

87/ANKr.BK.

**ANUKRET on**

***The Organization and Functioning of the Ministry of***

***Social Affairs, Labour, Vocational Training, and Youth Rehabilitation***

- Seen the constitution of the Kingdom of Cambodia of 1993
- Seen Kret NS/RKT/1198/72 dated November 30, 1998 concerning the appointment of the Royal Government of Cambodia
- Seen Kram 02/NS/94 dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers
- Seen Kram NS/KRM/0699/06 dated June 17, 1999 promulgating the Law on the establishment of the Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation
- Seen Anukret 20/ANKr/BK. dated April 30, 1996 concerning the organization and functioning of the Ministries and State secretariats

Approved by the Council of Ministers at its plenary session on August 6, 1999

***HEREBY DECIDES***

**Chapter I : General provisions**

**Article 1**

This Anukret determines the organization of various entities of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation and defines the ministerial missions and functions of different general departments and departments.

**Chapter II : Missions and Organizational Structure**

**Article 2**

The Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation is delegated by the Royal Government to govern the social affairs, labour, vocational training, and youth rehabilitation of the Kingdom of Cambodia.

**Article 3**

The Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation has the following functions and roles:

A/ The Social Affairs :

- To head and govern all state's social affairs services and civil society to help the citizens against various disasters and design sound solidarity/social activities to help the vulnerable groups, including the unaccompanied elderly, handicapped, orphans, street persons, street children, drug addicted children, prostitute, person who has dangerous transmitted disease ...etc.
- to help the most socially disadvantaged groups, the unaccompanied;
- to cooperate with the relevant institutions, to take legal measures in monitoring and planing to prevent people from indulging and prostitution and human trafficking;
- to assist the victims of various disasters, including natural disaster, war, and other dangers;
- to govern the pension regime of the civil servants, as determined by the Law on the Civil Servants of the Kingdom of Cambodia;
- to govern the social assurance regime to the orphans of the deceased civil servants.
- to prepare the laws and regulations relating to overseas adoption;
- to maintain, take care of, protect, and educate all kind of orphans;
- to protect sexually violated children and other types of children trafficking;
- to design policy in support of the handicapped and to implement physical and vocational rehabilitation to all handicapped.

B/ The Labour Affairs :

- To enforce the Labor Law to improve and ensure the hygiene, health, security, and working conditions at the factories/enterprises;
- to inspect the factories/enterprises as determined by the provisions on the labour administration;
- to follow up the labour law enforcement and provisions related to working formalities, working conditions, hygiene of work, and protection of social welfare of the workers/employees;
- to protect and coordinate the relationships between various organizations representing the worker/employee, and employer associations of employers at the factory/enterprise;

- to conduct dispute resolution proceeding for collective and personal labor dispute based on the legal principles and as a mediator;
- to study and design national working policies and to assess the needs of labour market, rate of unemployment and non-secured employment within the country;
- to govern the use of Cambodian labour force either internal and external and to govern foreign manpower who work in Cambodia;
- to prepare and implement the law regarding the social insurance for worker, employee, and national budget fund of social security.

#### C/ The Vocational Training :

- To develop a national working policy based on the vocational training policy and assist in improving skills of worker, employee, citizens, in particular those of disadvantaged groups to have jobs, skills, and assist the enterprise to get qualified handworkers;
- to assist the national training committee with the preparation of national policy on vocational training;
- to organize and manage training centers associated with the labor market;
- to cooperate with the Ministry of Education, Youth and Sports in designing government policy, criteria, allocation of management roles for training centers between the two ministries to be determined by a separate Anukret;
- to cooperate and coordinate with the non-governmental organizations to promote the vocational training;
- to cooperate with the companies, factories, and enterprises to improve and heighten the vocational training;
- to cooperate with the Ministry of Interior to organize skills training for the convicted persons;
- to organize and control the testing of all kinds of profession and provide or deprive vocational certificate based on the test results;
- to prepare the standard business model by cooperation with the Ministry of Education, Youth and Sports to meet the extent of labour market need locally, regionally, and worldwide;
- to control the apprenticeship training and the fund for apprenticeship management as determined by the labor law;

#### D/ The Youth Rehabilitation :

- To govern the minors who are 7 or below 18 years of age who had committed an offense, such as gangster, as morality within the country and has the role to improve, develop the human resources and educate them to be a good citizen in the future;
- to establish education center for children and minors, as necessary, to raise, care, educate, and train those who committed wrongdoing;
- to cooperate with the relevant ministries/institutions, international organizations, non-governmental organizations;
- to develop education programs in order to train the minors to be a well behaved citizen and respect the law; and;
- to prepare legal principles and regulations relevant to the management of the youth rehabilitation field.

### Article 4

The Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation has the following organizational structure:

- The Cabinet of Minister;
- The Department of general inspection;
- The general Department of administration and finance;
- The general Department of social affairs and youth rehabilitation;
- The general Department of labour and vocational training;
- The local based entities; and
- The subordinate public institution "national fund for social security".

The organizational chart of the Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation is an annex to this Anukret.

### Chapter III : The Cabinet of the Minister

#### Article 5

The cabinet of Minister is in charge of implementing all missions as determined by the provisions of Anukret No.20 ANK/P, dated April 30, 1996 as referred to in the above contents concerning organization and functioning of the ministries and state secretariats.

### Chapter IV : The Department of General Inspection

#### Article 6

The roles of the department of general inspection of the Ministry of Social Affairs, Labour, Vocational Training, Youth Rehabilitation are:

- To regularly inspect all subordinated entities of the ministry;
- to review, arrange and settle all administrative disputes related to the competence and activities of the officials and agents in the ministry;
- to report to the Minister on the functioning of the inspected entities and report the measures to improve the functioning of those entities; and
- to perform other roles assigned by the ministry.

The department of general inspection shall be headed by one general director and a number of deputy directors if necessary.

### **Chapter V : The General Department of Administration and Finance**

#### **Article 7**

The roles of the general department of administration and finance are:

- To coordinate all kind of activities of the ministry at the central and local based levels which are related to the budget, financial, accounting, administrative and personnel affairs;
- to prepare financial planning of the ministry;
- to evaluate, facilitate, promote or encourage the entities or individuals who are under the supervision of the ministry;
- to control the general disciplines of the ministerial personnel and entities under the supervision of the ministry;
- to manage human resource development policy of the ministry;
- to establish public relations and disseminate ministerial information both internally and externally;

The general department of administration and finance shall be headed by one general director and a number of deputy directors if necessary.

The general department of administration and finance has form following departments:

1. The Department of Administration and Personnel;
2. The Department of Finance and Logistics;
3. The Department of Planning, Statistics, and Assessment;
4. The Department of International Cooperation and Aid.

#### **Article 8**

The roles of the department of administration and personnel are:

A/ The Administration Department :

- to coordinate all ministerial activities at the central levels and between the central level and local based entities by collaboration with other general departments of the ministry;
- to manage and circulate administrative documents in the ministry;
- to ensure the efficiency and administrative safety and social affairs of the ministry; and
- to prepare activity report and minutes of various ministerial leaderships.

B/ The Personnel Department :

- to manage administrative work of officials and agents of the ministry in cooperation with the state secretariats of Public Services;
- to prepare administrative letters related to ministerial personnel for career management;
- to design a program of expertise position and human resources of the ministry;
- to conduct need assessment of personnel training;
- to develop and perform the internship and staff development policy in cooperation with state secretariat of Public Services and to implement such policy;
- to prepare statistics of personnel management and operational data;
- to evaluate, facilitate, promote, or encourage the entity or individual who are under the supervision of the ministry;
- to prepare salary for work, incentive, and support regime and social welfare policy; and
- to perform other roles assigned by the ministry.

The department of administration and personnel shall be headed by one director and a number of deputy directors if necessary.

#### **Article 9**

The roles of the department of planning, statistics, and assessment are:

A/ The planning and statistics:

- to prepare the statistics of targeted tasks which are under the responsibility of the ministry;
- to study, collect data, determine plan of action, and design the plan of ministerial activities;
- to evaluate the quantity and quality of the administration, social affairs, labour, vocational training, and youth rehabilitation;
- to study statistics and future goals regarding social affairs, labour, vocational training, and youth rehabilitation.

B/ The Assessment Department:

- to prepare the assessment report on the activities and achievements on weekly, monthly, quarterly, semi-annual and annual basis;
- to cooperate with other departments to prepare instructions, circulars, and acts of the ministry;
- to advise and manage the reporting procedures of the subordinated entities and province/city;
- to conduct field visit to provinces/cities to be aware of and collect information about actual situation of the targeted tasks; and
- to perform other roles assigned by the ministry.

The department of planning, statistics, and assessment shall be headed by one director and a number of deputy directors if necessary.

**Article 10**

The roles of the department of finance and supply are:

A/ The accounting and finance:

- to prepare the budget plan of the ministry and follow up its operations;
- to properly collect revenues and transfer to the state budget in accordance with the financial law;
- to gather and adjust the budget chapters;
- to follow up the special account management;
- to cooperate with the financial auditing agency in auditing the ministerial revenues and expenses;
- to gather and coordinate all any expenditures of the ministry;
- to manage the account payable in the implementation of public procurement.

B/ The supply:

- to assess the need and prepare expense schedule, facilitate an arrangement of material and equipment maintenance for the ministry;
- to manage movable and immovable properties, stocks, and prepare an inventory list;
- to administer garages and state vehicles of the ministry and prepare expense schedule, allocate fuel and spare parts;
- to receive and distribute equipment to the provincial/city entities;
- to keep invoice books and accounting figures;
- to install information technology of financial activities and account payables;
- to control process of public procurement transactions; and
- to perform other roles assigned by the ministry.

The department of finance and supply shall be headed by one director and a number of deputy directors if necessary.

**Article 11**

The roles of the department of international cooperation and aid are:

- to establish relationship with local and international non-governmental organizations in order to participate in the development of all ministerial works;
- to prepare the cooperation programs, memorandum of agreement with organizations and arrange appointments and meetings between the ministerial leadership and foreign visitors;
- to monitor and assess all activities of non-governmental and international organizations who are signatories of the protocol between the ministry and then report to the ministry about the outcomes of such monitoring and assessment by requesting for an approval to modify or terminate any agreement which is not properly performed;
- to prepare texts and letters in order to coordinate the cooperation and collaborations between the ministry and organizations required to be a signatory to the protocol or agreement with the ministry;
- to manage and follow up the utilization of aid from various organizations;
- to manage the relationships between ASEAN countries for all activities related to the ministry;
- to facilitate papers such as passports and visas of ministerial officials who have official missions abroad as assigned by the ministry;
- to keep track on the evolution of the ministry, relevant institutions, countries, and the world and disseminate this information to the entities concerned; and

- to perform other roles assigned by the ministry.

The department of international cooperation and aid shall be headed by one director and a number of deputy director if necessary.

## **Chapter VI : The General Department of Social Affairs and Youth Rehabilitation**

### **Article 12**

The general department of social affairs and youth rehabilitation whose duties are to establish relationships, coordination, management of social welfare, children welfare, restoration of labour forces and youth rehabilitation.

The department of social affairs and youth rehabilitation consists of five departments:

1. The Department of Social Welfare;
2. The Department of Children Welfare;
3. The Department of Labor Force Restoration;
4. The Department of Youth Rehabilitation Development; and
5. The Department of Youth Rehabilitation Management.

### **Article 13**

The roles of the department of social welfare are:

- to assist the most disadvantaged group in the society, unaccompanied persons, unaccompanied elderly people, the handicapped, and street people;
- to cooperate with relevant ministries/institutions to take legal measures and control measures to prevent prostitution and human trafficking;
- to assist the victims of disasters, including natural disasters, war, and other dangers;
- to manage the retirement fund regime and disability pension regime for the civil servants as determined by the Law on Civil Servants of the Kingdom of Cambodia;
- to manage social security regime for the orphans of deceased civil servants; and
- to perform other roles assigned by the ministry.

The department of social affairs shall be headed by one director and a number of deputy directors if necessary.

### **Article 14**

The role of the department of children welfare are:

- to assist the orphans through bringing up, protecting, and educating them to be good citizens in the society
- to organize and manage the orphanage and baby rescue center for the abandoned babies
- to rescue the children victim of physical abuse, trafficking, and sexual exploitation
- to manage and cooperate with the relevant ministry for domestic and oversea adoption;
- to execute the government policy regarding children under the international conventions and treaties in which the Kingdom of Cambodia is a signatory; and
- to perform other roles assigned by the ministry;

The department of children welfare shall be headed by one director and a number of deputy directors if necessary.

### **Article 15**

The roles of the department of labor force restoration are:

- To manage the labour force restoration and re-integration of handicapped into the society;
- to provide physiotherapy treatment to all handicapped;
- to manage the production and providing artificial limbs to handicapped;
- to educate and train the handicapped;
- to create jobs and develop the living standard of the handicapped at the community level;
- to prepare, draft, and enforce the public policy and laws regarding the handicapped;
- to organize the cultural and artistic activities, and sports of Cambodian handicapped;
- to perform other roles assigned by the ministry.

The department of labor force restoration shall be headed by one director and a number of deputy directors if necessary.

### **Article 16**

The roles of the department of development of youth rehabilitation are:

- To develop education program and training;
- to organize bulletin and libraries for vulnerable children and juvenile education center;
- to research and assess the socio-psychological behaviour of children and juvenile who are under the protection at the center;
- to improve the human resources specialized in education of vulnerable children and juvenile;
- to prepare the legal principles and regulations relevant to the management of the youth rehabilitation;
- to cooperate with the relevant institutions in order to seek measures and planning to prevent the abuse of children;
- to follow up and monitor and seek measures to help children who are legally released from the correction center in order to prevent them from repeating the offenses; and
- to perform other roles assigned by the ministry;

The department of development of youth rehabilitation shall be headed by one director and a number of deputy directors if necessary.

#### **Article 17**

The role of department of youth rehabilitation management are:

- to organize and create education center for vulnerable children and juvenile in the region, province and city in accordance with the increased rate of offenses;
- to gather children and juvenile under 18 years of age who are committing bad or illegal acts, such as crimes and drug addict and give them guardianship, education, and training and tracing for their family or guardians;
- to design principles, regulations and bylaws for each center;
- to form the disciplinary council, at each center, in order to examine and decide on the evolution of the children and juvenile;
- to conduct expertise, prepare statistics, research and analyze to find out the cause of juvenile's offense.
- to establish file and propose measures for solution;
- to participate in the judicial hearings related to the juvenile offender;
- to conduct psychological activities, organize field trips, shows, and various activities to collect funds for youth rehabilitation services;
- to perform other roles assigned by the ministry.

The department of youth rehabilitation management shall be headed by one director and a number of deputy directors if necessary.

### **Chapter VII : The General Department of Labour and Vocational Training**

#### **Article 18**

The roles of the general department of labour and vocational training are to establish the relationship, coordination, management of labour inspection, jobs, and labour forces, labour health center, social welfare, and vocational training activities.

The general department of labour and vocational training shall be headed by one general director and a number of deputy directors if necessary.

The general department of labour and vocational training consists of six departments:

1. The Department of Labour Inspection;
2. The Department of Employment and Labour Forces;
3. The Department of Labour Health;
4. The Department of Social Welfare;
5. The Department of Vocational Training; and
6. The Department of Vocational Technique and Labour Markets.

#### **Article 19**

The roles of the department of labour inspection are:

- To prepare and implement the legal provisions and regulations related to working conditions and protection of workers, and employees during the course of their career performance;
- to effectively strengthen the implementation of labour law and international convention regarding labour and union rights to assure the rights and benefits of workers, employees, and employers;
- to appoint and supervise agents who conduct field labour inspection at the enterprises and monitor labour inspection activities for the purpose of having such enterprises respected to these laws through notification, guidance, or at some circumstances to prevent violations which have been observed;
- to protect the organ representing the workers and employees at the enterprises;
- to put in the implementation of resolution procedures relating to the labour disputes;

- to follow up and encourage the collective bargaining agreement and social conflicts and examine and register convention texts;
- to assume secretarial tasks of the committee of labour council and organizes all tasks of this committee; and
- to perform other roles assigned by the ministry.

The department of labour inspection shall be headed by one director and a number of deputy directors if necessary.

#### **Article 20**

The roles of the department of profession and labour force are:

- To study and propose development measures and labour protection;
- to prepare legal restrictions of such rules and implement measures and follow up their implementations;
- to initiate the creation and review employment application;
- to prepare labour statistics through cooperation with department of planning and statistics;
- to prepare provision and regulations related to working conditions of foreign workers/ employer by consultation with various departments in the ministry or other relevant ministries/institutions.
- to issue and revoke work permit of foreigners;
- to organize and manage in sending Cambodian workers to work abroad; and
- to perform other roles assigned by the ministry.

The department of profession and manpower shall be headed by one director and a number of deputy directors if necessary.

#### **Article 21**

The roles of the labour health department are:

- To prepare draft law and labour regulations regarding the protection of worker against risk of profession, including worker's and employee's health in cooperation with the department of labour inspection;
- to establish relations and close collaboration with labour inspection to implement the law and regulations related to hygiene of work and protect the worker's and employee's health;
- to conduct a regular evaluation and monitoring on labour clinic activities at the enterprises;
- to encourage, coordinate and monitor the activities of a labour clinic inspector who conducts persistent activity for the protection of worker/employee health at the workplace;
- to promote and provide financial support for medical study related to health of worker/ employee; and
- to perform other roles assigned by the ministry.

The department of labour clinic shall be headed by one director and a number of deputy directors if necessary.

#### **Article 22**

The roles of the department of social security are:

- To design regulations and implement measures for the protection of workers/employees and their families against social risks which may cause any loss or reduction of their performances and help the workers/employees to be able to support their family burdens;
- to prepare different acts regarding the insurance of workers/employees, including maternity, mortality, disability, and senility as well as the preparation of regulations regarding the insurance for the on-the-job injury and professional disease and proposed regulations to provide a family benefits;
- to be in charge of monitoring the implementation of legal provisions and regulations and to act as patron for existing organizations to ensure the implementation of such measures; and
- to perform other roles assigned by the ministry.

The department of social security shall be headed by one director and a number of deputy directors as assistants if necessary.

#### **Article 23**

The roles of the department of vocational training are:

- To prepare training curricula for center and vocational training school;
- to collect data on the need of labour market in order to balance the training against the labour markets;
- to organize final training examinations and issue certificate to those who completed the training courses;
- to coordinate and review training programs of all kinds of profession proposed by centers and vocational training schools;
- to organize the training and promote trainer capability inside and outside of the Cambodia;
- to train Cambodian laborers who will be working in a foreign country to meet with the need of international labour markets;
- to administer the center and all vocational training schools of the ministry; and

- to perform other roles assigned by the ministry.

The department of vocational training shall be headed by one director and a number of deputy directors as assistants if necessary.

#### **Article 24**

The roles of the department of labour skill and labour market are:

- To prepare and propose strategic plan, long-term and annual vocational training program, and career orientation program;
- to research the employment standard and coordinate Cambodian training program with those of other countries;
- to monitor and provide guidance to centers and private vocational training schools, international and non-governmental organizations under the jurisdiction of the ministry;
- to assess and analyze the employment need and disseminate information of labour market through the study of critical need of labour market which require training and balancing the labour market with vocational training tasks;
- to conduct research on the quantity of profession and produce documents on career specifications for the development of skills;
- to organize information network, provide consultations to students who completed the training courses for career placement or return to work at their communities;
- to prepare and draft legal provisions regarding the obligation of apprenticeship training, monitoring of apprenticeship training, and funds for apprenticeship training under the labor law; and
- to perform other roles assigned by the ministry.

The department of vocational skill and labour market shall be headed by one director and a number of deputy directors as assistant if necessary.

### **Chapter VIII : The Local Based Entity**

#### **Article 25**

There shall be a provincial/city social affairs, labour, vocational training, and youth rehabilitation office at each province and city which is responsible for the performance and coordination of ministerial activities.

There shall be a district/khan social affairs, labour, vocational training, and youth rehabilitation office at each district and khan to be responsible for the performance and coordination of provincial activities.

### **Chapter IX : The Subordinated Public Institutions**

#### **Article 26**

The national financial institution for social security is a public institution which has its legal personality and financial autonomy. It is in charge of management and provision of social protection for worker/employee who are protected by provisions of the labour law.

The organization and functioning of this public institution shall be determined by a separate Anukret.

### **Chapter X : The Financial Auditing Entity**

#### **Article 27**

The financial auditing entity shall be established by the Ministry of Economy and Finance under the requirements of the regulations defined in Anukret No. 81, dated November 16, 1995 regarding the establishment of a financial auditing entity for ministerial expenditures.

### **Chapter XI : Final Provisions**

#### **Article 28**

The organization and functioning of the ministry at the central administration commencing from the level which is below the department and at the provincial, city, khan, and district levels shall be determined by Prakas of the Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation.

#### **Article 29**

For all responsibilities relevant to the competence of other institutions, the Minister of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation and head of such institutions shall cooperate to allocate their responsibilities and perform such responsibilities through the joint Prakas between the Minister of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation and director of such institutions.



**Article 30**

The Anukret No.56 ANK/P, dated September 23, 1997 regarding the organization and functioning of the Ministry of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation and any provisions which are contrary to this Anukret shall be abrogated.

**Article 31**

The Minister in charge of the Council of Ministers, Minister of Social Affairs, Labour, Vocational Training, and Youth Rehabilitation, Secretaries of State of all ministries/institutions shall enforce this Anukret in accordance with their respective accountability from the date of signature herein.

Phnom Penh, October 04, 1999

Prime Minister : **Hun Sen**

Have submitted to Samdech Prime Minister

Minister of Social Affairs, Labor, Vocational Training, And Youth Rehabilitation : **Ith Sam Heng**