥራ አስፈጻሚ ሆኖ ቦርዱ በሚሰጠው አጠቃላይ መመሪያ መሠረት የኤጀንሲውን ሥራዎች ይመራል፤ ያስተዳድራል፡፡

፪/ በዚህ አንቀጽ ንዑስ አንቀጽ (፩) የተመለከተው አጠቃላይ አነጋገር እንደተጠበቀ ሆኖ ዋና ዳይሬክተሩ፡-

ሀ) በዚህ ደንብ አንቀጽ ፭ የተመለከተውን የኤጀንሲውን ሥልጣንና ተግባር በሥራ ላይ ያውላል፤

ለ) የኤጀንሲውን ሠራተኞች በፌዴራል ሲቪል ሰርቪስ ሕጎች መሠረት ይቀጥራል፤ ያስተዳድራል፤

ሐ) የኤጀንሲውን ስትራቴጂ፣ ዕቅድና በጀት አዘጋጅቶ ለቦርዱ ያቀርባል፤ ሲፈቀድም በሥራ ላይ ያውላል፤

8. Powers and Duties of the Board

1/ The Board shall oversee and supervise operations of the Agency.

2/ Without limiting the generality of sub-article (1) of this Article, the Board shall have the powers and duties to:

a) approve the strategy, plans, budgets and performance reports of the Agency;

b) submit to the government, for approval, general policy matters regarding the private organizations' employees pension scheme and fund;

c) approve directives of the Agency to be issued pursuant to sub-article (12) of Article 5 of this Regulation.

9. Meetings of the Board

1/ The Board shall meet once in every three months; provided, however, that it may meet at any time as may be required.

2/ There shall be a quorum where more than half of the members are present at a meeting of the Board.

3/ Decisions of the Board shall be passed by majority votes of the members present at a meeting; provided, however, that the Chairperson shall have a casting vote in case of a tie.

4/ Without prejudice to the provisions of this Article, the Board may adopt its own rules of procedure.

10. Powers and Duties of the Director General

1/ The Director General shall be the chief executive officer of the Agency and shall, subject to the general directives of the Board, direct and administer activities of the Agency.

2/ Without limiting the generality of sub-article (1) of this Article, the Director General shall:

a) exercise the powers and duties of the Agency specified in Article 5 of this Regulation.;

b) employ and administer employees of the Agency in accordance with the federal civil service laws;

c) prepare and submit to the Board the strategy, plan and budgets of the Agency and implement same upon approval;

- መ) ለኤጀንሲው በተፈቀደለት በጀት መሠረት ገንዘብ ወጪ ያደርጋል፤
- ሠ) ከሦስተኛ ወገኖች ጋር በሚደረጉ ግንኙነቶች ኤጀንሲውን ይወክላል፤
- ረ) የኤጀንሲውን የሥራ አፈጻጸምና የሂሳብ ሪፖርቶች ለበርዱ ያቀርባል፤ ሲጸድቁም ለሚመለከታቸው የመንግሥት አካላት ያስተላልፋል፡፡
- ፫/ ዋና ዳይሬክተሩ ለኤጀንሲው ሥራ ቅልጥፍና ባስፈለገ መጠን ከሥልጣንና ተግባሩ በከፊል ለኤጀንሲው ኃላፊዎችና ሌሎች ሠራተኞች በውክልና ሊያስተላልፍ ይችላል፡፡

፲፩. በጀት

ኤጀንሲው ከጡረታ ፈንዱ በሚመደብ በጀት ይተዳደራል፡፡ ሆኖም ኤጀንሲው ሥራውን ለመጀመር እንዲችል በመንግሥት የማቋቋሚያ በጀት ይመደባል፡፡

፲፪. ስለሂሳብ መዛግብት

- ፩/ ኤጀንሲው የተሟሉና ትክክለኛ የሆኑ የሂሳብ መዛግብት ይይዛል፡፡
- ፪/ የኤጀንሲው የሂሳብ መዛግብትና ገንዘብ ነክ ሰነዶች በየዓመቱ በዋናው አዲተር ወይም እርሱ በሚሰይማቸው አዲተሮች ይመረመራሉ፡፡

፲፫. ደንቡ የሚፀናበት ጊዜ

ይህ ደንብ በፌዴራል ነጋሪት ጋዜጣ ታትሞ ከወጣበት ቀን ጀምሮ የፀና ይሆናል፡፡

አዲስ አበባ መጋቢት ፲፮ ቀን ፪ሺ፫ ዓ.ም

መለስ ዜናዊ

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ
ሪፐብሊክ ጠቅላይ ሚኒስትር

- d) effect expenditure in accordance with the approved budget of the Agency;
- e) represent the Agency in all its dealings with third parties;
- f) submit performance and financial reports of the Agency to the Board and, upon approval, to the concerned government bodies.
- 3/ The Director General may delegate part of his powers and duties to the officers and other employees of the Agency to the extent necessary for the efficient performance of the activities of the Agency.

11. Budget

The Budget of the Agency shall be allocated from the pension fund; provided, however, that the government shall allocate initial budget to commence operation.

12. Books of Accounts

- 1/ The Agency shall keep complete and accurate books of accounts.
- 2/ The books of accounts and financial documents of the Agency shall be audited annually by the Auditor General or by auditors appointed by him.

13. Effective Date

This Regulation shall come into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 25th day of March 2011.

MELES ZENAWI

PRIME MINISTER OF THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA