

Legislative & Regulatory Reform Of TVET and Skills Training in Bangladesh

Prepared for

The TVET Reform Project, ILO

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a. Introduction

1. International Labour Organization (ILO), in cooperation with the Government of Bangladesh, is seeking to implement various reforms to the technical and vocational education and training (“TVET”) system in Bangladesh. This report is intended to provide a review and analysis of relevant local legislations relating to TVET along with selected foreign legislation, to identify the requirements for amendment in the existing legislation, to draft possible amendments and devise a workflow for the enactment of such new laws or amendments.

2. The scope of the Project as stated in the terms of reference (TOR) is as below:

- (i) an overview of international legal practices in Technical and Vocational Educational and Training (TVET) and detail of specific legislative exemplars;
- (ii) an analysis of Bangladesh legal practices in TVET and skills development;
- (iii) an analysis of perceived shortage and gaps in the current legislation for the TVET sector;
- (iv) the review will also make recommendations for amended and/or newly developed TVET related legislation in Bangladesh in light of the gaps and shortages determined and the objectives of the draft Bangladesh Skills Development Policy 2010-2015 and a documented workflow for the drafting and enactment of new and/or revised local legislation for the TVET sector.

It is not the objective of the instant report to stipulate the specific language and form of the statutory amendments to be incorporated and promulgated but to identify the gaps and shortages in the local legislation viz a viz the international laws as well as the draft of the Bangladesh Skills Development Policy 2010-2015 and make appropriate recommendations.

3. As required by the TOR, a list was developed of international laws through the TVET Reform Project with input from ILO Geneva with a view to identifying the elements, issues and areas, whether procedural and substantive, covered by each of the legislations. In addition, a list was prepared of local laws¹ which may be relevant in bringing about reform in the TVET sector. Thereafter the latter list² was narrowed down to the major local statutes and regulations in Bangladesh which would be directly relevant and have an immediate impact on TVET. The following examples of international laws were chosen for review:

1 A list of the local laws is annexed hereto and marked as Annexure 1

2 A list of the short listed local laws are provided in Section 3 of this Report.

List of International laws

Sl No.	Name of legislation	Country	Date of enactment
1.	Skills Development Act, 1998	South Africa	2 November 1998
2.	South African Qualifications Authority Act, 1995	South Africa	4 October 1995
3.	General and Further Education and Training Quality Assurance Act, 2001	South Africa	5 December 2001
4.	The Vocational and Education Training Act 2005	Australia	28 November 2005
5.	Skills Australia Act 2008	Australia	20 March 2008
6.	Further Education and Training Act 2007	England	23 October 2007
7.	Education and Skills Act 2007	England	26 November 2008
8.	Learning and Skills Act 2000	England	28 July 2000
9.	The Apprentices Act, 1961	India	12 December 1961
10.	Skills Development Levy Act 1979	Singapore	1 October 1979
11.	Pembangunan Somber Manusia Berhad Act 2001	Malaysia	1 March 2001

4. In relation to the international laws, a review of the main objects, issues and areas covered, both procedural and substantive, was carried out to ascertain the common elements in the said laws. After having identified the common elements and issues in the international laws a review of the short listed local laws were carried out to identify the shortage and gaps in the TVET related laws in Bangladesh which are acting as stumbling blocks in establishing international good practices in TVET and skills legislation supplemented by an understanding of key changes implied in the draft National Skills Development Policy. The intention was to identify these shortages and recommend amendments to existing legislation and/or develop new legislations with a workflow of such legislation for the development of the TVET sector.

5. The statute books have been the primary source material for the local laws and the international laws have been collected from the internet, which are published as public documents. In addition, copies of various rules and regulations have been obtained directly from the offices of the Bangladesh Technical Education Board (BTEB).

b. Analysis of International laws

1. Introduction

1. A collection of TVET international laws from South Africa, Australia, England, India, Malaysia and Singapore were collected from the internet. It has already been mentioned that the examples of international legislations were selected in consultation with the ILO Dhaka and Geneva office to analyze the issues covered by them to formulate an overview of international legal practices in TVET. It should be noted that the overview provided is limited in its scope to the selected legislations and countries. In general, the selected legislations may be classified into the following broad headings:

- (a) Acts which seek to determine and stipulate the provisions for the rights to establish and shut down TVET institutions, names of institutions, their legal status, governance etc. These types of statutes may also stipulate funding procedure, budget support, management etc.
- (b) Acts which determine issues relating to apprenticeship and training of young adults and adults for pre-employment and on the job training.
- (c) Acts which make provisions for governance and quality assurance of TVET institutions.
- (d) Acts which legislate for the national and regional councils and boards.
- (e) Acts which establish skills development funds at the national level, providing for the eligibility of contributors and benefactors.
- (f) Acts legislating staffing and financial performance, and accountability of government services including education.

It is understandable that in certain laws there may be overlaps of the aforementioned issues i.e. a single statute may make provisions for one or more of the elements. The following section provides a review of the issues, elements and matters covered by each statute.

2. England

2.1 Education and Skills Act 2008

The Education and Skills Act 2008 ("ESA") applies to any person resident in England who has ceased to be of compulsory school age, has not reached the age of 18, and has not attained a level 3 qualification. A person to whom the ESA applies must be, participating in appropriate full-time education or training, in training under a contract of apprenticeship or be in full time occupation and participate in sufficient relevant training or education in the relevant period.

The ESA imposes a duty upon the local education authority to promote good attendance of the applicable persons in the education institutions based in the respective local authorities. A local education authority is required to make arrangements enabling it to identify people not fulfilling the duty to promote good attendance and quality education. Moreover, the education or training service provider is given the responsibility of

notifying the local education authority of any such non-compliance when it arises. The local authority can obtain information on educational institutions and public bodies.

The ESA prohibits an employer from entering into a relevant contract of employment with a person to whom this Act applies without ensuring that the person has made appropriate arrangements for training and education. The term relevant contract of employment is defined as a contract of employment under which the employee is required to work for at least 20 hours per week, which has a fixed term of 8 weeks or longer or can be said to be in force for 8 weeks or longer.

The ESA stipulates financial penalty on an employer who acts in contravention of the ESA. The ESA imposes a duty upon the employer to make appropriate arrangements for a person enabling him/her to undergo such training and education and stipulates that if an employer is in contravention of such duty he may be served with an enforcement notice and subsequent financial penalty. The local education authority is empowered to give a written notice to a person failing to fulfill such duty and for further non-compliance give an attendance notice requiring the person to participate in education and training specified in the notice.

Under the ESA a local education authority is required to make available to young persons and adults for whom it is responsible such services as it considers appropriate to encourage, enable or assist the effective participation of those persons in education or training on a conditional or unconditional basis. Under the ESA, the Chief Inspector of Education, Children's Services and Skills is empowered to undertake inspections of educational institutions as he/she deems fit.

The ESA also makes provision for education and training for persons over the age of 19, as well as making provisions for learning facilities, payment of tuition fees by the Council and the promulgation of regulations by the Secretary of State.

Under the ESA there are independent education institutions, for which the Secretary of State has the responsibility to keep a register and is required to make regulations for the standards of such institutions. Moreover, it makes it an offence for any persons to operate an unregistered independent educational institution. The ESA stipulates the application procedure for the registration and deregistration of independent educational institutions. In addition, the Secretary of State is empowered to approve a body or body corporate to carry out inspections of registered independent educational institutions. The Secretary of State has the power to carry out disciplinary proceeding against any relevant institution or body corporate. The ESA empowers the Secretary of State to make orders, regulations, consequential and transitional provisions to give effect to the ESA.

2.2 Learning and Skills Act 2000 ("LSA")

The purpose of this Act is to establish the Learning Skills Council for England and the National Council for Education and Training for Wales; to make other provisions about education and training and for other connected purposes.

LSA establishes a body corporate called the Learning and Skills Council for England ("LSC" or "Council"). The Council consists of not less than 12 and not more than 16 members, including one Chairman, appointed by the Secretary of State. The main duties

of LSC includes securing proper facilities for education suitable to the requirements of persons who are above compulsory school age and who have attained the age of 19 and under; providing training for such persons; and organizing leisure-time occupations connected with such education and training. The main powers of LSC includes securing the provision of financial resources to persons providing or proposing to provide post-16 education or training, or providing or proposing to provide goods or services in connection with the training or person receiving or proposing to receive post-16 education or training, etc. The provision of financial resources is secured by LSC by providing resources itself, by making arrangement for the provision of resources by another person or by making arrangements for the provision of resources by persons jointly. Further, LSC may secure the provision of facilities for the gaining of work experience by young persons receiving education; it may secure the provision of facilities designed to form links between employers and persons who provide education or training and persons who receive it and who have not attained the age of 19. LSC may develop schemes for the assessment of the performance of persons in providing post-16 education and training; promote holding of qualifying accounts and making of qualifying arrangements. Other functions of LSC includes carrying out research relating to any matter relevant to any of its functions, provide information and advice the Secretary of State, establish systems for collecting information, etc. In discharging its function LSC must have regard to the needs of person with learning difficulties and promote equality of opportunity.

The Council is required to establish a committee called Local Learning Skills Council ("local councils") for each area of England specified by the Secretary of State. The local councils consist of not less than 12 and not more than 16 members appointed by LSC with the approval of Secretary of State. One of them is appointed as a chairman by the Secretary of State. Members of local councils may be members of LSC. The local councils are required to perform their respective duties in relation to its area and such places outside its area as LSC specifies. In relation to each financial year LSC is required to prepare guidance for each local council and the local councils are required to prepare a plan containing a statement of the needs regarding education and training of the population of the local council's area, statement of the needs of the employers in the local council's area regarding education and training, etc. The Secretary of State may give directions to LSC which may contain objectives which LSC should achieve in seeking to carry out its function, times limits to achieve its objectives, provision relating to management of LSC, etc. The Secretary of State may make grants to LSC of such amounts and subject to such conditions as he thinks fit which may include requiring LSC to use the grants for specified purposes, comply with specified requirements in respect of every person in securing the provision of specified financial resources to such persons, etc.

National Council for Education and Training for Wales ("NCET") is established by LSA and functions are carried out in relation to Wales only.

LSA establishes a body corporate called the Adult Learning Inspectorate ("ALI"). ALI consists of 9 members appointed by the Secretary of State. One of the members is appointed as the chairman and others are Inspectorate's chief officer. The chief officer is referred to as the Chief Inspector of Adult Learning. The ALI's remit is further education for persons aged 19 or over which is wholly or partly funded by LSC; training for persons aged 16 or over so far as it takes place wholly or partly at the premises of an employer and is wholly or partly funded by LSC; further education funded by a local education

authority in England, etc. The functions of the Inspectorate and the Chief Inspector includes keeping the Secretary of State informed about the quality of the education and training within its remit; the standards achieved by those receiving that education and training; and whether the financial resources made available to those providing that education and training are managed efficiently and used in a way which provides value for money. The Inspectorate may give advice to the Secretary of State on any matter relating to education or training within its remit; it may also inspect any education or training which is not within its remit but which would be if it were funded in one of the ways mentioned under the LSA. The inspector taking part in inspection conducted on any education or training which is not within its remit has, at all reasonable time, a right of entry to premises on which the education or training being inspected is provided; a right of entry to premises of the person providing that education or training used in connection with that provision; a right to inspect, and take copies of, any records kept by that person, and any other documents containing information relating to the education or training, which the inspector requires for the purposes of the inspection. The Inspectorate is required to make an annual report to the Secretary of State and the Secretary of State must submit a copy of the annual report before each House of Parliament.

Additional functions of the Chief Inspector include keeping the Secretary of State informed about the quality of education and training brought within the remit of the Chief Inspector, the standard achieved by those receiving the education and training, whether the financial resources are managed efficiently, etc.

The Chief Inspector also has the duty to inspect all institutions within the further education sector for those aged 16 or over but under 19 and funded wholly or partly by LSC, other than those providing education or training falling wholly within the remit of ALI. Inspections are to be conducted at such intervals as may be specified by the Secretary of State and a written report is required to be submitted at the completion of the inspection to the Secretary of State, LSC and the provider of the education or training inspected. The Chief Inspector must also inspect the quality of the education and training provided in a specified area in England for persons who are aged 16 or over but under 19, inspect the standard achieved by the provider of the education and whether financial resources are managed efficiently. The Chief Inspector must submit a written report in the same way at the completion of these additional inspections and submit a copy to the Secretary of State, LSC, ALI and each local authority whose area, or part of whose area, falls within the area which is the subject of the inspection. After receiving such report the Secretary of State may direct LSC and the local education authority, whose area is wholly or partly in the area covered by the report, to prepare a written statement of the action which it propose to take in the light of the report and the period within which it propose to take it. Further power of the Chief Inspector includes giving advice to the Secretary of State on any matter relating to education or training of a kind brought within his remit by LSA.

The Inspectorate and the Chief Inspector are required to devise a common set of principles applicable to all inspection conducted under LSA and prepare a draft of the proposed framework, consulting the Secretary of State, LSC and such other person they consider appropriate, and publish it in such a way as they think best calculated to draw it to the attention of the public. The Secretary of State may by regulation also make provision for joint inspections to be carried out under the direction of the Chief Inspector. A report published by a Chief Inspector under LSA is privileged unless its publication is shown to have been made with malice.

2.3 Further Education and Training Act 2007

The Further Education and Training Act 2007 ("FETA") of England and Wales amended the LSA by establishing regional councils (to be called a regional learning and skills council) by the Council. The Secretary of State may by regulation make provision about regional councils such as the membership, appointment of the members, chairman of a regional council, the holding and vacation of office of the members, staff structure, salaries, delegations of functions, validity of proceedings etc. A member of the Council cannot be a member of a regional council. The Council must prepare guidance for each regional council.

The Secretary of State may by order specify an area in England as an area for which a body specified in the order may formulate and keep under review a strategy setting out how such functions of the Council as are specified in the order are to be carried out in relation to the area and give directions and guidance in relation to the formulation and review of its strategy and the Council is bound by such strategy. In exercising its functions the Council must have regard to any guidance given from time to time by the Secretary of State about consultation with persons receiving education or training, employers, or such other relevant persons.

The LSA is empowered to invest in companies thereby becoming shareholders and directors by the acquisition of any assets, securities or rights or otherwise in any company as it deems fit and proper. If any particular institution's affairs have been or are being mismanaged by the institution's governing body or it has failed to discharge any of its duty or have acted unreasonably with respect to the exercise of any power conferred or being incompetent in providing the services it was offering, the Council must give the Secretary of State and the institution's governing body a notice stating the reason for it. As a measure the Council may remove all or any of the members of the institution's governing body; appoint new members or give directions as it thinks fit. However, in doing so, if there is any direction given by the Secretary of State, the Council must obey this direction.

New provisions have been inserted in Further and Higher Education 1992 ("FHEA 1992") (power to award degrees etc) to provide a foundation degree granted to persons who complete an appropriate course of study and satisfy an appropriate assessment. The institution providing such a course must give the Privy Council a statement setting out what it proposes to do as regards making arrangements for securing that any person granted an award under or by virtue of any power that would be conferred on the institution if the order were made has an opportunity to progress to one or more particular courses of more advanced study, and the Privy Council considers that the proposals are satisfactory and are likely to be carried out.

In FHEA 1992 (supplementary powers of further education) powers were given to further education corporations to form or be involved in certain bodies corporate but not to be exercised for the purpose of conducting as an educational institution, or investing in a company conducting an as educational institution.

The governing body of the institutions providing education and training must follow the guidance given from time to time by the appropriate authority about consultation with persons who are or are likely to become students of the institution, or employers, in connection with the taking of decisions affecting them. Power to make order or regulations has been given under this Act to the Secretary of State.

3. South Africa

3.1 General and Further Education and Training Quality Assurance Act, 2001

The General and Further Education and Training Quality Assurance Act, 2001 ("GFETQA Act") was enacted by the South African Government to provide for the establishment, composition and functioning of the General and Further Education and Training Quality Assurance Council which would ensure the quality of general and further education and training, control standards of curriculum and assessment, and to provide for the issue of certificates at the exit points. Exit point is defined to be a point where a learner of education or training is required to demonstrate competence with a view to obtaining documentary proof of completion of education or training.

The objects of the GRETQA Act is stipulated to be to establish a quality assurance body for the general and further education bands of the National Qualification Framework in the education and training sector as well as regulating the relationship between the national Department of Education, the South African Qualification Authority, other Education and Training Quality Assurance Bodies, providers of education and training and the Council. The GRETQA Act makes provisions for the establishment of the General and Further Education and Training Quality Assurance Council ("Council") which is to be regarded to have been accredited by the South African Qualifications Authority.

The Council is to be composed of 15 members all of whom are to be appointed by the Minister of Education. The office of a member is to be vacated if he/she resigns, or is absent from three consecutive meetings, declared insolvent, removed from office of trust by a court of law, convicted of an offence for which the sentence is imprisonment or declared unable to manage his or her personal affairs by a court of law. The GRETQA Act also provides for the establishment of committees to work for the objectives of the said Act, as well as the procedure of meetings of the Council and committees, allowance and remuneration of the members of the Council and committees and the appointment of appropriate staff including the Chief Executive Officer.

The Chief Executive Officer, who is also the accounting officer of the Council, is responsible for the work in connection with the performance by the Council.

The funds of the Council shall consist of money appropriated by the Parliament, donations, fees, loans etc. and the Council is required to keep record of all income and expenditure of the fund. The Council is prohibited from alienating or encumbering any property of the Council without the prior approval of the Minister of Education and is required to submit an annual report audited by an accountant approved by the Auditor General.

The functions of the Council, are amongst others, to accredit providers of education and training, monitor the suitability and adequacy of standards and qualification, ensure that providers adopt quality management systems for learner achievements, assure the quality of learner assessment at exit points, and issue certificates of learner achievement in terms of standards or qualifications registered on the National Qualifications Framework. The Council is empowered to issue directives for internal assessment i.e.

assessment which the provider of education and training carries out internally and external assessment i.e. assessment which an external body carried out on a provider of education and training. The Council has a duty to report any irregularity of assessment to the Director-General of Education and is required to refuse to issue a certificate or cancel the same if substantial irregularity is found in respect of an external assessment.

This Act also makes provisions for the accreditation of the provincial education departments (public providers) and private providers, and requires the Council to develop criteria for their accreditation and requires the Minister of Education to determine the appropriate policies in respect of such criteria. Upon accreditation the Council is required to notify the registrar of further education and training institutions of such accreditation and is also required to monitor the compliance of criteria for post-accreditation. If an institution fails to adhere to any criteria and upon notification further fails to rectify the same, the Council is empowered to withdraw the accreditation. The Act empowers the Minister of Education to make regulation or delegate its powers to achieve the objects of the Act.

3.2 South African Qualifications Authority Act, 1995

The South African Qualifications Authority Act, 1995 (“SAQAA”) establishes the South African Qualifications Authority (“Authority”) and provides for the development and implementation of a National Qualifications Framework. The “National Qualifications Framework” is defined as the national qualification framework approved by the Minister of Education and in some circumstances Minister of Labour. The objective of the National Qualification Framework will be to create an integrated national framework for learning achievements; facilitate access to, and mobility and progression within education; training and career paths; enhance the quality of education and training; and accelerate the redress of past discrimination in education, training and employment opportunities.

SAQAA makes provisions for a 28 (twenty-eight) member qualification authority headed by the Chairperson who is to be appointed by the Minister of Education. The other members of the qualification authority are to be appointed according to various government offices and departments such as the Director-General of Education, National Training Board, provincial education departments etc. The functions of the said authority shall comprise of overseeing the development of National Qualification Framework, formulating and publishing criteria for registration of bodies responsible for education, training standards as well as overseeing the implementation of the National Qualification Framework including the registration of accreditation bodies, national standards, internationally comparable qualifications etc.

The executive officer of the Authority shall be responsible for the execution of its functions in terms of the SAQAA including supervising the offices and employees of the Authority. The Authority is empowered to constitute appropriate committees and appoint persons to carry out its functions and hold meetings. The office of a member is to be vacated if he/she resigns, is absent from three consecutive meetings, is declared insolvent, removed from office of trust by a court of law, convicted of an offence for which the sentence is imprisonment or declared unable to manage his or her personal affairs by a court of law. A fund is to be maintained from moneys received from the Parliament, donation and loans and shall be spent in accordance with the prior approval received from the Minister of Education. The Authority is responsible for ensuring that its

accounts and financial statements are audited by the Auditor General annually and has to submit a report to the Minister in the form the Minister deems appropriate. The SAAQA allows the Authority to make regulations to give effect to the provisions of the aforementioned Act.

3.3 Skills Development Act, 1998 (“SDA”)

The purpose of SDA is to provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African work force; to integrate those strategies within the National Qualifications Framework contemplated in the South African Qualifications Authority Act, 1995; to provide for learning that leads to recognized occupational qualifications; to provide for the ‘financing of skills development by means of a levy-grant scheme and a National Skills Fund; to provide for and regulate employment services; and to provide for matters connected therewith.

SDA establishes the National Skills Authority (“NSA”) whose function includes advising the Minister of Labour (the “Minister”) on national skills development policy and strategy formulation; implementation of the strategy and the allocation of subsidies from the National Skills Fund; liaising with Sector Education and Training Authorities and reporting progress to the Minister on the implementation of the skills development strategy. NSA consists of a voting chairperson appointed by the Minister; 24 voting and 3 non-voting members appointed by the Minister; and a non-voting executive officer appointed by the Director General of Labour. The activities of NSA are governed by the Constitution of National Skills Authority, adopted by NSA under SDA. The issue of remuneration and allowances of the members of NSA are determined by the Minister with the approval of the Minister of Finance.

For any national economic sector, the Minister may establish a Sector Education and Training Authorities (“SETA”) with a constitution under SDA. SETAs develop sector skills plans in line with the national skills development strategy. They implement sector skills plans by establishing learnerships, approving workplace skills plans, allocating grants to employers, education and training providers and workers and monitoring education and training in the sector. SETA's function also includes promoting learnerships and registering learnership agreements entered between a learner, an employer or a group of employers and a training provider; liaising with NSA on the national skills development policy and strategy and its sector plan and reporting to Director General of Labour on its income and expenditure and the implementation of its sector skills plan.

SETA may consist only of members representing organized labour; organized employers; relevant government departments and, if the Minister considers it appropriate for the sector, any interested professional body and any bargaining council with jurisdiction in the sector. A SETA may, with the Minister's approval, establish in its sector ‘chambers’ consisting of an equal number of members representing employees and employers and such additional members as the SETA determines. A SETA is financed from the skills development levies collected in its sector; money paid to it from the National Skills Fund; grants, donations and bequests made to it; income earned on surplus moneys deposited or invested; income earned on services rendered in the prescribed manner; and money received from any other source. The Minister may, after consultation with the National Skills Authority, by notice in the *Gazette*, direct the Director-General to appoint an administrator to take over the administration of a SETA

on certain grounds including failure by SETA to perform its function, mismanagement of its finance, etc.

SDA establishes a National Skills Fund to be controlled and administered by the Director General of Labour. SDA requires the Director General of Labour to develop a '*Skills Development Planning Unit*' in the Department of Labour.

The function of the Unit includes research and analysis of the labour market, assistance in formulation of the national skills development plans and skills and provision of information on skills to the Minister; NSA; SETAS; education and training providers; and organs of state. Further, '*Labour Centres*' must be established by the Director General of Labour in the Department of Labour. The functions of the labour centres include providing employment services for workers, employers and training providers; register work-seekers; register vacancies and work opportunities; assist prescribed categories of persons to enter special training program, find employment, etc. The Labour Court, subject to the jurisdiction of the Labour Appeal Court, has exclusive jurisdiction in respect of all matters arising from this Act.

4. Australia

4.1 Vocational Education and Training Act 2005

The object of this Act is to establish a registration and accreditation framework for vocational education and training in the State of NSW within the Commonwealth of Australia.

The Act establishes the Vocational Educational and Training Accreditation Board as a statutory corporation. It comprises the Director of the Board and 10 part-time members appointed by the Minister. The part-time members will comprise of persons from various backgrounds including persons qualified and experienced in accreditation of vocational education or training, in special needs, in industry, commerce and industrial relations and in accreditation or evaluation of education or training for overseas students. The objects and functions of the Board include registration and accreditation of training organizations and vocational courses, to issue guidelines on registration and accreditation, to approve persons to provide courses for overseas students and to investigate and report on registration and accreditation and approval of persons to provide courses for overseas students. The Act enables the Board to establish advisory committees to assist it in the exercise of its functions but the members of the Board cannot be members of the committee. The Board can delegate its functions to any person or body.

The Act provides for the determination by the Board of applications for registration or refusal as a training organization. On determining the application the Board will have regard to registration and accreditation guidelines. An official university may not be registered as a training organization. The registration of a training organization to be subject to certain conditions imposed by the Board including conditions requiring the payment, audit compliance, notifying the Board of any change of control or management in the organization and not to contravene any provision of this Act. Penalty is specified for not complying with any conditions imposed under this section. The term of registration is 5 years.

Section 15 specifies the requirements (serve notice and give the entity a reasonable opportunity) that must be followed by the Board when making a decision in relation to the registration of a training organization and also accreditation of a vocational course. However these requirements do not apply if the Board is of the opinion that it is in the public interest for the decision to take immediate effect. The Act enables the Board to cancel, suspend or amend the registration of a training organization on various grounds, such as at the request of the training organization, or where the organization has ceased to exist, does not provide the course any longer, failed to comply with Registered Training Organization (RTO) standards and guidelines of the Board, has inadequate financial arrangements or ethical standards, lacks resources, has contravened any provision of this Act, for audit non-compliance or in the interest of public. The Board can amend the registration details of a training organization in the National Register. The Board can conduct compliance audits of training organizations including the organization that has applied for registration or the Board suspects that the organization has contravened RTO standards.

Under this Act it is an offence and penalty is specified for a person who is not a registered training organization (RTO) to claim to be an RTO or to operate outside the RTO's scope of registration. The Board has the power to cancel the accreditation of a vocational course if the course does not meet the RTO standards and is no longer of sufficient quality to warrant accreditation. It is also an offence and a penalty is specified for a person to falsely claim that a course provided by the person is an accredited course or inducing another person to believe the course is an accredited course.

The Act provides for the determination by the Board of applications for accreditation or refusal of vocational courses. On determining the application the Board will have regard to RTO standards and must satisfy itself that the course has sufficient quality to warrant accreditation. The course will be registered on the National Register as an accredited course. The accreditation of a vocational course will be subject to certain conditions, such as payment of fees as well as requisite information as requested by the Board. The term of accreditation will be 5 years.

The Board has the power to issue guidelines in relation to the registration of training organisations and the accreditation of vocational courses.

The Act also provides for the procedure for approval by the Board of persons to provide courses for overseas students. On determining the application the Board must consider the financial arrangements, ethical standards, resources, guidelines and so on. the Board has power to issue guidelines in relation to the approval of persons to provide courses for overseas students; it can issue guidelines about approval procedures, resources for a course, financial requirements and other conditions. The Act also provides for the amendment, suspension, cancellation or imposition of additional conditions of the Board's approval of a provider of courses for overseas students on various grounds. The Act provides for offences and penalty in relation to falsely advertising the provision of courses for overseas students. The Board has the power to appoint inspectors. The powers of inspectors include the power to enter into premises of a provider, inspect premises, documents and contents of the courses, remove or make copies of such documents. A person must not assault, delay or obstruct an inspector in exercise of his functions for which penalty has been specified.

The Act provides for the review by the Administrative Decisions Tribunal of decisions made under the proposed Act in relation to the registration of training organisations, the accreditation of vocational courses and the approval of persons to provide courses for overseas students. The Act provides for the admissibility of certain matters as evidence in legal proceedings, such as a certificate signed by the Director as to the status of the provider. The Act protects the members and staff of the Board from personal liability in relation to anything done in good faith for the purposes of executing the Act. The Act gives the Governor of New South Wales the power to make regulations.

4.2 Skills Australia Act 2008

The object of this Act is to provide for expert and independent advice in relation to Australia's workforce skills needs and workforce development needs and to carry out these objects the Act establishes Skills Australia ("SA").

The primary functions of the SA is to provide advice to the Commonwealth Minister on matters relating to Australia's current, emerging and future workforce development needs and future workforce skills needs. Skills Australia is to provide advice as it thinks fit and on request by the Minister. To carry out these primary functions the body has some additional functions which include analyzing current, emerging and future workforce skills needs across industry sectors, assessing workforce skills needs, and related research and so on.

Skills Australia also has the function of informing the public about matters relating to Australia's workforce development needs and workforce skills needs. The Minister may give directions to SA and SA must comply with any direction given by the Minister. Skills Australia consists of the Chairman and 6 other members (part-time) with remuneration to be appointed by the Minister by written instrument. The members between them must have experience in academia; the provision of education or training; economics; industry etc. A member must disclose to the Minister or SA all his interests, pecuniary or otherwise or any conflict which might affect his performance as a member. A member may resign his or her appointment by giving the Minister a written resignation. The Minister may terminate the appointment of a member for misbehavior or physical or mental incapacity; if he becomes bankrupt or for related matters; if he is absent from 3 consecutive meetings of SA; if the member fails, without reasonable excuse, to comply with the obligation of disclosure of interests; or the Minister is satisfied that the performance of the member has been unsatisfactory for a significant period.

SA must hold the meetings that are necessary for the efficient performance of its functions. Skills Australia may establish committees from time to time to assist it in performing any of its functions, with the approval of the Minister. SA, as soon as practicable after the end of each financial year, must prepare and give to the Minister, for presentation to the Parliament, a report on Skills Australia's operations during that year. The Minister may, by writing, delegate functions and powers under this Act to the Secretary of the Department. The Governor-General may make regulations under this Act.

5. India

5.1 The Apprentices Act 1961

The Act provides for regulation and control of training of Apprentices and matters connected therewith. Under this Act various councils have been established such as, All India Council, Apprenticeship Council at central and state level, National Council and State Council for Training in Vocational Trades.

Under this Act, to be qualified as an apprentice a person can not be less than fourteen years of age, and has to satisfy such standards of education and physical fitness as may be prescribed for the particular designated trades.

There has to be a contract of apprenticeship based on mutual terms agreed by both parties between the employer and the apprentice. There will be an Apprenticeship Adviser ("AA") who will be a public servant and who will oversee every contract of apprenticeship and will register the contract. These contracts will always be consistent with rule issued by the government. The apprentice with the approval of the AA may change employer in mid-apprenticeship if the employer is unable to fulfill his obligations under the contract. The Act specifies various periods for different types of apprenticeship training. The apprenticeship contract is terminated on the expiry of the period of apprenticeship training or by mutual agreement between the parties and the AA will arrange the termination and if required, place the apprentice under a new employer. Where a contract is terminated for failure on the part of the employer the employer shall pay to the apprentice compensation.

The AA has to ensure that there will be a proportionate number of apprentices for a designated trade and will require an employer to engage such number of trade apprentices within the ratio determined by the Central Government for any designated trade in his establishment, and in doing so the AA will take into consideration the facilities of the establishment. Also several employers may join together for the purpose of providing practical training to the apprentices. Sometimes having regard to the public interest, there can be a number of apprentices in excess of the ratio determined by the Central Government.

The Central Apprenticeship Adviser will be able to test each apprentice to ensure that the practical training is in accordance with the approved programme. The Act also makes detailed provisions as to how an apprentice will be trained, the government's role in assisting the employer in course of any apprenticeship. All the apprenticeship programs shall be approved by the Central Government in consultation with the Central Apprenticeship Council. The cost for providing basic training will be borne by either the employer or will be shared among the employer and the government.

The obligations of employers are to provide the apprentice with the training in his trade in accordance with the provisions of this Act, and the rules made hereunder. The obligations of every apprentice are to learn his trade/ subject field in engineering or technology conscientiously and diligently and to carry out his obligations under the contract of apprenticeship. The employer shall pay to every apprentice during the period of apprenticeship training such stipend as stipulated by the Act. For health, safety and welfare of apprentices the applicable laws of the land will apply. The employer will be

liable to pay compensation if any injury is caused to the apprentice by accident in his premises. The weekly and daily hours of work, overtime, leave and holidays of an apprentice shall be such as may be prescribed and overtime will be allowed on approval of the AA only in the interest of the training of the apprentice or in the public interest.

Every employer shall maintain records of the progress of training of each apprentice. Every trade apprentice who has completed the period of training shall appear for a test to be conducted by the National Council to determine his proficiency and will be granted a certificate of proficiency. The employer has to test the progress of any apprentice from time to time. Settlement of disputes between the employer and the apprentice shall be referred to the AA for decision. There is a right of appeal to the committee appointed for this purpose and the decision of the committee shall be final.

There are a number of authorities maintaining a hierarchy to deal with apprenticeship and each shall perform such functions as are assigned to it by the government or its superior body: (a) The National Council, (b) The Central Apprenticeship Council, (c) The State Council, (d) The State Apprenticeship Council, (e) The All India Council, (f) The Regional Boards, (g) The Boards or State Councils of Technical Education (h) The Central Apprenticeship Adviser, and (i) The State Apprenticeship Adviser. The members of the Councils must have special knowledge and experience on matters relating to industry, labour and technical education. Fees and allowances, if any, to be paid to the members of the Councils will be determined by the appropriate government.

Any AA, as he thinks fit, may enter, inspect and examine any establishment or part thereof at any reasonable time and examine any apprentice employed therein or require the production of any register, record or other documents maintained and take statement of any person on the spot or otherwise.

There is penalty specified for an employer who engages as an apprentice a person who is not qualified for being so engaged, or fails to carry out the terms and conditions of a contract of apprenticeship, or contravenes the provisions of this Act. Power can be delegated to subordinate councils or personnel under this Act. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. The Act has granted rule making power to the government to carry out purposes of this Act.

6. Singapore

6.1 Skills Development Levy Act 1979

Under the Skills Development Levy (SDL) Act 1979, it is a statutory requirement for employers to make SDL contributions for employees who fall within the salary ceiling for levy contributions. With effect from 1 October 2008, SDL contribution is payable by employers for all employees up to the first \$4,500 of gross monthly remuneration at the rate of 0.25% or \$2, whichever is higher.

The SDL collections are credited to the Skills Development Fund (SDF). Under the administration of the Singapore Workforce Development Agency (WDA), the Fund provides various incentive schemes to companies to upgrade the skills of their employees.

The SDF shall consist of the proceeds of the skills development levy, penalties, fines and costs recovered from proceedings under this Act, any money contributed by the Government and such other contributions to the SDF as the Minister may specify from moneys provided by Parliament, all donations, gifts, honorariums and other payments accepted by the Agency for the SDF and any interest, dividends and other income derived from the investment of moneys in the SDF.

The moneys of the SDF may be applied for providing financial assistance by grants, loans for promotion, development and upgrading of skills and expertise of persons preparing to join/rejoin the workforce or persons in the workforce. For this purpose the WDA may from time to time authorize moneys of the Fund to be paid for establishing or expanding facilities or assisting in the maintenance of facilities for full-time or part-time training courses and training programs or for the provision of grants or loans to any employer for equipment required for more sophisticated or skilled operations in the conduct of his business or for subsidizing the costs incurred by the Agency or by any employer or training institution in the training or retraining of persons and for such other purposes, not inconsistent with the objects of the Fund, as the Minister may approve. The Agency is responsible for the SDF and shall administer the Fund in accordance with the provisions of this Act and shall collect the skills development levy and disburse grants and loans from the Fund for the purposes of this Act. The Agency may invest the moneys belonging to the SDF and available for investment.

An employer or any person, who gives false and/or misleading information relating to the payment of the levy, shall be liable, if convicted, to a fine or imprisonment or both. Penalty has been specified for obstructing Agency in carrying out its duties.

The Minister may give to the Agency directions as to the administration of the Fund. The Agency shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister an annual report dealing generally with its administration of the Fund.

The Agency has a non-disclosure provision about the working of the Agency. The Agency may, with the approval of the Minister, make such regulations as are necessary or expedient for carrying out the provisions of this Act.

7. Malaysia

7.1 Pembangunan Somber Manusia Berhad Act, 2001

The Pembangunan Somber Manusia Berhad Act 2001 ("PSMBA") has been enacted to provide for the imposition and collection of a human resources development levy for the purpose of promoting the training of employees, the establishment and the administration of the Fund by the Corporation.

PSMBA applies to employers in the manufacturing sector with 50 or more employees; employers with between 10 and 49 employees and a paid-up capital of at least M\$250,000; and employers in the service sector with at least 10 employees (e.g., hotel, air transport, tour operating, telecommunications, freight forwarding, shipping, postal, courier, advertising, computing services, electricity, training and higher education areas).

The Act sets out the objectives, functions, powers, composition and other matters related to the administering corporation that is established under the relevant Malaysian Companies Act pursuant to the PSMBA. The corporation's main objective is to impose and collect a human resources development levy for the purpose of promoting the training of employees and establishing the Human Resources Development Fund.

The functions of the corporation include, amongst others, assessing and determining the types and extent of employees' training and retraining in keeping with human resources needs of industries; promoting and stimulating manpower training; determining terms and conditions under which any financial assistance or other benefits are to be given; to organize, establish, upgrade and maintain, or to assist in the organization, establishment, upgrading and maintenance of training facilities, courses, projects and programs; and to examine any records, accounts and any other documents relating to the grant, loan or any other benefit granted under this Act.

The corporation is required to have its budget approved by the Minister of Human Resources and is required to have its accounts audited by an approved company auditor. In accordance with the PSMBA, the corporation is to have a 16 member board of directors comprising of ten persons (including the chairperson) who represent employers, three who represent the government and public sector agencies, and there are representatives of the Ministry of Human Resources, the Ministry of Finance and the corporation's chief executive. The Minister of Human Resources is given the responsibility of appointing the Chairman and Vice-Chairman. PSMBA empowers the corporation to set up committees comprising of board of directors as well persons who are not members of the board and delegate such functions as it deems necessary.

Employers to whom the Act applies must register with the corporation within the prescribed time. Every employer to whom the act applies must pay a human resources development levy per employee, amounting to 1% of their monthly salary. Employers in the manufacturing industry with between 10 and 49 employees and a paid-up capital of less than M\$250,000 may opt to be registered and pay a levy of 0.5%. The Minister is, under the PSMBA, empowered to exempt any employer from the payment of the levy.

Registered employers that pay the requisite levy are eligible to receive any financial assistance or other benefit provided under the Act for the purpose of promoting training for employees. In addition, a subsidiary company of a registered employer which is liable to be registered but has not yet commenced business operations is eligible to receive any financial assistance or other benefit for promoting training for employees.

The PSMBA establishes the Human Resources Development Fund which shall consist of all moneys from the levy collected, loans, grants, moneys earned from any property, investments, interest on levy etc. The said fund shall be used for the purpose of promoting, developing and upgrading the skills of employees; providing financial assistance to employers by way of grant, loan; carrying out projects and courses, providing financial assistance to training providers for the purpose of promoting the development of human resources. PSMBA establishes an investment panel to ensure the appropriate investment and use of the fund.

Under the PSMBA, the Minister of Human Resources is empowered to appoint authorized officers to ensure that the corporation performs its duties properly as well

detect and investigate any suspected offence under this Act. Such authorized officers may investigate any employer to ascertain whether said employer has a duty to register under the said and to this end the authorized officers may examine any books, documents, persons etc. Any person found to have submitted false or incorrect information to the authorized officers may be liable with a fine not exceeding twenty thousand ringgit or imprisonment for a term not exceeding two years or both. Under the Act, the Minister is given the power to make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act.

8. Summary Analysis

Pursuant to the review of the aforementioned examples of international laws, a matrix³ was formulated to identify the common elements of the various TVET related legislation. As mentioned above the chosen legislation may be categorized in six (6) broad headings and in some of the laws there is an overlap of issues and elements. The following section provides an overview of the common elements identified in the chosen international legislations under the aforementioned broad headings:

(a) Acts which seek to determine and stipulate the provisions for the rights to establish and close down TVET institutions, their legal status, governance, management, funding procedure, budget support etc:

Amongst the international legislations reviewed it was apparent that The Vocational and Educational Training Act, 2005, Education and Skills Act, 2008, Further Education and Training Act, 2007 and Learning Skills Act, 2000 seek to address issues relating to establishment of TVET institutions, their governance, management, funding procedure, budget support etc. The aforementioned legislations generally establish a vocational education and training institutions accreditation board or council having functions such as registration/de-registration of TVET institutions, carrying out inspections, cancellation of license of TVET institutions etc.

These legislations also set out objective standards that are to be followed by the accreditation boards in granting registrations of TVET institutions. In some of the examples of the international legislations, procedure for appeals against the decisions of the accreditation boards/councils along with penalties for acting in contravention to the provisions of the legislation are specified. Further, provisions relating to the management, composition, budgeting, and reporting are also incorporated in such legislations. It is evident from the review of the said legislations that these statutes give these accreditation boards wide ranging powers allowing them to independently carry out their functions and giving government ministries only a limited supervisory role. In terms of composition of the boards/councils a private-public partnership approach with representatives from government ministries, agencies and various trade bodies is evident in the said legislations. These boards/councils are generally funded by the respective governments, donations, fees, and loans.

³ The detailed matrix of the examples of international laws is attached as Annexure 2

(b) Acts which determine issues relating to apprenticeship and training of young adults and adults for pre-employment on the job training:

The Apprenticeship Act 1961 (India) and Education and Skills Act, 2008 (England) were the two examples of the international legislation focusing on the elements on apprenticeship and pre-employment job training. These legislations make provision for the right to obtain apprenticeship, respective obligations of the apprentice and the employer, penalties for the breach of conditions of the provisions set forth in the respective statutes, establishment of national, regional and local councils to coordinate, regulate and monitor the supervision of matters relating to apprenticeship. It is also evident that the Indian Apprenticeship Act 1961 makes comprehensive provisions in relation to the inspection, monitoring, testing of the apprenticeship programs conducted at the local, regional and national levels by establishing councils at these levels as well as establishing the post of Apprenticeship Advisors (AA) to carry out such functions of such inspections and monitoring.

(c) Acts which make provisions for governance and quality assurance of the TVET institutions:

Legislations such as the South African Qualifications Authority Act, 1995 (South Africa), General and Further Education and Training Quality Assurance Act, 2001, Education and Skills Act, 2008 (England) and the Vocational Education and Training Act 2005 have stipulated provisions for governance and quality assurance of the TVET institutions by establishing a qualifications authority, board or council with the responsibility of inspecting TVET institutions and ensuring the quality of the registered TVET institutions. It is to be noted that pursuant to the South African Qualifications Authority Act, 1995 the qualifications authority is also given the duty of implementing the national qualifications framework which includes formulating and publishing criteria for registration of TVET institutions and stipulate training standards. Moreover, the General and Further Education and Training Quality Assurance Act, 2001 establishes a council to ensure quality of education and training, control standards of curriculum and assessment, accreditation of institutes and to provide for the issue of certificates and the council is empowered to report irregularities is assessment carried out on the institutions. Accordingly, quality of TVET institutions are monitored and maintained through these councils and authorities empowered to do so by the enabling statutes.

(d) Acts which legislate for the national and regional councils and boards:

The chosen examples of legislations from South Africa, England and Australia demonstrate that the practice in the aforementioned countries is to establish councils, national and regional, to be an overarching authority to undertake an advisory role as well as formulate strategies. Generally, the councils are empowered to advise government ministries and agencies in relation to workforce skills and development needs as well as devising and implementing national, sectoral and workplace strategies; and investigating institutions to assure quality. The council(s) established is given the functions of coordinating between the respective ministry of the government (education and/or labour, as the case maybe), qualifications authority and other quality assurance bodies. Further, the legislations stipulate the duties, functions, governance and management of the respective councils. The legislations also allow the council(s) to delegate its powers and make regulations to carry out its objectives.

(e) Acts which establishes skills development funds at the national level, providing for the eligibility of contributors and benefactors:

Amongst the chosen laws the Skills Development Levy Act, 1979, (Singapore), Pembangunan Somber Manusia Berhad Act, 2001 (Malaysia) and Skills Development Act, 1998 (South Africa) establish fund composing of governments grants, contributions from employers and investments. The legislations stipulate the manner in which the fund is to be used which generally include incentive schemes for employers for training persons wishing to join/rejoin the workforce as well as for providing financial assistance by grants and loans for promotion, development and upgrading of skills and expertise of persons preparing to join workforce.

The said statutes also make provision for the management and utilization of the established fund. In the Pembangunan Somber Manusia Berhad Act, 2001 the Malaysian legislature has incorporated a statutory mechanism by which the Government is to audit and monitor the application of the fund by the statutory authority thereby ensuring accountability of the fund managers.

(f) Acts legislating staffing and financial performance, and accountability of government services including education:

The chosen legislations from England, Australia and South Africa demonstrate that in these countries statutory provisions are incorporated to provide for the auditing and monitoring of the performance of the institutions, council, authority or the board, as the case may be. For example in the Learning and Skills Act, 2000, England the Chief Inspector is empowered to carry out inspection of those concerned to ascertain whether the financial resources made available to institutions providing education and training are managed efficiently and used in a manner which provides money for value. Statutes in this category also stipulate the staff structure, salaries, delegation of functions, validity of proceedings etc.

9. Conclusion

The review of the chosen international examples of the statutes demonstrate that one or more statutes are promulgated to deal with the aforementioned six categories of legislation thereby ensuring that all necessary issues and elements relating to TVET are addressed. The legislations reviewed provide detailed examples of specific approaches to legalize and formalize various aspects of TVET and skills training which may be relevant to the system in Bangladesh. In reviewing the TVET related laws in Bangladesh, the objective was to ascertain whether the local legislations presently address the six categories identified in the review of the international examples of the chosen legislation and to determine the gaps and shortages in the local legislation.

c. Analysis of Local Laws

1. In Bangladesh, though a number of statutes deal with TVET indirectly, the main statutes providing for technical and vocational education are the Technical Education Act, 1967 (“TEA”) and Bangladesh Labour Act, 2006 (“BLA”). To fulfill the objectives stipulated in the primary statutes, a number of regulations, rules and government orders have also been passed which include the Technical Education Regulation, 1975 (“TER”) and the Apprenticeship Rules, 1967 (“AR”). The TEA is a ground-breaking legislation in the area of TVET in Bangladesh, through which the Bangladesh Technical Education Board (“Board”) was established and entrusted with the responsibility of organizing, regulating, supervising, controlling and developing technical education which includes courses belonging to middle level technician education, and also craft level vocational education and training. The following sections provide a review of the main issues identified in the primary statute along with the subordinate legislations. The following local legislations and policies were short-listed for review:

Acts/Ordinance

- Technical Education Act (1967)
- Bangladesh Labour Act (2006)

Rules

- Apprenticeship Rules, 1967

Regulations

- Technical Education Rules (1975)
- Bangladesh Technical Education Institute Recognition & Renewal Regulation (1996)
- Bangladesh Technical Education Institute Management Committee Regulation (1996)
- Bangladesh Technical Education (Teacher & Employees) Service Regulation (1996)

Policies

- Various BTEB Policies relating to the introduction and conduction of various courses.

2. Technical Education Act, 1967

2.1 Under the TEA, the term “Technical Education” has been defined to mean diploma courses in Engineering or Technology, Technical Teacher Education, Commercial Teacher Education, Commercial Training’ certificate courses in Technical Teacher Education; certificate courses in Sub-Overseer, Survey Final and Amidships and other types of technological, commercial trades and crafts courses as may be determined by the Board, subject to the approval of the Controlling Authority as established under the TEA. It may be noted that under the Draft Bangladesh Skills Development Policy 2010-2015 (as discussed below) BTEB shall introduce and establish a new quality assurance system which seeks to have a much broader scope than that envisaged under the present definition of Technical Education under the TEA. Accordingly, if the reform policy seeks to widen the jurisdiction of Board appropriate amendment of the definition of the term “Technical Education” would be required. This is discussed further in the later stage of the Report.

2.2 The Controlling Authority of the Board is the President of the People's Republic of Bangladesh, the status of whom in relation to the Board is similar to that of the Chancellor in relation to a University. The President has the powers, amongst others, to cause an inspection to be made by such person(s) of the office, activities and funds of,

and examination conducted by, the Board and cause an enquiry to be made in a like manner in respect of any matter concerning the Board. He will communicate the result of such inquiry to the Board and may advise the Board as to the action to be taken and where the Board does not within a reasonable time take action to the satisfaction of the Controlling Authority, the latter may issue such directions as he thinks fit.(Section10)

2.3 The TEA established the Bangladesh Technical Education Board for carrying out the purpose of this Act, consisting of a Chairman appointed by the Controlling Authority, four ex-officio members and nine nominated members (Section 4).

Under the TEA, the Board is given the power to prescribe the manner and mode of inspection of institutions offering technical education. In addition, the TEA empowers the Board to provide guidelines on registration of training organizations and to grant or withdraw recognition from educational institutions offering courses in technical education. It may be noted that, it would seem that, at present, the Board's power of granting and withholding recognition is limited to those institutions providing Technical Education as defined under the Act. Further, the Board is empowered to prescribe conditions governing admission of students to and transfer of students from one institution to another providing course under the same curricula. The Board also has the power to mandate internal and external inspections. Though no express power is given to maintain a register it is understood that the Board maintains a register of the recognized institutes providing vocational and technical education.

2.4 The Board also has the power to appoint eight committees and any other such committee(s) as the Board may consider necessary for the purpose of carrying out the provisions of this Act. The Board may, with previous approval of the Government, make regulations not inconsistent with the provisions of this Act or rules made hereunder, for carrying out the purposes of this Act. Specific matters for which the Board may make regulations are set out in Section 40(2) and is required to publish the same in the official Gazette.

2.5 The TEA envisages the constitution of a fund called the "The Bangladesh Technical Education Fund" which is to be vested in and administered by the Board and shall be utilized for, amongst other reasons, payment of the cost of the audit, payment of salaries and allowances to the Chairman and other officers and employees of the Boars, payment of expenses connected with printing of papers, forms, documents etc. The Budget shall be presented by the Secretary, confirmed by the Board and forwarded to the Controlling Authority for approval who may make such modifications as he deems necessary. Every member of the Board and Committee(s) and every person appointed for carrying out the purposes of this Act shall be regarded as a public servant. No suit, prosecution or other legal remedy shall lie against any person for anything done in good faith or intended to be done under this Act. The Board shall establish for the benefit of its officers and other employees pension and provident funds or contributory provident fund.

2.6 The financial independence of the Board is ensured in the TEA and provides that the Secretary of the Board is required to present the budget to the Board which is to be confirmed by the Board and forwarded to the President for approval. The TER makes detailed specifications regarding the budget and the maintenance of the Bangladesh Technical Education Fund including the formation of a finance committee. The accounts of the Board are required to be submitted annually and examined and audited by an auditor duly appointed by the Government.

3. Technical Education Regulation, 1975

3.1 The TER, which has been made pursuant to the TEA, further clarifies the powers and duties of the various executive officers of the Board including the Chairman, Secretary, Controller of Examinations and others officers. Under the TER, the Chairman shall have the power to do all acts to ensure that the officers and staff of the Board properly perform the duties entrusted to them. In addition, the TER provides for a Controller of Examinations who is to be responsible for holding and conducting examinations and particularly for the distribution of question papers, examination materials to all examinations centers, collection of answer scripts, examination materials, reports and other documents from all centers, distribution of answer script, publication of results and issue of diplomas and/or certificates.

3.2 The TER provides detailed regulations regarding the manner in which an examination is to be conducted and makes provisions for fees for examinations, duties of invigilators etc. Under the TER, the budget of the Board is to be prepared by the Secretary and placed before the Finance Committee for submission to the Board for approval. The TER also provides for the formation members of various committees and sub-committees including committees for diploma courses of study, certificate courses of study, finance committee, regulation committee selection committee amongst others.

4. Bangladesh Technical Education Institute Recognition and Renewal Regulations 1996

4.1 The Bangladesh Technical Education Institution Recognition and Renewal Regulations, 1996 (BTEIRRR) stipulates the conditions which must be satisfied before a private technical education institute may be established. These conditions include, amongst others, the number of teachers, students, and infrastructure requirements. BTEIRRR also provides for the procedure for renewal and cancellation of recognition for operating a private technical education institute.

5. Bangladesh Technical Education Institute Management Committee Regulations, 1996

5.1 The Bangladesh Technical Education Institute Management Committee Regulations, 1996 (BTEIMCR) makes provisions for the management of private technical education institutes recognized by the government under the BTEIRRR. Under the said Regulations each recognized technical education institute must have a management committee consisting of a Chairman who shall be a Deputy Commissioner, and nine other members. The BTEIMCR makes provisions for the term, election and regulation of voter list of the members, nomination of members, meetings of the management committee, fund management as well as the powers and duties of the various officials and sub-committees of the management committee.

6. Bangladesh Private Technical Education (Teacher and Employee) Service Regulations, 1996

6.1 The Bangladesh Private Technical Education (Teacher and Employee) Service Regulations, 1996 (BPTESR) makes provisions for the selection, recruitment, remuneration, seniority, increment, holiday, retirement etc. relating to the teachers and employees of technical education institutes recognized by the Government under the TEA. The aforementioned Regulations make it binding upon recognized technical institutes to appoint the requisite numbers of teachers and employees on such terms and conditions as prescribed under the BPTESR.

7. Policies

7.1 The BTEB Board has, from time to time, approved numerous policies relating to the introduction and conducting of various courses offered by the recognized technical institutes. Amongst them the policies for diploma in engineering, Higher School Certificate (HSC) in business management, HSC vocational, diploma in agricultural studies, diploma in textile engineering and basic trade (short course) have been collected from the Board and have been reviewed. The policies generally set out the conditions, requirements and procedure for granting affiliation/recognition to an institute wishing to provide the aforementioned courses. Such preconditions include infrastructure, human resources and fund requirements. It may be mentioned that these policies set out detailed requirements including the specification for the quantity and size of the requisite class rooms, laboratory etc. It is also important to note that the policies set by the Ministry of Education time to time also stipulate a quota and restrict the number of institutes that may be established and operated in metropolitan cities and districts. For example the policy for diploma in textile engineering stipulates that a maximum of 6 (six) institutes may offer courses in diploma in textile engineering in a metropolitan city and two institutes in other districts.

8. Draft Bangladesh Skills Development Policy 2010-2015

8.1 On 17 September 2009, a draft Bangladesh Skills Development Policy 2010-2015 (Skills Policy) was formulated in collaboration with the European Union, ILO and the Government of Bangladesh. The final draft of the Skills Policy, which has now been put forward to the various stakeholders for consultation, seeks to introduce major commitments and key reforms that will ensure greater partnership between the Government and industry, workers and civil society. Some of the major reform and recommendations put forward in the Skills Policy is provided herein below:

8.2 The Skills Policy envisages an introduction of a new qualifications system i.e: the Bangladesh National Technical & Vocational Qualifications Framework (NTVQF). The NTVQF introduces new national qualifications at 8 levels with prescribed names for each qualification. Since the BTEB shall be given the responsibility of introducing and implementing the NTVQF, the Skills Policy also recommends that the BTEB should be given the power to take action against training providers that inappropriately use the NTVQF titles or the new logo/mark signifying nationally recognized training.

8.3 Under the Skills Policy a new national quality assurance system is to be introduced and implemented, as the Bangladesh Skills Quality Assurance Framework, which will include new procedures and policies related to the registration/inspection/audit of training organisations. New quality assurance standards will be developed covering various operational aspects including the facilities, staff and management of training organizations; Under the draft policy, BTEB will assume the role of a national QA agency for all publicly delivered TVET and skills training i.e.: QA of all government agencies involved in training.

8.4 BTEB will introduce new procedures for the development and endorsement of national competency standards and national curriculum and learning resources. These procedures will include key roles for Industry Skills Councils as the industry bodies responsible for endorsing industry competency standards and providing industry endorsement of curriculum and learning materials developed by BTEB.

8.5 BTEB will be responsible for providing data to the NSDC Secretariat as part of a new national TVET and skills data system. Training providers, both public and private will be required to provide administrative data to BTEB. The policy requires greater empowerment of BTEB allowing it to demand this data and be empowered to take action against providers that do not provide this data.

8.6 BTEB will also be responsible for the development, implementation and review of a national system (policy, guidelines, assessment tools) for the recognition of prior learning (RPL).

8.7 BTEB will also be required to establish an Equity Advisory Committee to monitor and address issues related to under-represented and disadvantaged groups; the policy also commits to supporting an active training market where public and private training providers are encouraged to meet the skill needs demanded by industry and the community. To that end, the quota system limiting the number of training organisations that can be established in any particular region will be lifted.

8.8 Other more operational issues that have been recommended are:

- BTEB needs to be able to contract casual staff and contractors to assist with the expansion of their QA role;
- The composition and powers of the Board need to be revised to broaden representation and give greater responsibilities related to management of BTEB;
- Change the name of BTEB to the Bangladesh Technical Education and Skills Training Board (BTESTB);
- Changing the title of the Chairman to Chief Executive; and
- Enable the Board to appoint the Chief Executive.

The possible methods of implementing the above recommendations have been discussed in Section 5 of this Report.

9. Bangladesh Labour Act, 2006

9.1 The Bangladesh Labour Act 2006 (“BLA”) was enacted to deal with employment of labour and related issues. BLA is the comprehensive statute for employment of “worker” which is defined as any person including an apprentice, whatever may be the express or implied terms of his employment, who is engaged, either directly or through a contractor, in any firm or industry against wages or money for any skilled, unskilled, manual, technical, business development or clerical work, but a person responsible mainly for administrative or managerial work shall not be included in this definition.

9.2 The BLA deals with, among others, conditions of service of employment of workers, obligations of the employer to provide ID card, letter of appointment, service book, register of workers, their entitlement to provident fund and gratuity, other benefits, such as maternity, death etc., working hours, entitlement of leave and procedure for leave, other compensations, termination, discharge, retrenchment, dismissal, lay-off, punishment for offence and misconduct committed by worker, fine imposed on workers, retirement, provisions relating to employment of adolescents, working conditions and environment, worker’s health, hygiene and safety, welfare, wages, trade unions and industrial relations.

9.3 The BLA specifically states that it does not apply to educational, training and research institutions. However, the BLA is applicable to apprentices. Under the BLA apprenticeship means a system of training in which an employer undertakes to employ a person and to train him or have him trained systematically in an apprenticable trade for a period the duration of which has been fixed in advance and in the course of which the apprentice is bound to work in the employer’s service. Apprenticable trade means such trade or occupation in an establishment as the competent authority may, from time to time declare, by notification in the Official Gazette. During the review, no such gazette notification regarding the appointment of a competent authority was identified.

The BLA is only applicable if any establishment has been in existence for more than 2 years and is ordinarily employing more than 50 workers and employs more than 5 workers in an apprenticable trade. The government can set up a tripartite advisory committee to advise the government and the competent authority (any officer empowered by government through official gazette) on apprenticeship matters. The BLA specifies the obligations of the employer which include compliance with the provisions of the BLA, to get the apprenticeship programme registered with the competent authority, run the programme at his own cost, and observe the training procedure stated in Section 277 of the BLA.

The employer will be able to claim relief from income tax in respect of any expenditure incurred by him on the operation of an apprenticeship programme and will be able to get license to import goods and articles to provide the apprenticeship programme. The competent authority will provide advice and guidance to the employer on the operation of the apprenticeship programme. The BLA also specifies obligations to be observed by the apprentices.

The BLA provides that the competent authority can exercise the power to enter any premises, which provides any apprenticeship programme to inspect or examine any undertaking or apprentice or require the production of any register or record statement of any person.

9.4 The BLA specifies penalties for non-compliance with the provisions of the BLA which includes financial penalty as well imprisonment upon conviction.

10. Apprenticeship Rules 1967

10.1 Though the Bangladesh Labour Act 2006 (“BLA”) repeals the Apprenticeship Ordinance, 1962 it keeps in force the Apprenticeship Rules 1967, (“AR”) so far as it does not contradict any provision of the BLA.

10.2 The AR makes provisions for the establishment of a tripartite advisory committee (“Committee”) to ascertain the training needs and recommend to the competent authority such measures as may be deemed necessary for the promotion of apprenticeship training either generally or in respect of a particular trade. In addition, the Committee is to advise the Government in matters relating to apprenticeship standards like minimum educational qualifications at the time of entry, syllabi and durations of the courses, examinations and grades and such other matters as may be considered necessary. Further, the Government may, in consultation with the Committee, issue directives concerning subject and syllabi of practical and theoretical training for different apprenticeship trade; duration and start of courses for different apprenticeable trades; method and condition of promotion to the higher year of training or retention in the same year due to unsatisfactory progress of the apprentices; periodical trade tests; minimum qualifications for apprentices and apprentice trainers; methods of holding examinations and issuance of certificates; conditions of continuance of training apprentices; conditions of employment of apprentices after training etc.

10.3 Under the AR, each employer is required submit a list of apprenticeable trades in his undertaking, the number of persons employed and the number of apprentices to be recruited by him within 30 days from the date a particular trade is notified as an apprenticeable trade. Moreover, the employer is required to submit an apprenticeship training programme for his undertaking. Recruitment is to be done through notification of vacancies to the nearest Employment Exchange as well as using other means of advertisement; written test and personal interview of candidates qualified in the written test. The minimum age for enrollment as an apprentice shall be 14 years and the maximum 22 years. The probationary period is three months. The stipend in the first year of apprenticeship has been set at 50% of the wages of a skilled worker of the grade engaged in the trade/occupation concerned which will rise by 10% every year for the first 3 years. If the apprenticeship training exceeds three years, after three years the stipend is to be equal to full wages of the skilled worker of the grade in the trade/occupation concerned. Working hours, leave and holidays is the same as for workers employed in the undertakings and regulated according to the relevant rules for the time being in force. Under the AR, each apprentice is provided the necessary materials for his training free of cost. The employer has the obligation to ensure proper and efficient supervision, direction and control of apprentices. An apprentice may be transferred with the mutual consent of the employers concerned. Every employer is required to maintain a register of apprentices and an apprentice progress card.

10.4 The Appendix to the Rules contains the form of Apprentice Agreement and Apprenticeship Progress Card and other forms.

10.5 It may be noted that a draft Apprenticeship Rules 2008 has been drafted and is under consideration by the Government. As the said 2008 Rules are not in force it has not been considered by us for the purpose of the present report.

11. National Skills Development Council

11.1 Separately and additionally, an apex body known as the National Skills Development Council (NSDC) was established on 3 September 2008 to, amongst others, provide guidelines and strategy for formulation of national policies and laws, their approval and supervision of implementation in respect of areas of skill development, training and implementation of human resources; and to give directions, supervise and monitor implementation with a view to updating the curriculum and course structures. This apex body which is to execute its works through an executive committee has been established by an order of the President issued by a notification of the Ministry of Labour and Employment dated 3 September 2008 No. Mole/Section-8/NS/2008/B-1("Resolution"). The NSDC is headed by the Prime Minister of Bangladesh and comprises the various heads of the Ministries and a number of industry representatives.

11.2 The Resolution, however, neither stipulates the status of the NSDC viz a viz BTEB nor does provide for a clear demarcation as regards the duties and powers of the two bodies in question. Notwithstanding this, it is quite clear that the then Government had the intention of placing the NSDC as the overarching apex body to advise the Government on national skills development in Bangladesh.

d. Major Findings

1. Following the review of the local legislations the common elements identified therein were set out in the six (6) broad headings specified above.

(a) Acts which seek to determine and stipulate the provisions for the rights to establish and close down TVET institutions, their legal status, governance, management, funding procedure, budget support etc.:

From the review of the local legislations it was apparent that the TEA, TER and the regulations (BTEIRR, BTEIMCR AND BPTESR) make provisions for issues relating to the establishment of TVET institutions, their governance, management, recruitment etc. In addition, the various Policies stipulate detailed requirements including the specification for the quantity and size of the requisite class rooms, laboratory etc. for the individual courses. The present legislative framework, however, does not address issues such as the maintenance of national registrar for courses, institutions and programs, procedure for appeals against decisions of the accreditation board, setting out objective standards that should be followed in granting registration to TVET institutions or provisions for offences for activity in contravention to be establishing acts.

(b) Acts which determine issues relating to apprenticeship and training of young adults for pre-employment on the job training:

The BLA and AR makes provisions relating to apprenticeship and training of adults for pre-employment. The BLA refers to the formulation of an advisory committee and the appointment of a competent authority neither has been introduced so far. In addition, the AR also makes reference to a tripartite advisory committee to advise the Government in matters relating to apprenticeship standards, conditions of apprenticeships, issuance of certificates etc. It is evident from a review of the legislations relating to apprenticeship that detailed legislations/regulations are required in the area of apprenticeship since matters such as specification of the duration of apprenticeships; regulation relating to the right of apprenticeship, quality control and respective obligation of employer and apprenticeship are not addressed by the local laws.

(c) Acts which make provisions for governance and quality assurance of the TVET institutions

Under the TEA, TER and the Policies make provisions for governance and quality assurance of TVET institutions and only partly deal with issues relating to inspection of TVET institutions and fails to address issues relating to establishment of a body to ensure quality assurance, formulation of qualification framework, curriculum etc.

(d) Acts which legislate for the national and regional councils and boards

In Bangladesh, the NSDC an advisory body has been established to advise government ministries and agencies in relation to workforce skills and development. As mentioned above, the NSDC has been established by an order of the President issued by a notification of the Ministry of Labour and specifies the jurisdiction, functions, composition

and responsibilities of the NSDC. It is to be noted that, though the NSDC has been established to be the apex body related to TVET but does not have any statutory force.

(e) Acts which establishes skills development funds at the national level, providing for the eligibility of contributors and benefactors:

The present legislative framework in Bangladesh does not address the issue of establishing or maintaining a fund for skills development.

(f) Acts legislating staffing and financial performance, and accountability of government services including education:

The TEA addresses the issue of staffing, composition, financial performance and accountability of the Bangladesh Technical Education Board which is sole body established to ensure development of technical education in Bangladesh.

2. Pursuant to the review of the international and local legislation a summary matrix (comparative chart) to demonstrate gaps and shortages in the local laws in relation to the examples of the international laws was formulated. A list of common elements, which were identified in the international legislations were selected to determine whether the present acts, regulations, rules and policies sufficiently address the said elements. Thereafter, the following table was formulated to identify and demonstrate the elements covered and omitted in the legislations in Bangladesh.

Elements	Bangladesh
Applicability/Jurisdiction	Fully
Establishment of Qualifications Authority	None
Establishment of a body to oversee Education and Training Quality Assurance Council	Fully
Establishment of a vocational and training accreditation board	Fully
Establishment of national and regional apprenticeship boards/councils	None
Entitlement to skills training and further education	None
Regulation for Training of Apprentices	Partly
Establishment of a body to provide advice and guidance on workforce skills needs and workforce developments	None
Establishment of a body to provide for training facilities with further power to set up learning councils at the local level	None
Body given the power to formulate criteria for registration of	Partly

qualification issuing bodies, development of qualifications framework etc.	
Council/Authority given the power to Advise Ministers	None
Authority/Council/Board to provide guidelines on registration of training organisations Authority/Council/Board to provide guidelines on registration of training curriculum	Fully
Specification of the duration of an apprenticeship	None
Power to cancel, suspend or amend registration of training providers and training courses	Fully
Power to mandate internal and external inspections; including the power to appoint inspectors; the right of entry; the right to copy or remove documents; the right to audit training institutions	Partly
Procedures for registration of institutions providing accreditation	Partly
Authority/Council to carry out registration and accreditation of providers of training and ensure quality compliance and carry out assessment (Quality Assurance)	None
Detailed regulation and provisions in relation to right to apprenticeship	None
Respective obligation of employer and apprentice in apprenticeship	None
Provisions for an apprentice supervisor and his/her responsibilities	None
Roles for the monitoring and quality control of apprenticeships	None
Appointment of members to boards/councils by Government/President	Fully
Accountability to Parliament/Government Minister/President	Fully
Appointment of executive personnel of the Board/Council/Authority	Partly
Provision relating to management of the council/accreditation board/authority as the case may be	Partly
Obligations of local councils relating to vocation and training	None
Provision for maintenance of funds	Fully
Obligation to submit budget	Fully
Obligation to submit annual reports to Parliament or higher authority	None
Maintenance of a national registrar of courses, qualifications and/or	None

training providers	
Provisions of offences for acting in contravention to the establishing acts	None
Power to make rules by Ministry	Fully
Power to make regulation by the Council/Authority/Board	Fully

Key: (i) Fully: fully addressed by the TVET legislations of the country concerned; (ii) Partly: addressed only partly by the TVET legislations of the country concerned; (iii) None: not addressed by the TVET legislations of the chosen country concerned.

3. The review of the TEA, TER, BLA, AR and other regulations reveal that the local legislations have addressed a number of elements which may be categorized as substantive and procedural law. These are summarized in the following section:

3. Substantive

The following elements were identified as issues which are substantively addressed, such as, amongst others, jurisdiction, establishment of advisory body, and legal entitlement apprenticeship for defined classes of people.

(i) The TER establishes the office of the Controller of Examinations who is given a range of duties starting from distribution of question paper to issuance of diplomas and/or certificates.

(ii) The TEA and TER make both general and specific provisions for the appointment of members and executive officers to the Board as well as the management of the Board. In addition, the BTEIMCR and the BPTESR also make it binding on the recognized training institutes to ensure that the management of the said training institutes are conducted in the manner as stipulated in the aforementioned regulations. Similar to the international scenario, accountability to the President is also established in the TEA by ensuring that the Controlling Authority of the Board is the President of the People's Republic of Bangladesh who is also responsible for approving the budget. However, unlike countries such as South Africa, England and Australia the BTEB Board does not have any obligation to submit any report to the Parliament of their activities. In this regard, it may be noted that in Bangladesh, University Grants Commission, the body responsible for granting recognition to public and private universities is required to publish an annual report and place it before the Parliament through the Ministry of Education.

(iii) It has been already noted above that the Resolution passed by the Ministry of Labour and Employment has established the NSDC as an apex body to advice and provide guidance on workforce skills needs and workforce developments. It has the duty and power to advise the relevant ministers and the Prime Minister of Bangladesh. However, the NSDC and its executive body is a creation of the Resolution passed by the Ministry of Labour and its status viz a viz the Board is not clear especially since the Board has been established by the TEA and the NSDC has been established by the Resolution. Accordingly, though the need for an apex advisory body has been rightly

identified for the sake of clarity and sustainable development, its stature and status in relation to the other bodies and parties in the area of TVET should be clearly defined.

(iv) Though the BLA and AR make provisions for a person to become an apprentice, there is no provision for the legal entitlement or right of apprenticeship. In this regard, reference may be made to the Apprenticeship Act 1961 (India) and the Education and Skills Act, 2008 (England) which specifically provide for the right to obtain apprenticeship.

(v) As mentioned above, in Bangladesh the present legislative framework does not provide for the creation or maintenance of a fund with the purpose of developing the skills of the workforce. In Malaysia or Singapore funds have been created to provide incentive to employers to take on young adults and adults for apprenticeship programmes. In Malaysia and Singapore, the fund has been created out of contribution from employers and grants from the Government. In Bangladesh, new legislations may cater to apprenticeships as well as on job training.

vi) With regard to the matter of apprenticeship, in countries such as Malaysia and India the trend has been to establish national and local apprenticeship councils to encourage the culture of apprenticeship. As mentioned above, though there are provisions for establishment of a Tripartite Advisory Committee to ascertain the needs in relation to apprenticeship in Bangladesh no such Committee has been formed nor has there been any formulation of rules or regulation regarding the management, composition and duties and responsibilities of the Committee.

(vii) The TEA makes no specific provisions for maintenance of a national register of approved training institutes. Moreover, at present BTEB is the sole accreditation agency as such there are no rules or regulations governing the granting of approval or any other matter in relation to any other accreditation agency in the field of TVET.

4. Procedural

The following elements were identified as procedural issues addressing matters such as, amongst others, procedure for granting or renewal of recognition, management, of training institutes etc.

(i) The TER makes detailed provisions for the procedure to be followed by the Controller of Examinations to fulfill its duties.

(ii) Under the TEA and BTEIRRR, the BTEB Board is given the power to oversee education and training quality assurance as well as grant recognition to institutions wishing to provide technical and vocational education. The procedure and conditions for establishing, renewal and withdrawal is further spelled out and stipulated in the BTEIRRR. It is to be noted however, that no express provisions are made regarding the period and procedure of inspection to be carried out for the purposes of ensuring the quality of such institutes nor that these regulations should also be applied to public training institutes as is the case in the international examples. A broad power has been given to the Board to appoint inspectors for inspection of the training institutes and it may be presumed that the inspection would be conducted in a manner to ensure that the training institute in question would continue to satisfy the requirements and conditions set forth in the BTEIRRR and the aforementioned policies.

(iii) The Policies formulated by the BTEB, from time to time, make detailed specific provisions for the pre-requisites, conditions and procedure for registration of training institutes desirous of introducing specific courses which are binding on the institutes. These policies set specific guidelines for relevant courses which vary according to the needs and requirements of the course in question. These institutes are also required to follow and teach the curricula set by the BTEB. Notwithstanding this, it may be noted that the TEA, TER and the various regulations and policies do not provide any appeals procedure in the event recognition is refused, withdrawn or cancelled.

(iv) The BLA and the AR provides comprehensive provisions for the regulation of apprenticeship. Provisions are made for probation period of apprenticeship and flexibility is retained regarding the duration of the apprenticeship the apprentice may undertake. In addition, the matter of providing requisite materials and appropriate supervisor is also addressed in the AR though specific detailed provisions have not been made.

(v) Under the Skills Policy, it has been recommended that the BTEB should establish an Equity Advisory Committee to monitor and address issues related to under-represented and disadvantaged groups. Under Section 19(1)(i) of the TEA, the Board is already empowered to establish any committees as it considers necessary. Accordingly, no new laws and regulations will be required to establish such a committee though the Board may wish to make regulations which stipulate the activities of the said Committee.

(vi) The Skills Policy further recommends that the Board should be empowered to be able to contact casual staff and contractors to assist in their quality assurance role. Under Section 18(2)(o) of the TEA, the Board has the power to enter into and carry out contracts in exercise of powers and performance of duties assigned to it by the TEA and the regulations.

5. Gaps and shortages in the local legislation

In view of the above, the following gaps and shortages have been identified in the local legislation viz a viz the international laws which would require amendment and/or enactment of TVET related legislation to be undertaken by the lawmakers, or rules and regulations by the Government or institutions concerned. In addition, in order to implement the reform proposals set forth in the draft Bangladesh Skills Development Policy 2010-2015 the following issues will need to be dealt through enactment or amendment of TVET related legislation:

- (i) The status and establishment of the NSDC and its relationship to BTEB.
- (ii) The manner in which the registration, inspection and audit of training institutes is to be conducted.
- (iii) Provisions for appeals in the event a recognition is refused, withdrawn or cancelled of a training institute.
- (iv) Provisions for the creation of funds to provide incentive to employer(s) to provide apprenticeships.
- (v) Establishment of the right of apprenticeship.

- (vi) Provisions for the maintenance of the national register as well as other requisite data of the approved training institutes.
- (vii) Laws relating to the recognition and regulation of an accreditation agency for training institutes.
- (viii) Widening the ambit and scope of activities of BTEB by amending the definition of Technical Education under the TEA
- (ix) The introduction and establishment of the Bangladesh National Technical & Vocational Qualifications Framework and BTEB's duties and responsibilities regarding the same.
- (x) The establishment of the new national quality assurance system.
- (xi) The introduction and establishment of new procedure for the development and endorsement of national competency standards, curriculum and learning resources.
- (xii) The Skills Policy has recommended that the name of the Board, title of the Chairman and the appointing authority of the Chairman from the President to the Board as well as the composition of the Board should be changed to ensure greater participation by the industry personnel.

e. Recommendations for reform of TVET related legislation

1. In view of the above discussion and identification of shortages/gaps in the local legislation along with the reform proposals set forth in the draft Bangladesh Skills Development Policy 2010-2015 it is recommended that the following primary legislations are amended and/or promulgated and delegated legislations are amended or made to introduce provisions to remove the gaps and shortages in the present TVET related legislations in Bangladesh and to incorporate the proposals stipulated in the draft Bangladesh Skills Development Policy 2010-2015.

Primary Legislation

Recommendation 1:

Enactment of a new “National Skills Development Council Act” or the amendment of the TEA defining the statutory status of the National Skills Development Council (NSDC)

2. As mentioned in Chapter 3 of this report the NSDC has been established to be the apex advisory body by an order of the President issued by a notification of the Ministry of Labour and Employment dated 3 September 2008 (“NSDC Order”). Its main function is to formulate strategies and guidelines for the development of technical and vocational training and skills development. It is evident from the review of the international legislations that the general practice has been to accord such councils with statutory status and accordingly it is recommended that the TEA be amended or a new National Skills Development Council Act (“new NSDC Act”) be enacted to make provisions for statutory status of the NSDC and other matters related to it.

3. It may be noted that the NSDC Order provides for the establishment of the NSDC comprising of representatives from Government ministries, agencies and representatives of various trade bodies thereby ensuring public-private participation; formation of the NSDC Executive Committee and its composition; and the powers and functions of the NSDC and its Executive Committee. Accordingly, the said amendment of the TEA or the new NSDC Act should incorporate the provisions set forth in the NSDC Order and stipulate for other elements identified in the matrices such as the status, constitution, functions, powers, rights and obligations as well as the establishment of the executive committee of the NSDC thereby clearly delineating the respective rights and obligations of NSDC and the BTEB Board. The new NSDC Act or the amended TEA Act should also stipulate provisions for the management, budgeting, audit and accountability of NSDC. In addition, other matters addressed in the international examples such as provisions relating dealing with such councils’ responsibility at the district/regional level as well as the obligation to formulate and/or implement any national qualifications framework, competency etc. may also be incorporated in such legislations. Further, matters raised in the draft Bangladesh Skills Development Policy 2010-2015 such as the formation, jurisdiction and operation of the NSDC industry sector sub-committees, operating as industry skills councils, may also be dealt with in the new act.

4. Moreover, it should be noted that the draft Bangladesh Skills Development Policy 2010-2015 recommends the introduction and establishment a Bangladesh Technical &

Vocational Qualifications Framework and establishment of new national quality assurance system. Since the said framework and quality assurance systems will be introduced and implemented through either the BTEB or the NSDC the jurisdiction to establish such framework and quality assurance systems should also be incorporated in the new 'NSDC Act' or the amended TEA. The draft Skills Development Policy 2010-2015 specifies that the NSDC will have the responsibility to ensure that the government agencies deliver skills training in accordance with the said framework and accordingly the new NSDC Act or the amended TEA should stipulate the same.

5. The introduction of the aforementioned elements and matters through the amended TEA or the enactment of new NSDC Act would require identical procedure. The procedure that has to be followed to pass a primary legislation is provided in Annexure 3 for information and ready reference.

Recommendation 2:

Amending the existing TEA to give effect to the recommendations in the Bangladesh Skills Development Policy 2010-2015 of broadening the BTEB's responsibilities as well brining about changes to its name, composition to ensure greater participation from the private sector

6. The Bangladesh Skills Development Policy envisages a boarder and a more strengthened role for the BTEB. Its objectives are to empower BTEB to introduce qualifications framework, quality assurance as well as develop national competency standards, curriculum and learning sources. As has been mentioned earlier in this report, at present the BTEB has the power to grant or withhold recognition, prescribe the manner of inspection, cause inspection, publish results, grant diplomas, fix fees and do all such things that are necessary for the purposes of organization, regulation, supervision, control and development of Technical Education (as defined in the Act and stated in Chapter 3 of this report). Though the general power given to BTEB allows it to do all things that are necessary it may be more appropriate to incorporate express provisions to empower the BTEB to introduce qualifications framework, national competency standards etc. The amending Act should also stipulate provisions dealing with the imposition of fines and penalties in the event of any breach of any provisions of the Act or regulations made pursuant to the amended TEA. This will be in line with the provisions set forth in the international legislations which do specify appropriate provisions allowing the respective boards/authorities to exercise a wide range of powers.

7. The draft Bangladesh Skills Development Policy 2010-2015 also proposes to change the name of the Board, appointing authority of the Chairman as well as the composition of the Board to provide for greater public-private partnerships. These matters are already provided for in the present TEA in Section 3, 4 and 10 of the said Act. Since such matters are already provided in an Act of Parliament any amendment to the aforementioned matters would require amendment to the TEA.

Recommendation 3:

Enactment of a new "Apprenticeship Act" or the amendment of the BLA to provide for matters relating to apprenticeship

8. Since the BLA has repealed the Apprenticeship Ordinance, 1962 at present the BLA along with the AR provides for matters relating to apprenticeship. As has already been stated under the BLA apprenticeship is defined as the training of a person in

“apprenticeable trade” however the said term has not been defined nor the competent authority which has been given the responsibility of defining the term apprenticeable trade has been formed. In addition, under the BLA a tripartite advisory committee is to advise the government on apprenticeship but this is yet to be brought into reality. The delegated legislation of AR also makes reference to the tripartite advisory committee stipulating its duties and functions. Moreover, the AR addresses matters such as the respective obligation of the employer and apprentice, working hours, holidays etc.

9. In comparison to the examples of international legislation, the laws relating to apprenticeship in Bangladesh are quite inadequate. No provision has been made to create an entitlement of the right of apprenticeship for any defined section of people. Though under the BLA, persons between the ages of 14-22 may enroll as apprentices there is actually no right to apprenticeship, neither are the concomitant rights and obligations of the apprentice and master set out. As is evident from the Education and Skills Act, 2008, England a defined category of people have been granted the right of apprenticeship. Moreover, in the Indian Apprenticeship Act, 1961 provisions have been made for establishing national and regional councils as well as apprenticeship advisors to regulate, supervise and control the development of apprenticeship in India.

10. It may be noted that the BLA has repealed all previous statutes relating to labour law and acts as the consolidating statute for issues relating to labour law including apprenticeship. Accordingly, the aforementioned elements may be introduced in the legislative framework through an amendment of the BLA or the enactment of a new Apprenticeship Act. The new act or the amending act should make provision for the right to obtain apprenticeship, respective obligations of the apprentice and the employer, penalties for the breach of conditions of the provisions set forth in the respective statutes, establishment of national, regional and local councils or to meaningfully establish the tripartite advisory committee(s) to coordinate, regulate, inspect and monitor the supervision of matters relating to apprenticeship. Such a new act may also provide for the establishment of a fund to give incentives to private organizations to offer apprenticeship programs and on the job training.

11. Under Section 351 of the BLA, the Government is empowered to make rules and as such would be able to amend the present Apprenticeship Rules, 1967 which would be effective from the date of Gazette notification. Accordingly, issues relating to the inspection, monitoring, testing of the apprenticeship programs by the appropriate inspection authority may be addressed by amending the present Apprenticeship Rules, 1967 which may be carried out with relative ease.

12. It is our understanding that a more in-depth study will be undertaken on the legislative reform of the laws relating to apprenticeship and it is our recommendation that prior to devising any such laws a review of a greater number of international legislations relating to apprenticeship should be undertaken to ascertain the elements and issues requiring incorporation into any new statute.

Recommendation 4:

Introduction of a new Act establishing the National Skills Development Fund

13. As has been mentioned above, at present there are no legislative provisions for the establishment of a National Skills Development Fund. The aim and objectives of the said fund would be to collect human resources development levy from certain categories

of employers for the purpose of promoting the training of employees and apprentices. The new Act would specify the procedures for collection of the levy, the maintenance of the fund and the manner in which the fund will be utilized.

Secondary/Delegated Legislation

Recommendation 5:

Introduction of new regulation or amendment of the existing BTEIRRR to matters relating to procedures relating to registration/de-registration, inspection, cancellation etc of both public and private training organisations.

14. The present BTEIRRR stipulates the conditions which must be satisfied before a private technical education institution is established. The Draft Bangladesh Skills Development Policy 2010-2015 envisages the introduction of a new set of guidelines and procedures for the development and endorsement of national competency standards and curriculum and accordingly it may be necessary to draft a new set of regulations by either amending or if necessary replacing the present BTEIRRR. In such an event, the new regulations would have to expressly repeal the present BTEIRRR. Similar action would be required if the scope of BTEIRRR was to include both public and private training organisations.

15. The new or amended regulations should address issues identified in the review of the international legislations and should include provisions regarding the periodic inspection, manner of inspection, authority of inspection, appeals procedure against any decision of the BTEB including the refusal, cancellation and withdrawal of recognition of a training institute by the Board. The new regulations should clearly set out a list of objective standards that are to be followed by the accreditation boards in granting registrations of TVET institutions. In this regard, it may be noted that at present the BTEIRRR is only applicable to private institutions in order to introduce uniformity the regulations should be made applicable to both public and private training institutes.

16. The new or amended regulations should also stipulate the penalties and fines for acting in contravention to the provisions of the regulations etc. Such legislations may also provide for the maintenance of a national register of the recognized training institutions by the Board. This would allow persons wishing to enroll in such training courses to ensure that they have enrolled with training institutes recognized by the Government and the Board. In addition, to implement the recommendations of the Skills Policy in relation to the obligation to provide data to the BTEB can also be addressed in amended BTEIRRR or any new regulations made by the BTEB. The said regulations may also contain forms and applications relating to the inspection.

17. As per the TEA, the Board is, with the prior approval of the Government, empowered to pass any regulation not inconsistent with the provisions of the TEA. The regulations can be made with relative ease as they do not have to go through the time-consuming procedure of passing a Bill into an Act. Accordingly, the Board after drafting the proposed regulation would have to obtain the prior approval of the Government (Ministry concerned) who may send it to the LDW for review. The regulation would become effective after it is signed by the Chairman of the Board and published in the official Gazette.

Recommendation 6:**Introduction of regulations relating to the delegation of powers to accredit institutes**

18. At present, the BTEB is the only organization which may grant recognition to training institutes. The Board may wish to delegate its responsibility of assessing and inspecting the training institutes by providing recognition or licenses to persons and/or organizations wishing to carry out the task of accrediting training institutes. Should the Board wish to embark on such a policy it may do so by introducing a regulation for the technical education institute accreditation agency recognition, management and renewal. The said regulations would stipulate the conditions, requirements, procedures, appeals and other related matters relating to the operation of accreditation agency of training institutes in Bangladesh.

f. Annexures

Annexure 1: List of Bangladesh Legislations

Acts/Ordinance

1. Bangladesh Academy for Rural Development Ordinance, 1986
2. Bangladesh Nursing Council Ordinance, 1983
3. Government Educational and Training Institutions (Adaptation) Order, 1972
4. Government Educational and Training Institutions Order, 1961
5. Intermediate and Secondary Education Ordinance, 1961
6. Technical Education Act, 1967
7. National Computer Training and Research Academy Act, 2005
8. Bangladesh Silk Research and Training Institute Act, 2003
9. Bangladesh Handicrafts Foundation Act, 1998
10. Bangladesh Labour Act, 2006
11. Bangladesh Accreditation Act, 2006

Rules

1. Apprenticeship Rules, 1967

Regulations

1. Technical Education Rules, 1975
2. Bangladesh Technical Education Institute Recognition & Renewal Regulation, 1996
3. Bangladesh Technical Education Institute Management Committee Regulation, 1996
4. Bangladesh Technical Education (Teacher & Employees) Service Regulation, 1996

Policies

Various BTEB Policies relating to the introduction and conduction of various courses.

Annexure 2: Procedure for passing a Bill

In Bangladesh, every proposal involving legislation will be placed before the Cabinet by the Ministry concerned for approval i.e. in this case the Ministry of Labour and Employment. Once the Cabinet's approval is obtained the matter is referred to the Legislative Drafting Wing (LDW) in the Ministry of Law with the request to give the proposal a legislative shape in the form of a Bill. Every reference of legislative proposal to the LDW for preparation of a draft legislative measure will be accompanied by the relevant document and papers including the summary placed before the Cabinet. The LDW shall examine the proposed legislation and provide their clearance to the effect that the proposal is not *ultra vires* the Constitution and is not inconsistent with the Fundamental Principles of State Policy as well as provide advice on requisite modification. Thereafter, the matter shall be referred back to the Ministry concerned who shall re-examine and modify the proposal in light of the advice provided by the LDW and send it back to the LDW for preparation of the draft Bill. The draft Bill will then be examined by the administrative Ministry concerned which will satisfy itself that the draft Bill correctly represents their legislative proposals. When the draft Bill as recommended by the LDW has been finally approved by the Ministry concerned, it will be submitted to the Council of Ministers for approving the introduction of the Bill in the Parliament. Once the Bill is introduced, the Bill will be discussed by the Members of Parliament and referred to a standing/select committee, as the case maybe, for consideration. After the report from standing/select committee is received by the Parliament the Members of the Parliament shall further discuss on the report of the said Committee and propose amendments to the Bill. Thereafter, the Bill shall be put forward for consideration for passing with amendment, if any and may be passed by a majority of the votes of the Members of Parliament present and voting. When a Bill is passed by the House, the Bill shall be signed by the Speaker and presented to the President for assent, upon receiving which it will become an Act.

Annexure 3: International Matrix

Elements	The South African Qualifications Authority Act, 1995	Skills Development Act, 1998, South Africa	General and Further Education and Training Quality Assurance Act, 2001 South Africa	The Vocational and Education Training Act 2005, Australia	Skills Australia Act 2008	Further Education and Training Act 2007, England	Education and Skills Act 2008, England	Learning and Skills Act 2000, England	The Apprentices Act, 1961 India	Pembangunan Sumber Manusia Berhad Act	Skills Development Levy Act
Objects	To provide for the development and implementation of a National Qualifications Framework and to establish the South African Qualifications Authority	Provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African work force	To provide for the establishment composition and functioning of the General and Further Education and Training Quality Assurance Council and to establish a quality assurance body for the general and further education bands of the National Qualification Framework in the education and training sector as well as regulating the relationship between the national Department of Education, the South African Qualification Authority, other Education and Training Quality Assurance Bodies, providers and the Council	To establish a registration and accreditation framework for vocational education and training	To establish Skills Australia, and to provide for expert and independent advice in relation to workforce skills needs and workforce development needs by identifying training priorities, increasing workforce participation, improving productivity and competitiveness, identifying and addressing skills shortages and promoting the development of a highly skilled workforce.	Make provision about the Learning and Skills Council for England, to make provision about institutions within the further education sector, to make provision with respect to industrial training levies, to make provision about the formation of, and investment in, companies and charitable incorporated organizations by higher education corporations, to enable the making of Assembly Measures in relation to the field of education and	Provides for the duty to participate in education or training by any person who has ceased to be a compulsory school age, has not reached the age of 18, and has not attained a level 3 qualification.	Establish the Learning Skills Council for England and the National Council for Education and Training for Wales and make other provision about education and training and for other connected purposes.	To provide for regulation and control of training of Apprentices and for matters connected.	To provide for the imposition and collection of human resources development levy for the purpose of promoting the training of employees, the establishment and the administration of the fund by the corporation	To encourage employers to invest in skills upgrading of the workforce

						training and for connected purposes.					
Establishment/Authority Qualification	Establishes the South African Qualifications Authority	(1) SDA establishes the National Skills Authority (NSA) (2) For any national economic sector, the Minister may establish a Sector Education and Training Authorities (SETA) (3) SDA requires the Director General of Labour to develop a 'Skills Development Planning Unit' in the Department of Labour (the "Unit") (4) SDA requires the Director General of Labour to establish 'Labour Centres' in the Department of Labour.	Establishes the General and Further Education and Training Quality Assurance Council which is to be regarded to have been accredited by the South African Qualifications Authority	Vocational Educational and Training Accreditation Board	Skills Australia	The Learning and Skill Council of England (the "Council") must establish a committee to be called a regional learning and skills council for each area of England specified by the Secretary of State. The Council may establish further bodies for the purpose of discharging its function under Learning and Skills Act, 2000 (LSA) and Further Education and Training Act 2007 (FETA).		(1) LSA establishes a body corporate called the Learning and Skills Council for England (LSC/ Council) (2) The Council is required under LSA to establish a committee called Local Learning Skills Council ("local councils") for each area of England specified by the Secretary of State. (3) LSA establishes a body corporate called the National Council for Education and Training for Wales (NCET) (4) LSA establishes a body corporate called the Adult Learning Inspectorate (ALI) (5) LSA renames Her	Various councils in national and state level which will be assisting each other within a hierarchical system. The Councils are: (a) The National Council, (b) The Central Apprenticeship Council, (c) The State Council, (d) The State Apprenticeship Council, 4(e) The All India Council, (f) The Regional Boards, (g) The Boards or State Councils of Technical Education (h) The Central Apprenticeship Adviser, and (i) The State Apprenticeship Adviser	Establishes the Human Resources Development Fund. Pursuant to the Act a corporation under the Companies Act is establish to for administration of the Fund	Establishes the Skills Development Fund. The Workforce Development Agency will administer the Fund. The Agency may appoint such agents (including the Government) as may be necessary for the purposes of this Act and may use moneys from the Fund for all expenses incurred by the Agency for the purposes of this Act. The Agency may invest the moneys belonging to the Fund and available for investment. The Minister may give to the Agency such directions, not inconsistent with this Act, as he thinks fit as to the administration of the Fund and the Agency shall give effect to such directions.

								Majesty's Chief Inspector of School in Wales to Her Majesty's Chief Inspector of Education and Training in Wales and Her Majesty's Inspectors of Schools in Wales to Her Majesty's Inspectors of Education and Training in Wales			
Qualification							A person to whom the ESA applies as aforementioned must be, in accordance with Section 2 of the ESA, be participating in appropriate full-time education or training, in training under a contract of apprenticeship or be in full time occupation and participate in sufficient relevant training or education in the relevant period		To be an apprentice a person cannot be less than 14 years. There will graduate, trade and technician apprentices. A contract of apprenticeship must be executed between the employer and the apprentice based on mutual terms which will be registered by the Apprenticeship Adviser.		
Obligation of Parents							The Act provides for the execution of parenting contracts and the granting of a parenting order on an application by the local education authority				

							to a magistrate's court in respect of a parent whose child, being subject to Section 2 of this Act, is not fulfilling his/her duty				
Obligations of the Employer and the Apprentice							The Act prohibits an employer from entering into a relevant contract of employment with a person to whom Section 2 applies without ensuring that the person has made appropriate arrangements for training and education. The term relevant contract of employment is defined as a contract of employment under which the employee is required to work for at least 20 hours per week, which has a fixed term of 8 weeks or longer or can be said to be in force for 8 weeks or longer		Employers are to provide the training in accordance with the provisions of the law, pay the prescribed stipend, liable to pay compensation if apprentice is injured during his apprenticeship training, keep records of the progress of the apprentices and carry out the obligations under the contract and to ensure that a qualified person is providing the training. Apprentices are to work diligently and endeavour to qualify himself as a skilled craftsman, and to carry out his obligations under the contract. Not obligatory for the employer to offer employment to the apprentice or for the apprentice to work for the employer after the training	All Employers in the manufacturing sector with 50 or more employees; employees with between 10 and 49 employees and a paid-up capital of at least M\$ 250,000 and employers in the service sector with at least 10 employees are required to register and pay levy at prescribed rates.	Skill Development Levy contribution is payable by employers for all employees up to the first \$4,500 of gross monthly remuneration at the rate of 0.25% or \$2, whichever is higher.

									unless specified in the contract.		
Member/ Composition	The qualification authority to have 28 Members headed by its Chairperson the Minister of Education. The other members to be appointed according to various government offices and departments such as the Director General of Education, National Training Board, provincial education board etc. Office of any member may be vacated if he/she resigns, is absent from three consecutive meetings, is declared insolvent, removed from office of trust by a court of law, convicted of an offence for which the sentence is imprisonment or declared	(1) NSA consists of a voting chairperson appointed by the Minister of Labour (the "Minister"); 24 voting and 3 non-voting members appointed by the Minister and; non-voting executive officer appointed by the Director General of Labour. (2) SETA may consist only of members representing organized labour; organized employers; relevant government departments and, if the Minister considers it appropriate for the sector, any interested professional body and any bargaining council with jurisdiction in the sector.	The Council is to be composed of 15 members all of whom are to be appointed by the Minister of Education. The office of a member is to be vacated if he/she resigns, absent from three consecutive meetings, is declared insolvent, removed from office of trust by a court of law, convicted of an offence for which the sentence is imprisonment or declared unable to manage his or her personal affairs by a court of law	Director of the Board and 10 part-time members qualified and experienced in accreditation of vocational education or training, industry, commerce and industrial relations and to deal with people in special needs.	Skills Australia consists of: the Chairman; and 6 other members. to be appointed by the Minister by written instrument. In making appointments, the Minister must ensure that the members of Skills Australia have, between them, experience in: academia; and the provision of education or training; and economics and industry. A member is to be appointed on a part-time basis	The Secretary of State may by regulations make provision about regional council in regards to the membership of the regional council, appointment of the members, chairman of a regional council, the holding and vacation of office of the members, staff structure, salaries, delegations of functions, validity of proceedings etc. A member of the Council can not be a member of a regional council.		(1) The Council consists of not less than 12 and not more than 16 members, including one Chairman, appointed by the Secretary of State. (2) The local councils consist of not less than 12 and not more than 16 members appointed by LSC with the approval of Secretary of State. One of them is appointed as a chairman by the Secretary of State. Members of local councils may be members of LSC. (3) NCET consists of not less than 10 and not more than 12 members appointed by the National Assembly for Wales ("NA") and one of them is	Central Apprenticeship Council and the State Apprenticeship Council shall consist of a Chairman and a Vice-Chairman and such number of other members as the Government may think fit from among representatives of employers in establishments in the public and private sectors, Governments, persons having special knowledge and experience on matters relating to industry, labour and technical education, Fees can b paid by the government. Apprenticeship Advisers will be suitable person appointed by the government. There will be Additional, Joint, Regional, Deputy and Assistant Apprenticeship Advisers.	Corporation is to have 16 directors: 10 to represent the employers, three to represent the government and public sector agencies and one from ministry of human resources, one from ministry of finance and the CEO. The Chairman and Vice Chairman to be appointed by the Minister.	

	unable to manage his or her personal affairs by a court of law							appointed as a chairman. (4) ALI consists of 9 members appointed by the Secretary of State. One of the members is appointed as the chairman and others are Inspectorate's chief officer. The chief officer is referred to as the Chief Inspector of Adult Learning.			
Functions/ Powers of the Authority	(1) Oversee the development of National Qualifications Framework (2) Formulate and publish criteria for registration of bodies responsible for education, training standards (3) Overseeing the implementation of the National Qualification Framework including the registration of	(1) Advising the Minister on national skills development policy and strategy formulation; implementation of the strategy and the allocation of subsidies from the National Skills Fund; liaison with Sector Education and Training Authorities and report progress to the Minister on the implementation of the skills development	(1) The functions of the Council are to accredit providers of education and training, monitor the suitability and adequacy of standards and qualification, ensure that providers adopt quality management systems for learner achievements, assure the quality of learner assessment at exit points, and issue certificates of learner achievement in terms of standards or qualifications	Registration and accreditation of training organizations and vocational courses, issue guidelines on registration and accreditation, approve persons to provide courses for overseas students and investigate and to report on registration and accreditation and approval of persons to provide courses for overseas	Providing advice to the Minister on matters relating to the following current, emerging and future workforce needs and future workforce skills needs, to analyze current, emerging and future workforce skills needs across industry sectors, assessing, and related research,	The functions of the regional council includes performing and exercising, in relation to its area and such places outside its area as the Council specifies, such of the Council's duties and powers as the Council specifies.	(1) Local education authority has a duty to promote the fulfillment of duty imposed by Section 2. (2) Local education authority is required to make arrangements enabling it to identify people not fulfilling the duty. (3) The Secretary of State has the responsibility to keep a register of independent educational institutions and is required to make regulations for the standards of such institutions.	(1) The main duties of LSC includes securing proper facilities for education suitable to the requirements of persons who are above compulsory school age but have not attained the age of 19; providing training for such persons; and organizing leisure-time occupations connected with such education and	Apprenticeship Adviser will be overseeing whether the obligations under the contract are fulfilled. The Apprentice Adviser will also approve apprenticeship programme, will test the apprentice and oversee whether appointments of apprentices are proportionate to the ratio as prescribed by the government, the facilities to provide apprenticeship of any employer are adequate can enter	(1) Assessing the need and types of employees' training, (2) promoting manpower training, (3) establishing, upgradation and maintenance of training providers, facilities, course, projects etc. (4) The Fund set up shall be used and normally given to the registered employers for the purpose of promoting, developing and upgrading the skills of employers by way of grant loan etc; carrying out	The moneys of the Fund may be applied for providing assistance by grants, loans for promotion, development and upgrading of skills and expertise of persons preparing to join/rejoin the workforce or persons in the workforce. For this purpose the Agency may from time to time authorize moneys of the Fund to be paid for establishing or expanding facilities or

accreditation bodies, national standards, internationally comparable qualification etc.	strategy. (2) SETAs develop sector skills plan in line with the national skills development strategy. They implement sector skills plan by establishing learnerships, approving workplace skills plans, allocating grants to employers, education and training providers and worker and monitoring education and training in the sector. SETAs function also includes promoting learnerships and registering learnership agreements entered between a learner, an employer or a group of employers and a training provider; liaise with NSA on the national skills development policy and strategy and	registered on the National Qualifications Framework. (2) The council is empowered to issue directives for internal assessment i.e. assessment which the provider of education and training carries out internally and external assessment i.e. assessment which an external body carried out on a provider of education and training (3) The Council has a duty to report any irregularity of assessment to the Director-General of Education and is required to refuse to issue a certificate or cancel the same if substantial irregularity is found in respect of an external assessment Also council may provide accreditation of the provincial education departments (public	students. The Board to cancel suspend or amend the registration of a training organization on various grounds. The Boar can conduct compliance audits of any training organizations and also appoint inspector to inspect any institution or any course provided.	informing the public about matters relating to workforce development needs and workforce skills needs.			training. The main powers of LSC includes securing the provision of financial resources to persons providing or proposing to provide post-16 education or training or providing or proposing to provide goods or services in connection with the training or person receiving or proposing to receive post-16 education or training, etc. Other functions of LSC includes carrying out research relating to any matter relevant to any of its functions, provide information and advice the Secretary of State, establish systems for collecting information, etc. (2) The local	premises of the employer for inspection. All the programme, training, facilities, syllabus, equipments for all sort or apprentices approved by the Central government in consultation with the Central Apprenticeship Council. The government will provide some costs for basic training before undergoing institutional training.	projects and courses, providing financial assistance to training providers.	assisting in the maintenance of facilities for full-time or part-time training courses and training programmes or for the provision of grants or loans to any employer for equipment required for more sophisticated or skilled operations in the conduct of his business or for subsidizing the costs incurred by the Agency or by any employer or training institution in the training or retraining of persons and for such other purposes, not in consistent with the objects of the Fund, as the Minister may approve.
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		its sector plan and report to Director General of Labour on its income and expenditure and the implementation of its sector skills plan. (3) The function of the Unit includes research and analysis of the labour market, assist formulation of the national skills development plans and skills and to provide information on skills to the Minister; NSA; SETAS; education and training providers; and organs of state. (4) The functions of the labour centres include providing employment services for workers, employers and training providers; register work-seekers;	providers) and private providers, and requires the Council to develop criteria for their accreditation and requires the Minister of Education to determine the appropriate policies in respect of such criteria. Upon accreditation the Council is required to notify the registrar of further education and training institutions of such accreditation and is also required to monitor the compliance of criteria post-accreditation.					councils are required to perform in relation to its area and such places outside its area as LSC specifies such of LSC's duties as LSC specified and may exercise in relation such of LSC's powers as LSC specifies. In relation to each financial year LSC is required to prepare guidance for each local council and the local councils are required to prepare a plan containing s statement of the needs regarding education and training of the population of the local council's area, statement of the needs of the employers in the local council's area regarding education and training, etc. (3) NCET's functions are carried out in relation to			
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		register vacancies and work opportunities; assist prescribed categories of persons to enter special training program, find employment, etc.						Wales only. The main duties of NCET include securing the provision of proper facilities for education. The functions and powers of NCET are similar to those of LSC except that it requires in some instances approval of NA and follow specifications provided by NA. In carrying out its functions NCET is required to have regard to information supplied to it by any body designated by NA. (4) The ALI's remit is further education for persons aged 19 or over which is wholly or partly funded by LSC; training for persons aged 16 or over so far as it takes place wholly or partly at the premises of			
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								an employer and is wholly or partly funded by LSC; further education funded by a local education authority in England, etc. The Functions of the Inspectorate and the Chief Inspector includes keeping the Secretary of State informed about the quality of the education and training within its remit; the standards achieved by those receiving that education and training; and whether the financial resources made available to those providing that education and training are managed efficiently and used in a way which provides value for money. The Chief Inspector also has the duty to inspect all			
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								institutions within the further education sector other than those providing education or training falling wholly within the remit of ALI and if asked to do so by the secretary of State, the Chief Inspector must also inspect the quality of the education and training provided in a specified area in England for persons who are aged 16 or over but under 19. Such inspections are to be conducted at such intervals as may be specified by the Secretary of State and a written report is required to be submitted at the completion of such inspection to the Secretary of State, LSC and the provider of the education or			
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								training inspected. In conducting such inspection the Chief Inspector shall have the right of entry to premises on which the education or training is provided; right of entry to premises of the provider of the education or training; a right to inspect and take copies of record, etc. Where a written report is submitted at the completion of the inspection by the Chief Inspector the provider of the education and training which is the subject of the report must prepare a written statement of the action which he proposes to take in light of the report and the period within which he proposes to take it. (5) The kinds			
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								of education and training brought within the remit of the Chief Inspector for Wales includes education or training for persons aged 16 or over where the provider of the education or training is given financial support by NCET; education or training for persons aged 16 or over where NCET or a local education authority in Wales are contemplating giving the provider of the education financial support, etc. Other functions of the Chief Inspector for Wales includes keeping the NA informed about the quality of the education and training brought within the remit of the Chief Inspector for			
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								Wales, the standard achieved by those receiving the education and training, whether the financial resources are managed efficiently, etc. The Chief Inspector also has the duty to inspect education and training brought within the remit of the Chief Inspector for Wales under LSA The Chief Inspector must report in writing after his inspection, within such period as may be prescribed, and provide a copy of such report to NA, NCET, any local education authority providing funds for the education or training inspected and the provider of the inspected education or training.. Where a report is published by			
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								the Chief Inspector of an inspection carried out on an education or training within the remit of the Chief Inspector, the provider of the education or training which is the subject of the report is required to prepare a written statement of the action which he proposes to take in light of the report and the period within which he proposes to take it.			
Management of Authority	(1) Executive officer of the Authority shall be responsible for the execution of its functions. (2) Authority is empowered to constitute the appropriate committees and appoint the appropriate persons to carry out its functions. (3) A fund is to be maintained	(1) The activities of NSA are governed by the Constitution of National Skills Authority, adopted by NSA under SDA. The issue of remuneration and allowances of the members of NSA are determined by the Minister with the approval of the Minister of	The Council may establish committees to work for the objectives of the Act and make provisions for meetings of the Council and committees, allowance and remuneration of the members of the Council and committees and the appointment of appropriate staff including the Chief Executive Officer.	advisory committees to assist the board, the board can also delegate its functions to any person	Skills Australia must hold the meetings that are necessary for the efficient performance of its functions. Skills Australia may, by writing, establish committees from time to time to assist it in performing any of its functions with the approval of the	In relation to each financial year of the Council it must prepare guidance for each regional council which will include objectives of a regional council to achieve, the budget etc. The Council must consult the regional development agencies and local authorities on the guidance.		(1) LSC may secure the provision of facilities for the gaining of work experience by young persons receiving education; it may secure the provision of facilities designed to form links between employers and persons who provide education or training and	(1) The Board of Directors are to manage the corporation. (2) The board is empowered to establish committees with board members and other persons to delegate its functions. (3) An investment panel is established to ensure proper investment of the levy collected as well as the		

	from moneys received from parliament, donations, loans etc.	Finance. (2) A SETA may, with the Minister's approval, establish in its sector 'chambers' consisting of an equal number of members representing employees and employers and such additional members as the SETA determines. A SETA is financed from the skills development levies collected in its sector; money paid to it from the National Skills Fund; grants, donations and bequests made to it; income earned on surplus moneys deposited or invested; income earned on services rendered in the prescribed manner; and money received from	The Chief Executive Officer, who is also the accounting officer of the Council, is responsible for the work in connection with the performance by the Council The funds of the Council shall consist of money appropriated by the Parliament, donations, fees, loans etc. and the Council is required to keep record of all income and expenditure of the fund. The Council is prohibited from alienating or encumbering any property of the Council without the prior approval of the Minister of Education and is required to submit an annual report audited by an accountant approved by the Auditor General		Minister. Skills Australia may give a committee written directions as to its operation and meetings, the disclosure by members of the committee of interests in matters being considered by the committee. A member of a committee is to be paid the remuneration and allowances (if any) that the Minister determines. Skills Australia must, as soon as practicable after the end of each financial year, prepare and give to the Minister, for presentation to the Parliament, a report on Skills Australia's operations during that year.			persons who receive it and who have not attained the age of 19. LSC may develop schemes for the assessment of the performance of persons in providing post-16 education and training. The Secretary of State may give directions to LSC which may contain objectives which LSC should achieve in seeking to carry out its function, times limits to achieve its objectives, provision relating to management of LSC, etc. (3) NA may give directions to NCET which may contain objectives which NCET should achieve in seeking to carry out its function, times limits to	loans, grants received.		
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		any other source. The Minister may, after consultation with the National Skills Authority, by notice in the <i>Gazette</i> , direct the Director-General to appoint an administrator to take over the administration of a SETA on certain grounds including failure by SETA to perform its function, mismanagement of its finance, etc						achieve its objectives, provision relating to management of NCET, etc. (4) The Inspectorate and the Chief Inspector are required to devise a common set of principles applicable to all inspection conducted under LSA and prepare a draft of the proposed framework, consulting the Secretary of State, LSC and such other person they consider appropriate, and publish it in such a way as they think best calculated to draw it to the attention of the public. The Secretary of State may by regulation also make provision for joint inspections to be carried out under the direction of Chief Inspector.			
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Application to be registered as training institutions				Prescribed procedure with fees, conditions may be imposed on the application. Some requirements and Guidance must be followed by the Board when considering application. Registration is for a certain period of time and requires renewal. Official university may not be a registered institution.							
National Register				All the registration details of any institution and accreditation details of any course will be recorded in the National Register.							
Application for accreditation of a course			The Act empowers the Council to accredit providers of education and training.	Prescribed procedure with fees, conditions may be imposed on the application. Some requirements and Guidance must be followed by							

				the Board when considering application. Registration is for a certain period of time and requires renewal. The Board can cancel the accreditation of a vocational course on some grounds.							
Offence			Should an institution fail to adhere to any criteria and upon notification further fail to rectify the same the Council is empowered to withdraw the accreditation given.	Penalties are specified for claiming falsely be a registered training organization or claiming falsely to provide an accredited course.			Under the Act the following are made an offence financial penalty to be imposed on an employer found to be acting in contravention to Section 21 of the ESA. Such employer found to be in contravention of his duty he may be served with an enforcement notice and subsequent financial penalty The ESA also makes it illegal to dismiss any person for participation in education or training under the said Act The local education authority is empowered to give a written notice to a person failing to fulfill such duty and for further non-		Up to 6 months imprisonment and/or fine as penalties are specified for employers for engaging not qualified person, or fails to carry out the terms and conditions of a contract, or contravenes the provisions of this Act relating to the number of apprentices which he is required to engage. Some other offences and penalties are also specified. Offences committed by any company will also be regarded as committed by all the persons in charge unless it can be provided that the offence was committed	Minster is empowered to appoint authorized officers to investigate the proper functioning of corporation as well ensure proper enforcement of the registration requirements. Any employers providing untrue and incorrect information to the authorized officers liable to fine and/or imprisonment.	Employers who give false and/or misleading information relating to the payment of the levy, or any person who willfully with intent to evade payment of the levy or to aid or abet any other person to evade payment of the levy omit from giving information or gives misleading information or who contravene the provisions of the Act or Regulations shall be liable, if convicted, to a fine or imprisonment or both. Any person who obtains payment of any grant or loan from the

						compliance give an attendance notice requiring the person to participate in education and training specified in the notice thereby ensuring that the person fulfills the duty imposed under Section 2 of the Act The ESA makes it an offence to act in contravention to an attendance notice and provides for the initiation of proceedings by the local education authority subsequent to giving a penalty notice The ESA makes it an offence to operate an unregistered independent educational institution. In the event an independent educational institution fails to meet the prescribed standards as set out by the Secretary of State, it may require the said institution to submit an action plan for approval. The Secretary of State is also		without his knowledge. No court shall take cognizance of any offence under this Act except on a complaint in writing made by the Apprenticeship Adviser within six months from the date on which the offence is alleged to have been committed.	Fund by means of any false or misleading statement or any document that is false or misleading in any particular shall be guilty of an offence and shall be liable to a fine or imprisonment or both and in addition to these the court may order that person to make repayment of the amount. Offences by body corporate will amount to offences committed by any person who at the time of the commission of the offence was a director, manager, partner, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity shall be guilty of that offence. Penalty has been specified for obstructing Agency in carrying out its
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							empowered, in such cases, to take enforcement action.				duties.
Tribunal				Administrative Tribunal can review decisions of the Board in relation to the registration of training organisations, the accreditation of vocational courses.							
Power to make rules or regulations	The Authority is empowered to make regulations.		The Government may make regulation or delegate its powers.	The Government can make rules.	The Governor-General may make regulations prescribing matters: (a) required or permitted by this Act to be prescribed; or (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act		The Secretary of State to make orders, regulations, consequential and transitional provisions to give effect to the ESA		The Government can make rules. Power can be delegated to subordinate council or personnel.	The Minister has the power to make regulation	The Minister has the power to make regulation
Miscellaneous		SDA establishes a National Skills Fund to be controlled and administered by the Director General of Labour. The Labour Court, subject to the jurisdiction of the Labour Appeal Court,		There are standard provisions relating to the members of the Board and its procedure to conduct meeting.	The local learning and skills councils established under the Learning and Skill Act (LSA) 2000 has been abolished by FETA. Further FETA amends various provisions of LSA including reducing the				For health, safety and welfare of apprentices the applicable laws will apply. Work hours, holiday, leave and overtime are specified. Workers are not apprentices and no law applicable to labour will be applicable to		No person will be associated with the Agency shall disclose to any person any information relating to the affairs of the Agency or of any person which he has acquired in the performance of his duties or the exercise of his functions unless required

		has exclusive jurisdiction in respect of all matters arising from this Act.			number of persons to be appointed to Learning and Skills Council for England from 12 to 10 and establishing new strategies for the functions to be carried out by the Council. The duty of the Council to establish a young people's learning committee and an adult learning committee under LSA 2000, has been abolished by this FETA.				apprentices.		by law. Penal is specified if such violation disclosure.
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Annexure 4: The Summary Matrix⁴

⁴ Review subject to the chosen laws

Countries Elements	South Africa	England	Australia	India	Bangladesh	Singapore	Malaysia
Applicability/Jurisdiction	Fully	Fully	Fully	Fully	Fully	Fully	Fully
Establishment of Qualifications Authority	Fully	None	None	None	None	None	None
Establishment of a body to oversee Education and Training Quality Assurance Council	Fully	Fully	None	Fully	Fully	None	None
Establishment of a vocational and training accreditation board	Fully	Fully	Fully	None	Fully	None	None
Establishment of national and regional apprenticeship boards/councils	None	None	None	Fully	None	None	Partly
Entitlement to skills training and further education	None	Fully	None	None	None	None	None
Regulation for Training of Apprentices	None	Fully	None	Fully	Partly	None	None
Establishment of a body to provide advice and guidance on workforce skills needs and workforce developments	Fully	Partly	Fully	Partly	None	None	Fully
Establishment of a body to provide for training facilities with further power to set up learning councils at the local level	Partly	Fully	None	Partly	None	None	Fully

Body given the power to formulate criteria for registration of qualification issuing bodies, development of qualifications framework etc.	Fully	None	Fully	Partly	Partly	None	Partly
Council/Authority given the power to Advise Ministers	Fully	Fully	Fully	None	None	None	Fully
Authority/Council/Board to provide guidelines on registration of training organizations Authority/Council/Board to provide guidelines on registration of training curriculum	Fully	Partly	Fully	Fully	Fully	None	Partly
Specification of the duration of an apprenticeship	None	Fully	None	Fully	None	None	None
Power to cancel, suspend or amend registration of training providers and training courses	Fully	Fully	Fully	Partly	Fully	None	None
Power to mandate internal and external inspections; including the power to appoint inspectors; the right of entry; the right to copy or remove documents; the right to audit training institutions	Fully	Fully	Fully	Fully	Partly	None	Fully
Procedures for registration of institutions providing accreditation	None	None	Fully	None	Partly	None	None
Authority/Council to carry out registration and accreditation of providers of training and ensure quality compliance and carry out	Fully	Fully	Fully	Partly	None	None	None

assessment (Quality Assurance)							
Detailed regulation and provisions in relation to right to apprenticeship	None	Fully	None	Fully	None	None	None
Respective obligation of employer and apprentice in apprenticeship	None	Fully	None	Fully	None	None	None
Provisions for an apprentice supervisor and his/her responsibilities	None	None	None	Fully	None	None	None
Roles for the monitoring and quality control of apprenticeships	None	Partly	None	Fully	None	None	Partly
Appointment of members to boards/councils by Government/President	Fully	Partly	Fully	Fully	Fully	None	Fully
Accountability to Parliament/Government Minister/President	Fully	Fully	Fully	None	Fully	Fully	Fully
Appointment of executive personnel of the Board/Council/Authority	Fully	Fully	Fully	Fully	Partly	None	Fully
Provision relating to management of the council/accreditation board/authority as the case may be.	Fully	Fully	Fully	Fully	Partly	None	Partly
Obligations of local councils relating to vocation and training	None	Fully	None	Fully	None	None	Partly
Provision for maintenance of funds	Fully	Fully	None	None	Fully	Fully	Fully
Obligation to submit budget	Fully	None	None	None	Fully	None	Fully
Obligation to submit annual reports to Parliament or higher authority	Partly	Fully	Fully	None	None	Fully	None

Maintenance of a national registrar of courses, qualifications and/or training providers	Partly	None	Fully	None	None	None	None
Provisions of offences for acting in contravention to the establishing acts	Fully	Fully	Partly	Fully	None	Fully	Fully
Power to make rules by Ministry	Fully	Fully	Fully	Fully	Fully	None	Fully
Power to make regulation by the Council/ Authority/ Board	Fully	Fully	None	None	Fully	Fully	None

