

Decree-Law No. 3/2008 of 16 January

ORGANIC STRUCTURE OF THE SECRETARY OF STATE FOR PROFESSIONAL TRAINING AND EMPLOYMENT

Article 37 of Decree-Law No. 7/2007 of 5 September 2007 relating to the Organic Structure of the IV Constitutional Government of the Democratic Republic of Timor-Leste determines the drafting of organic bills of Ministries and Secretaries of State under the Prime Minister.

The Secretariat of State for Professional Training and Employment is the Government's main body and in support of all policies designed under its competence, shall develop and implement policies and programmes regarding labour, professional training and employment areas.

The present statute approves the Organic Law of the Secretariat of State for Professional Training and Employment, establishing the structures and competencies required for its operation.

Thus, pursuant to article 115(3) of the Constitution of the Republic and article 37 of the Decree-Law No. 7/2007 of 5 September, the Government enacts the following to have the force of law:

CHAPTER I NATURE AND COMPETENCIES

Article 1 Nature

The Secretariat of State for Professional Training and Employment, hereinafter referred to as SEFOPE, is the Government's main body responsible for the design, execution, coordination, and evaluation of the policy as defined and approved by the Council of Ministers for the areas of labour, professional training and employment.

Article 2 Competencies

1. In order to achieve its goals, it is incumbent upon SEFOPE, to:
 - a) Propose the policy and prepare the draft regulations for the areas of labour, professional training and employment;
 - b) Encourage the hiring of Timorese abroad;
 - c) Regulate and monitor foreign workers in Timor-Leste;
 - d) Promote and monitor Occupational Health;
 - e) Establish mechanisms of collaboration and coordination with other Government bodies with responsibilities in related areas;
 - f) Promote equality of rights and opportunities, as well as the full participation and integration of disabled people;
 - g) Promote tripartite relationships in order to prevent labour conflicts;

- h) Develop and promote the monitoring of labour legislation and international labour covenants ratified by Timor-Leste;
- i) Provide assistance to employers and employees on matters involving labour relations;
- j) Define and implement measures for promoting employment and fighting unemployment;
- k) Any other competencies legally transferred to it.

CHAPTER II TUTELAGE AND SUPERINTENDENCE

Article 3 Tutelage and Superintendence

SEFOPE is under the tutelage of the Secretary of State for Professional Training and Employment, who supervises it and is accountable for it before the Prime Minister.

CHAPTER III ORGANIC STRUCTURE

Article 4 General Framework

1. SEFOPE exercises its competencies through services that come under direct State administration and through bodies that are integrated in the indirect administration of the State.
2. Territorial delegations of SEFOPE services may be established by means of ministerial orders issued by members of the Government responsible for the areas of Professional Training and Employment, Finance, and State Administration and Territorial Planning.

Article 5 Services under direct State administration

The following central services are part of the State administration in the framework of SEFOPE, and come under direct administration of the State:

1. The General Director;
2. The National Directorate of Administration and Finance;
3. The National Directorate of Labour Relations;
4. The National Directorate of Labour Inspection;
5. The National Directorate of Professional Training;
6. The National Directorate of Employment;
7. The Office of Legal Affairs.

Article 6
Services under indirect State administration

The following bodies, which are governed by a specific statute, shall exercise competencies of SEFOPE under the tutelage and superintendence of the Secretary of State for Professional Training and Employment:

- a) The National Employment and Professional Training Centre – Tibar;
- b) The National Institute for Manpower Development;

CHAPTER IV
SERVICES, ORGANISMS AND TERRITORIAL DELEGATIONS

PART I
SERVICES UNDER DIRECT STATE ADMINISTRATION

Article 7
General Director

1. The General Director is responsible for ensuring the general guidance of all of the services provided by SEFOPE.
2. It is incumbent upon the General Director to:
 - a) Ensure the general guidance of the services in accordance with the Government Programme and the guidelines provided by the Secretary of State;
 - b) Submit proposals to the Secretary of State regarding appropriate measures to undertake the tasks mentioned in the subparagraph above;
 - c) Take part in initiatives for the development of policies and regulations related to its area of intervention;
 - d) Coordinate the drafting of bills and regulations of the Secretariat of State;
 - e) Ensure the general internal administration of the Secretariat of State and its services in accordance with the annual and multi-annual programmes of SEFOPE;
 - f) Plan public investment measures, prepare the project and execute the respective budget;
 - g) Control SEFOPE's operational budget execution;
 - h) Monitor the execution of international cooperation programmes and projects and conduct internal assessments in coordination with the Ministries of Foreign Affairs and of Finance without prejudice to the existence of self-owned evaluation mechanisms;
 - i) Verify the legality of expenses and effect payments after obtaining the authorization of the Secretary of State;
 - j) Coordinate SEFOPE's human resources;

- k) Promote the training and professional/technical development of staff assigned to the bodies and services of SEFOPE;
- l) Coordinate the information for the public in general, the media and other government bodies;
- m) Draft the annual report on activities by the Secretariat of State in coordination with other National Directorates;
- n) Monitor gender-related policies in the workplace in coordination with the Secretariat of State for the Promotion of Gender Equality;
- o) Present an annual report of his activities;
- p) Undertake other activities as assigned to him/her pursuant to the law.

Article 8
National Directorate of Administration and Finance

1. The National Directorate of Administration and Finance, hereinafter referred to as DNAF, is entrusted to ensure the technical and administrative support to the Secretary of State, the General Director and the remaining services of SEFOPE in the areas of general administration, human resources, documentation and archives as well as property management.

2. It is incumbent upon DNAF to:

- a) Provide administrative and technical support to the Secretary of State, the General Director and the remaining SEFOPE directorates;
- b) Ensure the inventorying, maintenance, preservation and management of the State's properties, as well as the inventorying and maintenance of the contracts for the provision of services and goods which have been assigned to the Secretariat of State;
- c) Coordinate the execution and control of the allocation of resources to all of the directorates in the Secretariat of State;
- d) Ensure a common system of internal communication procedures across the bodies and services of the Secretariat of State;
- e) Draft the Annual Action Plan and the proposal for a Sector Investment Programme for the Secretariat of State in cooperation with all the services in the Secretariat of State and in accordance with guidance received from higher-level bodies;
- f) Take part in the drafting of sector plans for the various services within the Secretariat of State;
- g) Prepare the draft annual budget for the Secretariat of State in cooperation with other entities;
- h) Coordinate the execution of budget allocations to the various services of the Secretariat of State, without prejudice to the existence of other control and assessment means utilized by other entities;
- i) Coordinate and harmonize the execution of annual and multi-annual plans in accordance with the needs identified by higher-level bodies;
- j) Undertake procurement activities for the Secretariat of State;
- k) Abide by and ensure the enforcement of laws, regulations and other financial and administrative legal provisions;
- l) Promote the recruitment, hiring, monitoring, assessment, promotion and retirement of employees;
- m) Run employee payrolls;

- n) Ensure the collection, storage, preservation and handling of SEFOPE documentation, namely the personal files of staff with the Secretariat of State;
- o) Abide by and enforce legislation regarding civil servants, proposing to higher-level bodies inquiries and disciplinary procedures and undertaking those that were ordered by higher-level bodies;
- p) Issue opinions and other information aimed at proposing administrative measures for the improvement of human resources management;
- q) Develop necessary actions for the enforcement of norms regarding occupational health and safety conditions in the workplace;
- r) Maintain an archive system and generate statistics regarding the Secretariat of State as well as an updated computerized system containing information on the Secretariat of State's assets;
- s) Develop measures in order to ensure the maintenance of internal and external communication networks, as well as the proper operation and usage of IT resources;
- t) Present annual reports of activities;
- u) Undertake other activities as assigned to him/her pursuant to the law.

Article 9

National Directorate of Labour Relations

1. The National Directorate of Labour Relations, hereinafter referred to as DNRT, is mandated to promote and implement dignified and harmonious labour conditions and labour relations among employers and employees in Timor-Leste.

2. It is incumbent upon DNRT to:

- a) Develop internal programmes regarding labour relations or through technical cooperation with other national and international organizations;
- b) Promote and implement social dialogue in coordination and cooperation with organizations representing employers and employees;
- c) Establish and maintain a database on labour relations;
- d) Promote Labour Conflict Mediation and Conciliation Services, including as regards the right to strike.
- e) Promote the resolution of conflicts related to Collective Agreements;
- f) Promote the registration of unions and business associations according to governmental policies and legislation.
- g) Undertake other activities as assigned to him/her pursuant to the law.

Article 10

National Directorate of Labour Inspection

1. The National Directorate of Labour Inspection, hereinafter referred to as DNIT, is mandated to promote the enforcement of labour legislation, international labour agreements or conventions ratified by Timor-Leste and policies aimed at preventing professional hazards, ensuring they are applied throughout the country.

2. It is incumbent upon DNIT to:

- a) Develop inspection programmes regarding the implementation of the labour legislation;

- b) Promote awareness-raising events and provide information on work relations to employers and employees and respective associations, aimed at the full enforcement of the applicable norms;
- c) Support public and private entities in identifying professional hazards, implementing preventive measures and organising safety, health and hygiene services in the workplace;
- d) Develop and maintain an annual inspection programme which includes visits to workplaces and issuance of reports related to the compliance with applicable legislation, in particular on occupational health and safety;
- e) Notify competent authorities of any practice in the workplace that constitutes an administrative or criminal offence;
- f) Issue opinions regarding work permits to be granted to foreign workers;
- g) Monitor the implementation of Social Security Service rules;
- h) Prevent and fight child labour in collaboration with other governmental departments;
- i) Undertake other activities as assigned to him/her pursuant to the law.

Article 11

National Directorate of Professional Training

1. The National Directorate of Professional Training, hereinafter referred to as DNAFOP, is mandated to promote policies regarding professional training.

2. It is incumbent upon DNAFOP to:

- a) Develop and implement professional training policies throughout the country;
- b) Promote equality of opportunities to all Timorese citizens regarding access to the professional training system;
- c) Promote the adoption of rules and regulations regarding professional training;
- d) Cooperate with other Ministries and Government bodies in areas related to professional training;
- e) Plan and coordinate training sessions for the qualification and recycling of workers and unemployed citizens, monitoring and assessing goals and achievements.
- f) Establish partnerships with civil society and non-governmental organizations (NGOs) for the development and implementation of professional training projects at the workplace;
- g) Assess the quality of professional training institutions and publicize such channels, with a view to achieving a balanced development of the training sector and the quality of the actions developed by such institutions;
- h) Establish partnerships for the identification of projects and opportunities that are compatible with the Government's policies and programme;
- i) Undertake other activities as assigned to him/her pursuant to the law.

Article 12

National Directorate of Employment

1. The National Directorate of Employment, hereinafter referred to as DNE, is mandated to promote employment in Timor-Leste.

2. It is incumbent upon DNE to:

- a) Develop and implement policies for the promotion of employment throughout the country;

- b) Establish partnerships with civil society and NGOs with regards to the development and the implementation of projects for the promotion of employment and self-employment;
- c) Promote and maintain an information system on the labour market with up-to-date information on the total number of unemployed, job vacancies, professional training courses and data regarding the promotion of self-employment;
- d) Establish partnerships for the identification of projects and opportunities which are compatible with the Government's policies and programmes;
- e) Undertake other activities as assigned to him/her pursuant to the law.

Article 13
The Office of Legal Affairs

1. The Office of Legal Affairs is a body within the Secretariat of State that provides support and legal advisory under the coordination of the General Director. It has the following attributions:

- a) To coordinate the drafting of bills and legal advisory services;
- b) To provide technical and legal support to the Secretariat and the Directorates;
- c) To develop programmes aimed at the Secretariat's staff informing them about new laws and regulations which may have an impact on the Secretariat's activities;
- d) Draft any documents required with regards to agreements and international labour conventions and prepare the respective reports;

2. For legal purposes, the status of the Office of Legal Affairs is equivalent to that of a ministerial department.

PART II
SERVICES UNDER INDIRECT STATE ADMINISTRATION

Article 14
National Employment and Professional Training Centre – Tibar

1. The National Employment and Professional Training Centre – Tibar, hereinafter referred to as CNEFP, is mandated to support the creation and implementation of national programmes for professional training and employment.

2. CNEFP shall be governed by its own statute, to be approved by law.

Article 15
National Institute for Manpower Development

1. The National Institute for Manpower Development, hereinafter referred to as INDMO, is mandated to define standards of competence and establish a certification system for professional training, in accordance with national and international standards.

2. INDMO shall be governed by its own statute, to be approved by law.

PART III
TERRITORIAL DELEGATIONS

Article 16

Territorial Delegations

The Territorial Delegations are the representative offices of SEFOPE in the districts and are mandated to implement and execute the programmes and activities delegated to them.

CHAPTER V FINAL AND TRANSITIONAL PROVISIONS

Article 17 Coordination between the services

1. SEFOPE services shall be structured according to goals which are formally established in annual and multi-annual activity plans approved by the Secretary of State for Professional Training and Employment.
2. The services shall cooperate with one another and coordinate their activities so as to promote a unified and integrated implementation of SEFOPE's policies.

Article 18 Complementary legislation

1. Without prejudice to the contents of the present statute, it shall be incumbent upon the Prime Minister, acting on a proposal presented by the Secretary of State for Professional Training and Employment to approve, by means of a ministerial order, the structure and internal regulations of the national directorates.

Article 19 Staffing Table

The staffing table and the number of senior and middle-level staff shall be approved by a ministerial order of the Prime Minister and the ministers responsible for finance and public administration, acting on a proposal from the Secretary of State for Professional Training and Employment.

Article 20 Repeal

All legal and regulatory provisions contrary to the present statute, in particular the provisions in UNTAET Regulation no. 5/2002 (Labour Code), are hereby revoked.

Article 21 Entry into force

The present legal statute shall enter into force on the day immediately after its publication.

Approved by the Council of Ministers on 13 December 2007.

The Prime Minister.

Kay Rala Xanana Gusmão

Enacted on 9 January 2008

For publication.

The President of the Republic,

José Ramos-Horta