

DECREE LAW No. 19/2010

Dated December 1

STATUTE OF THE GENERAL LABOR INSPECTORATE

The expansion of the economic sectors in East Timor has led to the need to create and strengthen the government institutions capable of guaranteeing the application the law by means of activities in the area and the setting of punitive processes that discourage violation and disrespect for the laws and regulations in force.

In the labor area, inspection and raising awareness among employers and workers are already being fostered by the National Directorate of Labor Inspection, or DNIT, which is part of the organic structure of the State Secretariat for Professional Development and Employment, or SEFOPE. However, in order for that directorate to render its services to the greatest extent possible and in compliance with international labor standards, there is the need to establish its own statute to govern inspection, audit, supervision, information and guidance activities, prosecution and the punitive regime, as well as the career plan for labor inspectors.

Hence, the main purpose of this statute that creates the General Labor Inspectorate, IGT, is to improve and strengthen the Labor Inspection Services throughout the country, preparing it to face and overcome the challenges found in an economic and socially developed Legal State as the one that is pursued for East Timor.

Thus,

The Government has decreed, within the terms of Article 115, sub-section j) of the Constitution of the Republic, to take effect as law, the following:

CHAPTER I

GENERAL PROVISIONS

SECTION I

SUBJECT MATTER, NATURE AND SCOPE OF APPLICATION

Article 1

Subject Matter

This Decree Law establishes the statutory regime for the activities of inspection, audit, supervision, information and guidance activities and cooperation of the General Labor Inspection system, hereinafter referred to as IGT.

Article 2

Nature of the IGT

1. The IGT is a public service directly subordinated to the member of government responsible for the labor area, which controls compliance with the rules regarding working conditions,

prevention of professional risks, social security, placement, employment and protection from unemployment and foreign workers, in addition to other rules whose control may be attributed thereto.

2. It is also incumbent on the IGT to provide employers and workers with technical information and guidance.

3. Besides the duties referred to in the previous sections, the IGT also has the duty to propose to the competent authority appropriate measures in the event of failure to comply with or inadequacies of the legal and regulatory rules.

4. The IGT carries out its work within the scope of the powers of the public authority, with a view to fostering better working conditions, with technical and functional autonomy, in accordance with the principles of Convention No. 81 of the ILO.

Article 3

Scope

1. The IGT carries out its work across the country as a whole and in all branches of the economic activity.

2. The work of the IGT affects companies and institutions, regardless of their form or legal status, regardless of the regime applicable to their respective workers, including labor relations where a legal entity of public law or similar is a party, as well as in any locations where labor is rendered or in regard to which there are circumstantial evidences of the rendering thereof.

3. The IGT does not operate within the scope of the labor relations of the State subject to the legal statute of the civil service, except in regard to social security and the prevention of professional risks.

4. Armed forces establishments are excluded from the scope of IGT intervention.

SECTION II

DEFINITIONS, DUTIES AND AREAS OF OPERATION

Article 4

Definitions

For the purposes of applying this Decree Law, the expressions below shall have the following meanings:

a) Inspection activity, inspection, audits and supervision activities carried out by the IGT services;

b) General Inspector, the top-ranking official of the IGT who is in charge of supervising and controlling the different services of the IGT within the terms of and for the purposes of the provisions of article 4 of Convention No. 81 of the International Labor Organization (ILO);

c) *Labor Inspection Service*, the decentralized network of IGT services which has been tasked with the mission of ensuring operational exercise of the inspection, audit and supervision, information and guidance and cooperation activities;

d) *General Labor Inspection System*, the set of legal principles, rules, bodies, employees and material which contribute to the mission of ensuring compliance with the labor rules, or others which may be attributed to it;

e) *Inspection personnel*, the personnel of the services mentioned in the previous sub-sections who carry out the inspection, audit and supervision activities.

Article 5

Duties

1. Within the domain of improving working conditions, the duties of the IGT are to perform the following activities:

a) Control of the legal and regulatory rules on matters of labor relations;

b) Control of the conditions for organizing working and rest periods;

c) Verifying the appropriateness of the salaries and other considerations for the labor rendered within the terms of the law, the collective bargaining agreement and individual employment contracts;

d) Control, within the terms of the law, of the employment of minors, apprentices, workers being trained and other groups of vulnerable workers, especially pregnant women, women in childbirth or breastfeeding and persons with disabilities;

e) Control of the rules regarding protection, rights and guarantees of workers' representatives within companies;

f) Verifying compliance with the provisions regarding the preparation and compliance with internal company rules when established within the terms of the law.

2. Within the domain of developing the prevention of professional risks, the duties of the IGT are to perform the following activities:

a) Ensure compliance with occupational safety, hygiene and health rules, especially in regard to work places, work equipment, work materials and processes and the availability of personal protection equipment;

b) Ensure compliance with the rules regarding protection against chemical, physical and biological substances and agents posing a risk to the health of the work force;

c) Verify the existence of measures for dealing with emergency situations in case of grave and imminent danger, in case of accidents, administering of first aid and evacuation of workers, as well as fighting fires;

- d) Ensure compliance with the duties of consulting and making available instructions, information and training for workers and their representatives;
 - e) Ensure compliance with the duties involving worker health monitoring;
 - f) Publicize and conduct technical studies on the elimination of the risks to workers' life and health in the work place.
3. Within the domain of placement, employment and protection from unemployment, migration and foreign workers, the duties of the IGT are to perform the following activities:
- a) Control of the legal rules in matters of temporary work and private employment placement agencies;
 - b) Control of the legal rules concerning collective layoffs or other forms of layoff within the terms of the law;
 - c) Control of the obligations and protection concerning employment of foreign workers;
 - d) Control of the legal rules in matters of professional training, within the terms of the law.
4. It is incumbent on the IGT, within the domain of social security and social protection, to control compliance with the rights and obligations of those contributing to the social security system.

Article 6

Areas of Operation

The IGT carries out its functions through its involvement in the following areas of operation:

- a) Carrying out inspection activity in work places, including the respective prosecution of labor and social security violations;
- b) Carrying out monitoring and control actions when plans for the construction, conversion and modernization of establishments are being executed and when new techniques or technologies are introduced, especially within the scope of the economic activity authorization and permit processes;
- c) Carrying out investigations of employment-related accidents and fatal or serious professional illnesses, with a view to ascertaining their causes and circumstances and fostering proper measures for correcting the deficiencies detected;
- d) Making various support information available to the different groups for whom its actions are intended in regard to:
 - i) Technical guidance as to the best way to comply with labor and social security legislation, and the adoption of measures for preventing professional risks;
 - ii) Information on communications, notifications and authorizations where the IGT is the addressee, within the terms of the law;

- iii) Overall results of the IGT activities, especially by preparing the annual report;
- e) Fostering information and technical guidance actions to subjects involved in labor relations and the respective representative organizations, in addition to making available personalized assistance to workers and employers during labor inspection services or in locations defined by them;
- f) Participation and cooperation with organizations representing workers and employers, and with public or private entities and the technical and scientific community in activities designed to achieve purposes identical to those of the IGT;
- g) Issuing opinions about preparatory studies and bills of law whose compliance it is incumbent on it to ensure, in addition to alerting the competent services regarding insufficiencies, deficiencies or the unsuitable nature of legal, regulatory or contractual rules in force, so as to propose the appropriate corrective measures.

CHAPTER II

SPAN OF AUTHORITY OF THE INSPECTION PERSONNEL

Article 7

Inspector-General of Labor

1. General Labor Inspections are led by an Inspector-General of Labor, assisted by two Heads of Department, it being incumbent on the Inspector-General to appoint the person to replace him in his absence or impediments.
2. The Inspector-General is exclusively responsible for:
 - a) Ensuring that the annual inspection activity program is drawn up;
 - b) Supervising all inspection activity, including confirmation or not of the notice of infringement;
 - c) Imposing fines and ancillary penalties corresponding to violations of current labor legislation;
 - d) Assessing the results of the inspection activity and ensuring that the annual report is prepared;
 - e) Fostering cooperation with other inspection systems;
 - f) Granting authorizations legally required within the scope of labor relations;
 - g) Demanding, whenever necessary, the presence at the inspection services of any employer or employee or their respective representative organizations that may provide useful information for developing inspection activities;
 - h) Ensuring management of the human, material and technical resources, including information and training required for developing inspection activities;

- i) Defining the map of the technical inspection personnel;
- j) Classifying the service of the technical inspection personnel;
- k) Ensuring the institutional representation and relationships of the IGT.

3. The Inspector-General can delegate to heads of department and managers qualified to inspect those powers comprising his exclusive span of authority in addition to, except in regard to sub-section b) of the previous item, authorizing them to sub-delegate those powers.

4. The Inspector-General supervises all decentralized labor inspection services.

Article 8

Regional Inspectors

In addition to the responsibilities contemplated in the previous article, the Regional Inspector represents the Inspector-General in the decentralized Inspection Services, having as supplementary responsibilities those delegated by the Inspector-General upon his appointment.

Article 9

Inspection Personnel

1. In carrying out their activity, the inspection personnel are qualified to:

- a) Visit and inspect any work place, at any time of the day or night, without the need for advance notice, without prejudice to the provisions on penal procedural law regarding domestic searches;
- b) Obtain cooperation from and be accompanied by specialists, public service technicians and representatives of employer and union associations, equipped with a special pass issued by the labor inspection services bearing the entity to be visited and the objectives of the visit, when deemed necessary;
- c) Interrogate the employer, employees and anyone else encountered at the work place about any matters concerning the application of the legal, regulatory and statutory provisions before witnesses, with the possibility of summarizing the statements in writing without prejudice to the right to legal counsel, in addition to the provisions in the penal procedural law regarding those interrogated;
- d) Request the identification of the persons mentioned in the previous sub-section;
- e) Request with immediate effect or for presentation at the labor inspection services, examine and copy documents and any other records of interest for clarifying labor relations and working conditions in regard to the assessment of professional risks and planning and scheduling of prevention and the results thereof, in addition to compliance with the rules on employment, unemployment and payment of social security contributions;

- f) Make photographic records, video records and measurements that are relevant for undertaking the inspection action;
 - g) Request information about the composition of products, materials and substances used in work places, as well as collecting and taking for analysis samples thereof relevant for carrying out the inspection action and advising the employer or his representative of the fact;
 - h) Determine the demonstration of labor practices adopted in work places;
 - i) Adopt at any time inspection actions and the precautionary measures necessary and appropriate for preventing the destruction, disappearance or alteration of documents and other records and of situations involving the subject matter in sub-sections e) to h), provided these do not cause disproportionate losses;
 - j) Notify the employer to adopt measures within the domain of the assessment of professional risks, with the power to use specialist bodies to carry out measurements, tests or investigations of accidents involving the material components of the work;
 - k) Notify witnesses, specialists or anyone else who may have useful information about the subject matter of the process, to present himself at the IGT services or at another location;
 - l) Notify the employer so that he ascertains the amounts owed to the workers or to the social security;
 - m) Request the cooperation of the police authorities, especially in cases where inspection actions are obstructed or impeded, or if their obstruction or impediment is foreseeable;
2. In carrying out his duties, the Labor Inspector in case a crime is detected may make arrests in the act within the terms of the law.

CHAPTER III

INSPECTION ACTIVITY

SECTION I

GENERAL PRINCIPLES

Article 10

Technical Autonomy

Without prejudice to the strategy of the action and the guidelines defined by the Inspector-General of the IGT, the managers of the labor inspection services and the inspection personnel enjoy technical autonomy in carrying out the inspection tasks entrusted to them.

Article 11

Principle of Proportionality

In carrying out their duties, the managers of the labor inspection services and inspection personnel must ensure that their conduct follows the procedures appropriate for the objectives of the action.

Article 12

Principle of Adversary Proceeding

1. The labor inspection services must proceed in their interventions with due regard for the principle of adversary proceeding, except in cases contemplated in the law.
2. The labor inspection services must provide the entities object of their intervention with information and other clarifications of justifiable interest that are requested to them, without prejudice to the rules applicable to the duties of secrecy.

SECTION II

NATURE OF THE ACTION

Article 13

Information and Guidance Activities

1. The IGT carries out inspection actions for the purpose of ensuring compliance with the integrated laws within its span of authority and with a view to fostering improvement in working conditions by providing employers and workers or their respective representative organizations, in or out of the work place, information, technical advice and recommendations about the most appropriate manner in which to abide by these rules.
2. When the violation involves a rectifiable irregularity that has not resulted in irreparable losses for the workers, for the Labor Administration, the Social Security and the Fiscal Administration, the inspection personnel may warn the offender in writing within the terms of article 21 of this Decree Law.

Article 14

Punitive Action

1. Without prejudice to the provisions of the previous article and within the terms of the law, in order to ensure compliance with the legal and standard provisions and in order to foster improvement in working conditions, the inspection personnel can issue infringement notices, draw up dossiers or open a prior investigation regarding the violations they have personally verified or proven or which they have heard of.

2. If the offender does not comply with the measures mentioned in the last part of the previous item within the deadline granted, another deadline must be set for this purpose and a new infringement notice must be opened and the penalty initially applied will be doubled, however without exceeding the maximum limit set for the rule that has been broken.

Article 15

Other Violations

Criminal facts and violations of a different nature verified by the inspection personnel regarding rules not within its remit to supervise must be immediately brought to the attention of a higher authority so as to involve the competent authorities.

Article 16

Measures for Immediate Execution

1. The IGT can take measures for immediate execution in cases where during its action it detects the existence of serious and imminent danger to the life, physical integrity and health of the work force.
2. The measures applied by virtue of the previous item do not adversely affect the obligation to compensate, within the terms of the law, the workers affected even if they lead to suspension of the labor being rendered.

SECTION III

ACTIVITIES OF THE INSPECTION PERSONNEL

Article 17

Activities

1. The inspection personnel carry out their activities in order to ensure compliance with the integrated provisions within the span of authority of the IGT, so as to foster improved working conditions, and may:
 - a) Provide employers and workers or the respective representative organizations, in the work place or at the labor inspection service, with information and technical advice about the most appropriate manner for abiding by these provisions:
 - b) Carry out actions required for evaluating working conditions;
 - c) Give notice so that, within a set timeframe, the modifications required for ensuring application of the provisions concerning worker safety, hygiene and health are put in place in the work place;

- d) Give notice so that immediately applicable measures are adopted, including suspension of work in progress in case of serious and imminent danger to the lives, physical integrity or health of the workers;
 - e) Undertake investigations in case of fatal employment-related accidents or those evidencing particularly serious situations or professional illnesses that lead to serious injuries, without prejudice in this case to the authority of other entities, with a view to implementing appropriate prevention measures in the work place;
 - f) Instigate countermand processes, issuing notices of infringement or carrying out prior investigations.
 - g) Carry out joint inspections and issue opinions within the sphere of licensing processes concerning the installation or modification of establishments, with a view to preventing professional risks.
 - h) Foster the collaboration of other competent entities within the sphere of working conditions;
 - i) Involve other entities in situations concerning working conditions pertaining to their span of authority.
 - j) Issue opinions within the sphere of the working conditions of the employer regarding work permits to be granted to foreign workers, within the terms of the law and the immigration regulations.
2. If suspension of work in progress is determined pursuant to the terms of sub-section d) of the previous item, such work can only recommence with express authorization of the inspection personnel.

Article 18

Inspection Visits

1. When making inspection visits the Labor Inspectors must announce their presence to the employer or his representative and to the workers' representatives in the company, unless such notification may adversely affect the efficacy of the intervention.
2. The intervention must take place in such a manner so as not to lead to a disturbance of the order and discipline required in the work place.
3. Before leaving the premises, the inspection personnel must whenever possible inform the employer or its representative or the representatives of the workers in the company about the result of the visit.

Article 19

Instrument of Notification

Employers must keep on file, for a minimum period of 2 years, the instruments of notification containing the results of the inspections delivered to them and present these to the inspection personnel whenever so requested.

Article 20

Types of Inspection

1. Full inspections are those whose objective is to verify and control an interconnected and important set of aspects involving the regulations on labor, social security, placement, employment and protection against unemployment, or migration and foreign workers.
2. Partial inspections are those whose objective is to verify and control particular aspects of the regulations or compliance with determinations or guidance formulated by the inspection personnel directly or by means of instruments of notification.
3. Ordinary inspections are those carried out within a pre-established plan.
4. Extraordinary inspections are those performed:
 - a) Due to unforeseen exceptional circumstances or act of God;
 - b) Upon a specific request from unions or employer organizations;
 - c) By virtue of complaints;
 - d) At the behest of the Inspector-General.

Article 21

Complaints

1. Written or verbal complaints filed with the Labor Inspection Service in a given region must contain:
 - a) Personal data identifying the complainant;
 - b) The description of the facts allegedly comprising the violation;
 - c) The identification of the location or locations where such facts were committed;
 - d) The identification of those allegedly responsible;
 - e) Any other relevant circumstances;
 - f) The complainant's signature.
2. The complainant can exercise rights of access to and rectification of the information contained in the complaint filed with the IGT or request cancellation thereof, provided the

notice of infringement has not been confirmed by the competent inspection manager and the offender has not been notified within the terms of Article 25, section 5.

3. After receiving the complaint the IGT can arrange to gather prior information with a view to obtaining a better understanding of the circumstances of the case in hand and evaluate the convenience of commencing an inspection.

4. No procedures shall be adopted in the case of:

a) Anonymous complaints;

b) Those involving matters beyond the remit of the IGT;

c) Those manifestly lacking any grounds; and

d) Those coinciding with matters already filed with a jurisdictional body;

5. The provisions of the previous sections are applicable, once properly adapted, to requests from unions and from employers' organizations.

SECTION IV

Procedures and Handling of the Action

Article 22

Punishment for Negligence

Failure to comply with the measures contemplated herein is always punishable.

Article 23

Warning Notice

1. When the violation involves a rectifiable irregularity which has not yet resulted in serious losses for the work force, the Labor Administration or for the Social Security and Fiscal Administration, the labor inspector can issue a warning notice indicating the violation detected, the measures recommended to the offender and the deadline for their implementation.

2. The labor inspector must immediately notify or deliver the warning notice to the offender, advising him that failure to comply with the measures recommended shall lead to the opening of proceedings for violation and payment of a fine.

3. If documentary proof of compliance with the rule that was violated is presented, such proof must be filed with the IGT or the Labor Inspection Services within the established deadline.

4. In the event of violations not covered by the previous section, the Labor Inspector can order the person responsible for the violation to notify the local Labor Inspection Service within the established deadline, under a commitment of honor, that the measures required to comply with the rule have been taken.

5. The Labor Inspector can only apply sanctions after the deadline established for compliance with the recommended measures has elapsed, in the event of failure to comply.

Article 24

Dossier

1. Violations which have not been personally verified or proven shall be the subject of a dossier prepared by the labor inspector and containing the elements of proof available to him and indicating at least two and at the most three witnesses for each violation.
2. The procedures contemplated in article 26 hereof are applicable to the proceeding initiated with the dossier.

Article 25

Notice of Infringement

1. When, in the performance of their duties, the inspection personnel detect or prove, personally and directly, any violation of the integrated rules within the span of authority of the IGT, they must issue a notice of infringement, while the indication of witnesses is dispensable.
2. The notice of infringement must specifically mention:
 - a) The articles of the law underpinning the violation;
 - b) The day, time and place;
 - c) The circumstances in which they were committed;
 - d) What could be discovered about the identification and residence of the offender; and
 - e) The name, signature and category of the inspector issuing the notice of infringement.
3. When the party responsible for the violation is a company or similar entity or an individual employer, whenever possible the identification and residence of the respective managers, administrators or directors are indicated.
4. The notice of infringement must be issued in three (3) counterparts, one of which is intended for the offender and the others for the department responsible for carrying out the violation proceedings.

5. Once it has been confirmed by the competent inspection manager and the offender has been notified, the notice of infringement cannot be canceled and shall run its course as the body of the offense, except where an incorrigible irregularity is subsequently verified or the violation does not exist.
6. If the violation involves failure to pay any amounts owed to the workers, the respective amount shall be ascertained and included in the notice of infringement.
7. If the violation involves failure to pay any amounts owed to the social security, the amount is ascertained and becomes a document valid to commence an execution process and must be notified to the respective institution, the latter being responsible for executing it.

Article 26

Processing of the Notice of Infringement

1. After confirmation, the notice of infringement must be remitted to the department responsible for prosecuting the violations for fact finding purposes.
2. The department responsible for prosecuting the violations must notify the offender to produce a written response within fifteen (15) days, and must attach the documentary proof available, summoning up to a maximum of three witnesses for each violation, or to appear to be heard on a given day.
3. Notification takes place by letter with proof of receipt or by any other method which, when considered appropriate, is valid for that purpose.
4. Notification can be given by an employee indicated by the IGT or by an agent of the authorities, and who has the powers and duties conferred by the law for carrying out this act within the terms of the Penal Procedural Code.
5. Notification is considered as having been given to the offender when given to their representative in the company or in the work place.
6. The deadline provided for in section 2 of this article commences after the third business day following registration of the notification given.
7. The notification is accompanied by a copy of the notice of infringement and the forms required for paying the fine and the amount of the debt.

Article 27

Voluntary Payment of Fines

1. The offender can pay the fines voluntarily within ten (10) business days following notification and in this circumstance the fine is settled for the minimum amount corresponding to the violation committed out of negligence.
2. Voluntary payment must be made as indicated on the respective forms.

3. It is incumbent on the offender to prove that he has made the payment by returning the respective receipts within ten (10) days following the timeframe contemplated in section 1.
4. If voluntary payment is made, the proceeding shall continue merely for a decision as to the appropriate ancillary penalty for the violation.
5. If the violation involves the failure to deliver any documents or the omission of mandatory information, where the latter are considered useful, the voluntary payment is only considered as having been made if the offender proves that he has fulfilled this duty within the time frame envisaged in section 1.
6. Where the voluntary payment is not made or is not considered as having been made, the fact finding stage of the proceeding continues for the purpose of a decision.
7. The IGT may, under a government decree, establish payment methods different from the more simplified ones and which ensure the offender proof of payment.

Article 28

Depositing the Amount Owed

1. The provisions of sections 1, 2 and 3 of the previous article apply to the deposit of the amounts owed to the employees and the social security which are ascertained.
2. The deposit of the amounts owed must be notified to the employee within thirty (30) days from the date on which the deposit is made, for the purposes of receiving the amounts owed to him, against a letter with proof of receipt.
3. Delivery of the amounts to the employee must take place within the thirty (30) days following the deposit against receipt and tax-free within the terms of the law.
4. In case of non-payment of the amounts owed, the respective ascertainment carried out in the different or prior investigation constitutes a document valid to commence an execution process to which the rules of normal process of execution for payment of agreed amounts apply, within the terms of the Civil Procedural Code.
5. If the deposit is not made, the process shall be forwarded to the competent court of law and the worker must be notified as to the amount ascertained, indicating that the ascertainment constitutes a document valid to commence an execution process.
6. The right to the amounts deposited owed to the employee lapse within two (2) years following notification to the employee, after which they revert to the public coffers.
7. The amounts owed to the social security must be reverted to the public coffers when they are paid.

Article 29

Place of payment and of the Deposits

1. Payment and deposit of the fines and increases applied and charged during processes initiated by the IGT notices of infringement, even if in a declaratory or execution process handled at the competent courts of law, must be made at the banking institution indicated on the respective deposit forms, within the terms of the law.
2. The deposit of the amounts owed to the employees must be made to a competent banking institution and held in a separate account to the order of the IGT.

Article 30

Summary

1. The notices of infringement and the prior investigations forwarded to the competent courts of law are accompanied by a summary intended to provide information about the distribution of the process and the result thereof, and must be returned to the IGT within ten (10) days following the date of the act concerning it.
2. The competent court of law must equally remit to the IGT the copies of the deposit forms for payment of the fines, even where these result from a declaratory or execution process.

Article 31

Use of the Fines

The proceeds of the fines applied and charged during the processes initiated by the IGT issuing notices of infringement revert to the public coffers.

Article 32

Ancillary Law

To everything which is not specifically regulated in terms of content, amount, preparation and handling of the notice of infringement or prior investigation, the execution process contemplated in the Civil Procedural Code must be applied as ancillary law.

SECTION V

Collaboration with Other Entities

Article 33

Obligations of Collaboration

1. All services and organisms of the Public Administration and all those holding public offices must collaborate with the IGT when so requested for carrying out inspection actions, in addition to providing the information available to them.

2. Requests from the IGT to the body responsible for receiving taxes, fees and social security payments, regarding information, background and data necessary for carrying out the inspection action do not require prior consent from the interested party.
3. The obligations of collaboration mentioned in the previous sections must abide by the limits established by the law concerning personal data, confidentiality of correspondence, in camera proceeding or information provided solely for statistical purposes.
4. Violation of the duties of information and collaboration with the IGT services means the offender shall incur disciplinary and criminal liability within the terms of the law.
5. In order to carry out inspection actions, the IGT can request collaboration from any authorities or police or public security forces.

Article 34

Duties of Collaboration

1. The IGT collaborates with the public administration services and bodies, especially with Social Security system entities, making available information that may be required for them to carry out their duties, without prejudice to the duties of confidentiality and in camera proceeding.
2. The IGT must collaborate with the judicial authorities and the Public Prosecution Office within the terms established in the Penal Procedural Code.

Article 35

Collaboration with Employers' Organizations and Unions

1. Employers' organizations and unions can issue opinions about the Annual Inspection Activities Report and other documents submitted to their prior consultation within a maximum period of thirty (30) days following reception thereof, within the scope of the activity carried out and to be carried out by the IGT.
2. For purposes of the provisions in the previous section, and when these same documents are being prepared, the Inspector-General of Labor must convene once a year employers' organizations and unions or when he deems this to be necessary, regardless of the subject matters to be dealt with.
3. Within the scope of the participation and cooperation with the employers' organizations and the unions, the IGT may from time to time make available overall information of interest regarding the inspection action carried out.
4. Unions can request an inspection action to be carried out in regard to situations in which the defense of collective interests or the collective protection of the individual interests of the workers they represent are at stake.
5. Employers' organizations and unions are entitled to be informed about the results of an inspection action whenever they so request.

6. The information provided within the terms of the previous section must protect in camera proceeding and the rights of the offender.

Article 36

Mandatory Appearance

1. Anyone notified to appear at the IGT services or at another location that fails to turn up and does not present justification within the three (3) business days following the third notification incurs the penalty contemplated for that purpose in the Penal Procedural Code.
2. Where failure to appear within the terms of the previous section is verified, the IGT may also arrange this appearance with the assistance of the police.

CHAPTER IV

PERSONNEL

Article 37

Inspection Personnel

1. Inspection activities and supervision by the IGT are carried out in their entirety by employees belonging to the labor inspector corps.
2. The inspection personnel mentioned in the previous section are invested with the authority arising therefrom in accordance with this statute and other applicable legislation, and are permanently invested with this capacity and considered as public authorities for the purposes of criminal protection.
3. It is incumbent on the labor inspector corps to primarily undertake inspection activities required for ensuring compliance with the IGT duties mentioned in article 5.

Article 38

Professional Statute

1. The IGT inspection personnel comprise employees recruited through public competitive examination among the citizens of East Timor, with a minimum education level of twelfth (12th) years at school and by means of a selection process involving a professional remunerated internship, within the terms of article 52 hereof.
2. The professional career and the compensation statute of the labor inspectors appropriate for carrying out the respective function are envisaged herein.

3. The service provided by the inspection personnel requires them to be permanently available, and their respective duties may be carried out at any time of the day or night on any day of the week.
4. Employees who render service on a weekly or public holiday rest day shall be entitled to an equal rest period within the following three (3) business days.
5. The provisions of section 1 apply exclusively to new admissions, with due regard for the situations of the inspectors currently on active duty.

Article 39

Identity Card

1. Inspection personnel are identified by a specific identity card which confers on them powers and free transit to carry out their duties within the terms of the model shown in Exhibit III hereto.
2. The cards are signed by the Inspector-General of the IGT and authenticated with a stamp over his signature.
3. The card bears the colors of the National Flag in vertical bars, with the IGT emblem on the upper section, and also contains on the reverse side the powers conferred on the bearer by the law.
4. Issue, registration and filing of the duplicate cards are carried out by the competent department of the IGT.
5. In case of misplacement, destruction or deterioration, a second counterpart must be delivered, bearing the number of the previous card.
6. The identity card is valid for the period of three (3) years as of the date on which it is issued.
7. The card must be returned to the IGT within a maximum of seven (7) days when the duties of the respective bearer are suspended or cancelled or when there is any alteration to the elements it contains.
8. The identity card is printed by the department responsible for the identification of public service employees.
9. Any employee making improper use of the card or who fails to return it when they find themselves in any of the situations mentioned in the previous section is committing a disciplinary violation.

Article 40

Support in Judicial Processes

1. Inspection personnel who are interrogated or are a party to a disciplinary or judicial process for acts committed or which occurred while in the exercise of or because of their duties are

entitled to be assisted by a lawyer paid for by the IGT and appointed, within the terms of the law, by the Inspector-General after consulting the interested party.

2. The personnel mentioned in the previous section are further entitled to payment of the legal costs, in addition to transportation and allowances when the location of the court so justifies.

3. Any amounts disbursed under the provisions of section 2 above must be reimbursed by the employee or agent giving cause thereto in the event of conviction in any of the processes mentioned in section 1.

Article 41

Managers with Inspection Responsibilities

All rights and duties conferred on the inspection personnel are considered applicable to IGT managers with inspection responsibilities.

Article 42

Support personnel

The IGT comprises higher technical, technical, administrative and other personnel required for providing technical assistance to inspection actions, primarily within the domains of the prevention of professional risks, support for the information area , professional relations, information technology support and communications systems, in addition to the management of human, financial and property resources.

CHAPTER V

PROFESSIONAL DUTY

Article 43

Professional Secrecy

1. Inspection personnel and other IGT employees are subject to the legal provisions concerning in camera proceeding and must keep professional secrecy, even after they leave their office, and may not reveal manufacturing or trade secrets or exploration processes of which they became aware by virtue of carrying out their duties.

2. Inspection personnel and other employees mentioned in the previous section must preserve the confidentiality concerning the origin of any complaint referring to defective installation or failure to comply with the integrated provisions within the span of authority of the IGT, and may not disclose that the inspection visit arose from a complaint.

3. The provisions of the previous sections are also applicable to persons accompanying the inspection personnel, within the terms hereof.

Article 44

Incompatibilities

1. Personnel connected with the IGT are subject to the legal regime of incompatibilities of public administration employees and agents.

2. Inspection personnel and management personnel with inspection responsibilities are forbidden to carry out any activity which might affect their independence, impartiality, authority or the dignity of the office, primarily:

a) Interfering in inspection or other processes inherent to the exercise of inspection duties, where the interested party is a spouse, relative or similar in a direct line or to the 3rd degree in a collateral line.

b) Involvement in any branch of commerce, industry or services;

c) Holding a liberal profession or any form of representation or consultancy;

d) Undertaking any activity on behalf of others;

e) Undertaking any actions of an inspection nature in services, organisms and companies where they have held positions less than three (3) years before or where they hold them in an accumulated manner.

f) Holding positions in administrative bodies of any associations, except those representing their professional interests or foundations;

g) Undertaking any actions of an inspection nature in establishments where they are residing in their line of duty and which belong to the proprietors of the entities or managers of the entities inspected.

3. Exemption from the provisions of the previous section applies to the exercise of teaching activity in teaching or training institutions, provided they are properly authorized by their immediate superior.

4. Arbitration functions are incompatible with the exercise of inspection activities.

CHAPTER VI

Notifications to the IGT

Article 45

Notification of Laboring

1. The government bodies responsible for commercial registration and licensing or those entities subject to the action of the IGT must inform the latter, prior to initiating any activity, of

the name, line of business or business purpose, the single tax identity number, the address of the principal place of business and other work places, the official publication of the respective social contract, by-laws or articles of association, when mandatory, the identity and domicile of the respective managers, administrators or executive officers and the number of employees, under penalty of commencing a disciplinary process within the terms of the law.

2. Amendments to the elements mentioned in the previous section must be notified within 30 days.

Article 46

Notification of Employment-Related Accidents and Professional Illnesses

In the event of fatal employment-related accidents, employment-related accidents or professional illnesses where a particularly serious situation clearly exists, the employer must notify the IGT of such occurrences within the shortest timeframe possible, which in any case may not exceed 48 hours following occurrence or diagnosis thereof, without prejudice to the participations established within the terms of the law.

Article 47

Data on Employment-Related Accidents and Professional Illnesses

1. The employer is obligated to collect, organize and remit to the IGT quarterly data concerning the professional illnesses diagnosed and employment-related accidents which occurred and which gave rise to loss time due to accident of the injured party for a period exceeding one (1) business day.

2. The notification mentioned in the previous section must be sent by the 10th day (tenth) of the month following the end of the respective quarter and must contain the following elements:

- a) Indication of the date and place of the event;
- b) The causes of the employment-related accident or professional illness;
- c) Nature and extent of the injury;
- d) Part of the body affected;
- e) Number of days of absence due to work incapacitation.

3. The provisions in sections 1 and 2 on professional illnesses take effect with the approval and coming into effect of the specific legislation.

Article 48

Presentation of Communications and Documents

Unless legally provided for to the contrary, communications and other documents remitted to the IGT must be delivered to the labor inspection service whose area includes the establishment or the work place to which these refer.

CHAPTER VII

Punitive and Disciplinary Regime

Article 49

Punishment

1. Violations of the Labor Law and the regulations concerning Safety, Hygiene and Health in the work place are punishable by a fine whose minimum and maximum amounts correspond to 2 and 10 base salaries defined as the minimum applicable in the public service, according to the seriousness of the violation and/or repeated violations by the employer.
2. Without prejudice to the provisions concerning the mandatory documents or records, failure to present the documents or records demanded within the terms of sub-section e) of articles 9 and 47 constitutes a violation punishable by a corresponding fine whose minimum and maximum amounts are 3 to 7 base salaries defined as the minimum applicable in the public service.
3. Violations of the provisions of article 19 are punishable by a corresponding fine whose minimum and maximum amounts are 1 to 4 base salaries defined as the minimum applicable in the public service.
4. Violation of the provisions of section 2 of Article 17 and article 46 is punishable by a fine whose minimum and maximum amounts are 7 to 10 base salaries defined as the minimum applicable in the public service.
5. The penalties contemplated in the previous sections may be increased up to two-fold upon a decision of the Inspector-General where it can be shown that the employer is a repeater or based on the employer's financial capacity within the terms of the classification regulations of these entities.

Article 50

Disciplinary Violations

Without prejudice to the provisions of the law as a whole, the following examples of behavior of inspection and other personnel of the IGT represent serious breaches of discipline:

- a) Inclusion of false facts in notices of infringement or in the information provided;
- b) Disclosure of the results of inspections or facts ascertained therein to those foreign to the services of the IGT or the work locations inspected;

- c) Disclosure of the origin of any complaint which has not been properly authorized by the complainant;
- d) Exercise of their duties in an arbitrary manner or with abuse of authority.

CHAPTER VIII

INSPECTION SERVICES PERSONNEL

Article 51

IGT Careers

Inspection personnel follow a special career path with the following categories and levels:

- a) Inspector-General of Labor;
- b) Regional Inspector;
- c) 1st Inspector;
- d) 2nd Inspector;
- e) Intern Inspector.

Article 52

Entry

1. Entry to the inspection personnel career is on a provisional basis, in the category of intern inspector, equivalent to academic grade of twelfth (12th) year at school, through a public competitive examination involving knowledge tests and a CV evaluation supplemented by an interview and paid internship lasting twelve (12) months.
2. Individuals with teaching qualifications join the category directly as 2nd inspector following a public competitive examination and remunerated internship lasting six (6) months, within the terms of the previous section.
3. The selection process is held in accordance with the public service rules, with due regard for proportionality of genders, whenever possible.
4. Interns shall be hired under the system of occasional rendering of services, or where they are linked to the State, they shall be requisitioned from their services of origin and in this case said link will be suspended while the internship lasts.

5. Resignation or failure to perform satisfactorily during the internship implies termination of the contract or requisition.

6. Approval during the internship is an essential requisite for appointment as Labor Inspector.

Article 53

Conditions for Access to the Categories

1. The conditions for access to the categories of an inspection personnel career are the following:

- a) For 2nd Inspector – 12-month internship in the preceding category, with satisfactory performance during the internship;
- b) For 1st Inspector – public competitive examination, having been a minimum of 4 years in the respective preceding category and a performance appraisal of no less than good in at least 3 consecutive or 4 alternate evaluations.
- c) For Regional Inspector – public competitive examination , having been a minimum of 4 years in the respective preceding category and a performance appraisal of no less than good in at least 3 consecutive or 4 alternate evaluations.
- d) For Inspector-General of Labor – at least 6 years in the career of 1st Inspector upon a proposal from the member of government responsible for the labor area and appointed in accordance with the public service rules.

2. Public competitive examinations involving knowledge examinations, in addition to the weighting factor attributed to courses, internships and training actions are carried out under proposal from the Inspector-General in accordance with the public employment rules.

3. The process for access to the categories of the inspection personnel career is carried out in accordance with the public service rules.

4. The salaries of the IGT employees are determined in accordance with the provisions of Exhibit I hereof.

Article 54

Entry and Access to Technical and Administrative Careers

Entry and access to higher technical, professional technical, administrative technical and assistant careers are governed by the general public employment career regime.

CHAPTER IX
FINAL PROVISIONS

Article 55

Emblem of the IGT

The emblem of the IGT as well as its meaning, is shown in Exhibit II hereof.

Article 56

Legislation to be Amended

1. Article 5 of Decree Law No. 3/2008 dated January 16 shall now read as follows:

“Article 5

State Direct Administration

- a) (...);
 - b) (...);
 - c) (...);
 - d) Inspector-General of Labor – IGT, governed by the terms of its own statutes;
 - e) (...);
 - f) (...);
 - g) (...);
2. Article 10 of Decree Law No. 3/2008 dated January 16 is hereby revoked.

Article 57

Effectiveness

This Decree Law comes into effect on the day following publication thereof.

Approved in the Council of Ministers on September 15, 2010.

Prime Minister

Kay Rala Xanana Gusmão

Enacted on:

For publication.

The President of the Republic,

José Ramos Horta

EXHIBIT I

CORPS AND CATEGORIES	Index and Grade SALARY
Specific career in labor inspection	
Inspector-General of Labor	2 Grade A salaries
Regional Agents	1,5 Grade A salaries
1 st Inspector	Grade A
2 nd Inspector	Grade B
Intern Inspector	Grade C
Technical Support Office	
1 st Senior Technician	Grade A
2 nd Senior Technician	Grade B
1 st Professional Technician	Grade C
2 nd Professional Technician	Grade D
Administrative Technician	Grade E
Assistant	Grade F
Assistant	Grade G

EXHIBIT II

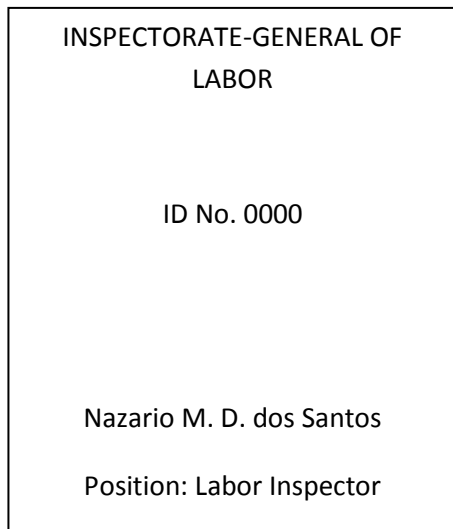
Meaning of the Emblem

1. **Wheel (going round) surrounded by a yellow and green spherical score** – means the harmony of the relations among workers, employers and the government, protected by the business relationship.
2. **Neli (rice flower)** means the condition of prosperity which the players in the labor system hope to attain.
3. **The colors black, white, yellow, red and the star** represent the colors of the national flag of the Democratic Republic of East Timor.
4. **Symbols of the industrial, fisheries (fish), civil construction and agricultural sectors with the cross in the middle** represent the areas in which the IGT operates in order to foster and ensure application of labor legislation, in addition to safety, hygiene and health in the work place.

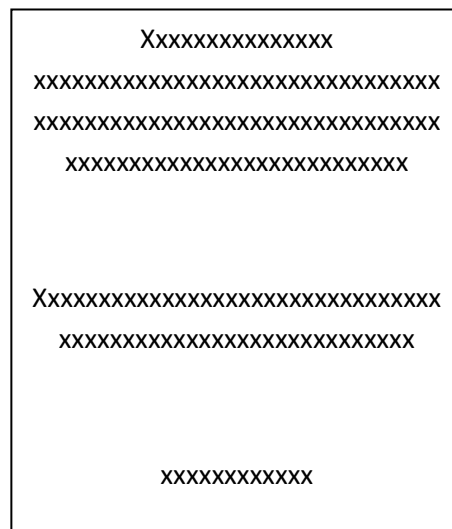
EXHIBIT III

IDENTITY CARD

LABOR INSPECTOR



Front



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