

KINGDOM OF CAMBODIA

NATION RELIGION KING

Royal Government of Cambodia

No. 52 ANK/BK

SUB-DECREE

ON

THE ORGANIZATION AND FUNCTIONING OF THE MINISTRY OF LABOUR AND VOCATIONAL TRAINING

The Royal Government of Cambodia

- Considering the Constitution of the Kingdom of Cambodia;
- Considering the Royal Decree NS/RKT/0704/124 dated 15 August 2004 on Appointment of the Royal Government of Cambodia;
- Considering the Royal Kram 02/NS/94 dated 20 July 1994 promulgating the Law on Organization and Functioning of the Council of Ministers;
- Considering the Royal Kram NS/RKM/0105/003 dated 17 January 2005 promulgating the Law on Organization and Functioning of the Ministry of Labour and Vocational Training;
- Considering the Sub-Decree 20/NSK/BK dated 30 April 1996 promulgating the Law on Organization and Functioning of the Ministry and State Secretariat;
- Considering the Sub-Decree 40/NSK/BK dated 15 February 2005 on the Organization and Functioning of Internal Auditing of Institutions, Ministries and Public Enterprises;
- Having been approved by the plenary session of the Council of Ministers on 10 February 2005;

DECIDES

Chapter I

General Provisions

Article 1:

This Sub-Decree defines the Organization of the Ministry of Labour and Vocational Training, the missions of the Ministry and functions of the General Departments, General Inspectorates, Departments and other Organizations under the Ministry.

Chapter II

Missions and Structure

Article 2:

The Ministry of Labour and Vocational Training was granted missions by the Royal Government of Cambodia to lead and take charge of Labor and Vocational Training throughout the Kingdom of Cambodia.

Article 3:

The Ministry of Labour and Vocational Training shall perform functions and responsibilities as follows:

A- Labour Sector:

- Reinforce the Labour Law in order to ensure and promote hygiene and labour security, workers' health and working conditions at the enterprises and establishments;
- Conduct inspections within enterprises and establishments as required by the provisions on Labour Administration;
- Monitor the implementation of Labour Law and other provisions regarding Labour Standards, Working Conditions, Hygiene, Labour Security and Protection of workers' health;
- Protect and coordinate the communications between worker representative organizations and employer associations and other works of the informal economy;
- In collaboration with the Ministry of Foreign Affairs and International Cooperation, maintain good communications with ministries, institutions and regional and international organizations in order to promote Labour;
- Follow the procedures when settling both collective labour disputes and individual labour disputes;
- Manage Cambodian workers both in and out of the country and collaborate in managing the expatriates who come to work in the country;
- Study and prepare the National Policy on Employment and Manpower Management;
- Promulgate the Law on Social Security Order for individuals who are under the provisions of the Labour Law and the Process of National Social Security Order Budget;
- Reinforce the policy of the Royal Government, international treaties and conventions in relation to Child Labour.

B- Vocational Training Sector:

- Study and prepare the National Policy on Employment in order to conclude the needs of the labour market;
- Design and develop policies on Employment based on the National Policy on Education, Technical and Vocational Training;
- Design and develop a National Policy on Education, Technical and Vocational Training;
- Design principles and manage the educational, technical and vocational training systems;

- Review requests for the establishment and recognition of institutions, centres, educational courses, and all kinds of technical and vocational training;
- Manage, supervise and evaluate both private and public educational, technical and vocational training institutions;
- In collaboration with the Ministry of Foreign Affairs and International Cooperation, maintain good communications with other ministries, institutions and regional and international organizations in order to promote education, technical and vocational training;
- Cooperate with enterprises and institutions to strengthen and promote education, technical and vocational training;
- Design and develop standards of employment to meet the requirements of both the local and international job market;
- Organize and supervise vocational proficiency exams for all types of employment and provide or confiscate accreditation licenses based on the outcome of the exam;
- Supervise the apprenticeship and cash of the apprenticeship in accordance with the Labour Law.

Article 4:

The Ministry of Labour and Vocational Training has the following structure:

1- Middle Level:

General Department of Administration and Finance consists of:

- Department of Administration and Personnel;
- Department of Planning, Statistics and Legislation;
- Department of Finance and State Properties;
- Department of International Cooperation.

General Department of Labour consists of:

- Department of Labour Inspection;
- Department of Labour Disputes;
- Department of Employment and Manpower;
- Department of Social Security;
- Department of Child Labour;
- Department of Occupational Health.

General Department of Education, Technical and Vocational Training consists of:

- Department of Educational, Technical and Vocational Training Management;

- Department of National Competency Standards;
- Department of Job Market Information.

General Inspectorate

Department of Internal Auditing

Cabinet of the Minister

2- Local Offices

- Provincial/Municipal Departments of Labour and Vocational Training;
- District/Khan Offices of Labour and Vocational Training.

3- Public Institutions under the Ministry

Structure of the Ministry of Labour and Vocational Training is the annex to this Sub-Decree.

Chapter III

General Department of Administration and Finance

Article 5:

General Department of Administration and Finance is in charge of communicating, coordinating and managing administration, personnel, finance, state properties, planning, statistics, auditing and international cooperation.

General Department of Administration and Finance is led by a Director General and Deputy Director General(s) as necessary.

General Department of Administration and Finance consists of four departments as stated in the articles as follows:

Article 6:

Department of Administration and Personnel is in charge of [activities to]:

- Coordinate any activities in different sections of the Ministry at the middle level and between the middle level and the local offices by maintaining good cooperation among other general departments under the Ministry;
- Manage and circulate documents of the Ministry;
- Ensure the effectiveness of administrative safety and social work management of the Ministry;

- Instruct on the administrative protocol to establishments/organizations under the Ministry;
- Produce performance reports and other minutes of the Ministry's leaders;
- Administratively, manage the Ministry' officials by maintaining good contact with the Public Affairs State Secretariat;
- Organize all administrative records that involve the Ministry's officials for career management;
- Establish Specialization and Human Resource programs for the Ministry;
- Assess need , develop policies and organize trainings for the Ministry's officials;
- Organize statistics on staff management and division of roles and responsibilities;
- Assess, promote or motivate offices or officials under the Ministry in cooperation with other stakeholders;
- Organize salary, wages and social allowance;
- Perform other tasks assigned by the Ministry.

General Department of Administration is led by a Director and Deputy Directors as assistants when necessary.

Article 7:

Department of Planning, Statistics and Legislation is in charge of [activities to]:

- Develop a master plan and cooperate with other expert stakeholders in developing action plans for each unit;
- Coordinate and organize both local and international cooperation programs in cooperation with expert unit(s), cooperate with other expert units in preparing documents and development plans for the Ministry;
- Collect and prepare statistics of assigned tasks under the charge of the Ministry. Organize, manage data and study those statistic projections in order to develop strategies, identify action programs and design action plans and future objectives in the fields of Labour and Vocational Training;
- Manage the Ministry's information technology and library;
- Introduce protocols and monthly, trimester, semester and annual reporting systems on the Ministry's activities and achievements;
- Understand and collect [information about] the context of the Labor and Vocational Training sector;
- Asses both quantity and quality of the administration and achievement in the fields of Labor and Vocational Training;
- Facilitate and review draft laws and other standard documents of the Ministry;

- Reinforce the implementation of conventions, laws and standard documents relevant to the work of the Ministry;
- Research, extract and compile legal materials, regulations, conventions relevant to the work of the Ministry and manage those documents;
- Serve as legal aid regarding the legislative aspect of the Ministry;
- Perform other tasks assigned by the Ministry.

Department of Planning, Statistics and Legislation is led by a Director and Deputy Directors as assistants when necessary.

Article 8:

The Department of Finance and State Properties is in charge of [activities to]:

- Organize the Ministry's budget plan and follow up the operation;
- Manage the revenue in accordance with the financial law and put it into the national budget;
- Manage and facilitate the budget division;
- Manage and review the special accounting;
- Manage and facilitate all the Ministry's revenues and expenses;
- Manage the accounting burden of the implementation of public procurement;
- Cooperate with the financial auditing office in reviewing the Ministry's revenue and expenses;
- Collect the needs, design the expense program and manage the maintenance of the Ministry's equipment and furniture;
- Manage the Ministry's assets, properties, stock inventory and make inventory reports;
- Manage the state' vehicles provided to the Ministry and prepare expense program and distribution of fuel, spare parts and maintenance and submit to the head of the institution for review and approval;
- Receive and distribute equipment to different offices under the Ministry;
- Manage the utilization of information technology equipment of the financial and accounting activities;
- Check the technicality of the public procurement operation;
- Perform other tasks assigned by the Ministry.

Department of Finance and State Property is led by a Director and Deputy Directors as assistants when necessary.

Article 9:

Department of International Cooperation is in charge of [activities to]:

- Coordinate all communications with the Ministry's expert team, institutions, organizations and countries in the region and in the globe in order to promote all works of the Ministry in cooperation with the Ministry of Foreign Affairs and International Cooperation;
- Organize protocol and other documents for the ministry's leaders in welcoming international guests in meetings and other Ministry's celebrations;
- Prepare memorandum or agreement between Ministry and ministries, institutions, organizations and countries in the region and around the world and monitor all achievements and report to the Ministry's leader;
- Follow up and sum up any international and ASEAN cooperation activities in which the Ministry signs a memorandum and agreement;
- Coordinate letters including passports and visas for the government officials under the Ministry for their missions abroad with the Ministry's assignment and for the foreigners with the mission to work with the Ministry;
- Summarize the international situation, good practices from countries in the region and in the globe and disseminate the information to relevant expert units;
- Prepare bilateral and multi-lateral cooperation projects with organizations, local and international institutions and ASEAN;
- Perform other tasks assigned by the Ministry.

Department of International Cooperation is led by a Director and Deputy Directors as assistants when necessary.

Chapter IV

General Department of Labour

Article 10:

General Department of Labour is in charge of communication, coordination and management of Labour Inspection, Labour Disputes, Employment and Manpower, Social Security, Child Labour and Occupational Health.

General Department of Labour is lead by a Director General and Deputy Director Generals as assistants when necessary.

General Department of Labour consists of six departments as follows:

Article 11:

Department of Labor Inspection is in charge of [activities to]:

- Daft laws and regulations relevant to working conditions;

- Monitor the implementation of laws and regulations relevant to general working conditions, hygiene and labour security;
- Reinforce the implementation of the Labour Law and international conventions on Labour relevant to general working conditions, hygiene, labour security, and labour rights;
- Educate and disseminate to both employers and workers to comply with the provisions of the Labour Law;
- Keep the competent authority informed of any irregularity and violation related the field of labour;
- Advise on issues regarding the establishment or improvement of enterprises, and the organizational structure approved by the administrative authority as stated in Article 1 of the Labour Law;
- Monitor the implementation of law and regulations related to the living condition of workers and their families;
- Designate and manage Labour Inspectors who inspect at the enterprises or establishments and monitor the labour inspection activities;
- Perform other tasks assigned by the Ministry.

Department of Labour Inspection is led by a Director and Deputy Directors as assistants when necessary.

Article 12:

Department of Labour Disputes is in charge of [activities to]:

- Draft law and regulations relevant to the protection of rights and interests of workers in their professional performance;
- Reinforce the implementation of the Labour Law and international conventions on Labour and Rights to establish professional organizations;
- Protect both employer and workers representative organization in enterprises and establishments;
- Introduce the functioning of the procedures on labour dispute resolution;
- Settle any labour disputes;
- Monitor and promote collective negotiation and social dialogue as well as review and register professional organizations and collective bargaining agreements and issue certificates to certify the representative status of workers' unions;
- Be in charge of the affairs of the Secretariat of the Arbitration Council;
- Be in charge of the affairs of the Labour Advisory Committee;
- Perform other tasks assigned by the Ministry.

Department of Labour Disputes is led by a Director and Deputy Directors as assistants when necessary.

Article 13:

Department of Employment and Manpower is in charge of [activities to]:

- Study and propose measures to be developed to protect employment;
- Manage, the issue of employment cards, labour ledger, and employment visa for Cambodian workers who work within the country and abroad;
- Monitor and issue employment cards and labour ledgers to any foreigner who does business in the Kingdom of Cambodia;
- Prepare jurisdiction framework on all measures, reinforce and monitor the implementation of those measures;
- Establish employment agencies at every provincial/municipal department of labour and vocational training;
- Develop both local and international employment and manpower statistics in accordance to the level of economic activities;
- Compose laws and regulations on the Management of Foreigners who do business in the Kingdom of Cambodia and on the Labour Force Management and Cambodian migrant workers;
- Manage foreigners who do business in the Kingdom of Cambodia and Cambodian migrant workers by cooperating with relevant ministries and institutions. In case there are too many Cambodian migrant workers, a proposal for the establishment of a labour attaché may be made;
- Seek job markets for Cambodian workers to work abroad;
- Perform other tasks assigned by the Ministry.

Department of Labour Disputes is led by a Director and Deputy Directors as assistants when necessary.

Article 14:

Department of Social Security is in charge of [activities to]:

- Compose law on Social Security Conduct for those set under the provisions of the Labour Law;
- Activate the labour risk allowance service for workers in the private sector;
- Activate senior citizen, disability and death allowance services for workers in the private sector;
- Activate health insurance service for workers in the private sector;

- Monitor and follow up the implementation of Social Security Conduct;
- Perform other tasks assigned by the Ministry.

Department of Social Security is led by a Director and Deputy Directors as assistants when necessary.

Article 15:

Department of Child Labour is in charge of [activities to]:

- Design and develop policies, laws and other provisions relevant to Child Labour;
- Reinforce the policy of the Royal Government, international treaties and conventions relevant to Child Labour particularly the worst forms of Child Labour;
- Monitor and follow up the implementation of national action plans and conventions relevant to Child Labour;
- Promote cooperation, coordinate with ministries; institutions, non-governmental and international organizations to resolve issues relevant to Child Labour;
- Cooperate, implement and evaluate the implementation of relevant principles, projects and programs and the elimination of the worst forms of Child Labour with partners, ministries, institutions, non-governmental and international organizations;
- Intervene to settle any issues relevant to the prevention of the worst forms of Child Labour;
- Annually, organize the International Day Against Child Labour on 12 June;
- Perform other tasks assigned by the Ministry.

Department of Child Labour is led by a Director and Deputy Directors as assistants when necessary.

Article 16:

Department of Occupational Health is in charge of [activities to]:

- Compose legal papers and regulations relevant to labour hygiene and technical security for the prevention of any professional risks to workers;
- Design technical materials for the field of labour hygiene and security, disseminate, routinely educate workers who are working in enterprises and institutions;
- Routinely monitor workers' health which may be affected or deteriorated by performing their work;

- Routinely organize, monitor, evaluate and communicate with the Department of Occupational Health and medical doctors in the enterprises and establishments, particularly manage the codes of conduct;
- Keep good contact with other countries in the region and other developed countries to study both policies and technical aspects regarding labour hygiene and security;
- Conduct medical check-ups for workers prior to employment or re-conduct medical check-up upon request and properly file health records;
- Encourage, motivate and financially support any health-sector study relevant to workers' health and safety;
- Perform other tasks assigned by the Ministry.

Department of Occupational Health is led by a Director and Deputy Directors as assistants when necessary.

Chapter V

General Department of Education, Technical and Vocational Training

Article 17:

General Department of Education, Technical and Vocational Training is in charge of designing and developing policies for educational system development, technical and vocational training and managing the education; technical and vocational training work; the implementation of obligatory apprenticeships in accordance with the Labour Law; and information on both local and international job market.

General Department of Education, Technical and Vocational Training is led by a Director General and Deputy Director Generals as assistants when necessary.

General Department of Education, Technical and Vocational Training consists of three departments stated in the articles as follows:

Article 18:

Department of Educational, Technical and Vocational Training Management is in charge of [activities to]:

- Organize and compose law and standard documents for the management of public, private non-governmental and international educational, technical and vocational training establishments;
- Manage educational, technical and vocational training establishments, or public, private, non- governmental and international vocational training courses;

- Coordinate and manage education, technical and vocational training of the public educational establishments or vocational training courses under the Ministry;
- Collect data, prepare statistics on education, technical and vocational training;
- Develop plans for the development of education, technical and vocational training;
- Monitor and evaluate the quality of educational, technical and vocational training of the public and private educational establishments, non-governmental and international organizations;
- Review and approve the proposal to establish educational, technical or vocational training establishments or technical and vocational training courses in the public sector, private sector, non-governmental organizations and international organizations;
- Develop policies for the National Training Budget;
- Study and research [areas] of employment that requires training in order to meet the demand in each area, especially the demands for local and international job markets;
- Develop plans to grant the National Training Budget to public, private, non-governmental and international establishment(s) who conduct training;
- Monitor and evaluate the project proposals of public, private, non-governmental and international establishment(s) who conduct training;
- Provide credit to poor communities who have already received training in order to set up their own businesses;
- Monitor and evaluate training activities and the granted credit;
- Perform other tasks assigned by the Ministry.

Department of Educational Management, Technical and Vocational Training is led by a Director and Deputy Directors assistants when necessary.

Article 19:

Department of National Competency Standards is in charge of [activities to]:

- Design policy for the development of the National Competency Standards;
- Prepare prioritized list of demanded employments and the analysis of employments;
- Organize and develop a national qualification framework and national competency standard;
- Develop a national competency standard;
- Develop academic curriculums based on capacity;

- Strengthen and extend cooperation among factories, enterprises, industrial houses, public establishments, public, private, non-governmental and international training establishments;
- Develop national policy and strategic plans on the competency test for workers and acknowledge training programs or educational, technical and vocational training establishments;
- Develop practical examinations for testing competency within the field of education,
- Develop criteria for the recognition of training programs, educational; technical and vocational training establishments;
- Develop criteria for the recognition of testing centre(s) and examiners' competency;
- Evaluate degrees and certificates of public, private, non-governmental and international educational, technical and vocational training establishments;
- Conduct tests to prove competency and grant national competency degrees or certificates;
- Evaluate and recognize the quality of training programs or educational, technical and vocational training establishments;
- Organize and manage the examination of ASEAN and Olympic skills in order to measure technical workers' competency;
- Perform other tasks assigned by the Ministry.

Department of National Competency Standard is led by a Director and Deputy Directors as assistants when necessary.

Article 20:

Department of Job Market Information is in charge of [activities to]:

- Develop policy, program and manage special trainings including apprenticeships, traditional in-house trainings, distance learning, continued training, e-training, and the latest technical learnings;
- Prepare judicial provisions on apprenticeships, worker testing, monitoring of apprenticeships, identify programs for each occupation, final examinations, and the selection of examination board members within various enterprises and establishments;
- Organize, coordinate and cooperate with relevant ministries and establishments, in order to implement special training programs;

- Design programs and manage special training program to ensure equal access to technical and vocational training to key target group include disabled people, most disadvantaged persons, women and minority people;
- Raise awareness of health and hygiene to communities;
- Research and observe prioritized employment at enterprises, establishments and in each area to compile as job market information;
- Collect data on the demands of the job market in order to balance between the provision of training and appropriate labour supply to meet the demand of both local and international job markets;
- Develop employment statistics in cooperation with relevant ministries, establishments and organizations under the Ministry;
- Organize information services on job market for enterprises, establishments, national and international investors, educational; technical and vocational training establishments, workers, citizens of both sexes who are interested in taking vocational skill training and seeking employment which is in demand in both the local and international job market;
- Perform other tasks assigned by the Ministry.

Department of Job Market Information is led by a Director and Deputy Directors as assistants when necessary.

Chapter VI

General Inspectorate

Article 21:

General Inspectorate is in charge of [activities to]:

- Routinely conduct inspection within departments under the Ministry of Labour and Vocational Training;
- Review, coordinate and resolve any administrative disputes relevant to the authority and activities of the Ministry's officials and agents;
- Report to the Minister on the functioning of all departments along with recommendations to improve the functioning of those departments;
- Perform other tasks assigned by the Ministry.

General Inspectorate is led by an Inspector General and Deputy Inspector Generals as assistants when necessary.

Chapter VII

Department of Internal Audit

Article 22:

Department of Internal Audit is in charge of carrying out the tasks in accordance with Sub-Decree 40 ANK/BK dated 15 February 2005 on the Organization and Functioning of Internal Auditing of public establishments, ministries and enterprises.

Chapter VIII

Cabinet of the Minister

Article 23:

Cabinet of the Minister is in charge of any mission set forth as provisions of Sub-Decree 20 ANK/BK dated 30 April 1996 as referred in the above preamble on the Organization and Functioning of the Ministry and the State Secretariat.

Chapter IX

Local Organizations

Article 24:

In each Province/Municipality, there is a Provincial/Municipal Department of Labour and Vocational Training which is in charge of carrying out and coordinating the Ministry's activities.

In each District or Khan, there is an Office of Labour and Vocational Training in charge of carrying out and coordinating the Ministry's activities and through the provincial/municipal department's order.

Chapter X

Public Administrative Establishments under guidance of the Ministry

Article 25:

Public administrative establishments which are under the guidance of the Ministry of Labour and Vocational Training are defined by a separate Sub-Decree.

Chapter XI

Financial Inspection Organization

Article 26:

Financial Inspection Organization was established by the Ministry of Economy and Finance through the condition of the regulations set forth in Sub-Decree No. 81 dated 16 November 1995 on the Establishment of Financial Inspection Institution on the expenditure of all ministries.

Chapter XII

Final Provisions

Article 27:

The Organization and Functioning of the Ministry starting from department and provincial/municipal, district level shall be defined by Prakas of the Minister of Labour and Vocational Training.

Article 28:

Any duty which is relevant to the authority of other institutions, the Minister of Labour and Vocational Training and the Directors of those institutions shall cooperate in order to share the responsibility and implementation of those tasks through joint Prakas of the Minister of Labour and Vocational Training and the directors of those institutions.

Article 29:

Any Sub-Decree and provision contradictory to this Sub-Decree shall be deemed null and void.

Article 30:

The Minister in charge of Council of Ministers, the Minister of Labour and Vocational Training, Ministers, State Secretaries of all relevant ministries and institutions are responsible for enforcing this Sub-Decree from the date of its signing.

Phnom Penh, 1 April 2000

PRIME MINISTER

Signed and Sealed

HUN SEN

Copies to:

- Ministry of Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet of Samdech Prime Minister
- Cabinet of Deputy Prime Minister
- General Secretariat of the Royal Government
- As set forth in Article 30
- Records-Archives

Annex of Sub-Decree 52 ANK/BK dated 1 April 2005

Organizational Structure of the Ministry of Labour and Vocational Training

