

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

DECREE-LAW 8/2008

Creates the National Institute for Manpower Development

This statute institutes the National Institute for Manpower Development, entrusted with the development of Vocational Training policies and the implementation thereof, as well as with the definition of standards of skills and a national certification system.

Pursuant to Articles 17, 19 and 59 of the Constitution of the Democratic Republic of Timor-Leste, and Article 16 of Decree-law 7/2007, the Government creates the National Institute for Manpower Development (INDMO), with the nature of a Public Institute, for the purposes of defining the standards of skills and of establishing a Vocational Training certification system in accordance with the national and international standards.

INDMO enjoys administrative and financial autonomy and has its own property, in order to exercise its responsibilities with independence and total impartiality, thus ensuring the transparency and the sustainable development of the institute, and shall be under the supervision of the Secretariat of State for Vocational Training and Employment.

Under Article 115.3 of the Constitution of the Republic, and with the value of law, the Government decrees as follows:

**Article 1
Creation of INDMO**

1. The National Institute for Manpower Development, hereinafter referred to as INDMO, is hereby created under the supervision of the Secretariat of State for Vocational Training and Employment, with the nature of a public law legal person having legal personality and judicial capacity, and with administrative and financial autonomy and its own property.
2. INDMO's judicial capacity includes the performance of all legal acts, the enjoyment of all rights and the subjection to all obligations required for the exercise of its responsibilities.

**Article 2
Supervision**

1. INDMO is subject to the supervision and superintendence of the Secretariat of State for Vocational Training and Employment, as defined in the By-laws.
2. In exercising its supervision powers the Secretariat of State for Vocational Training and Employment shall, namely:
 - (a) Approve INDMO's policy, under proposal of the Executive Committee;

- (b) Approve the annual budget, to be included in the General State Budget;
- (c) Approve the financial report submitted by the Executive Committee;
- (d) Approve, by means of ministerial statute, the internal regulations;
- (e) Approve the establishment plan, by means of joint ministerial statute with the Ministry of Finance and the Ministry of State Administration and Territorial Planning;
- (f) Execute the cooperation agreements with the various Vocational Training Centers;
- (g) Appoint and remove the members referred to in Article 6.1 of the attached By-laws.

Article 3 Principle of Specialization

INDMO cannot carry out its activities or exercise its powers outside the scope of its responsibilities, nor may INDMO allocate its resources to purposes other than those assigned to it.

Article 4 Responsibilities

1. INDMO has the nature of a public institute and is responsible for defining the standards of skills and for establishing a Vocational Training certification system in accordance with the national and international standards, pursuant to this statute and the relevant by-laws published as an appendix to this decree-law, which form an integral part hereof.
2. INDMO shall have the following responsibilities:
 - (a) To define and approve the standards of skills of the various production sectors in Timor-Leste;
 - (b) To certify the skills in accordance with the approved standards;
 - (c) To certify the Training Centers and Companies to act as skills evaluation centers, as well as to certify the relevant trainers.
3. The skills certification procedure shall be established in a systematic and objective manner, on the basis of the national and international standards.
4. The national standards of skills shall be established on the basis of such know-how, abilities and attitudes as are relevant for the exercise of the duties inherent to each production sector.

Article 5 Composition

1. INDMO comprises an Executive Committee and the Audit Board.
2. In exercising its duties as defined in the attached by-laws, the Executive Committee may create special subcommittees comprising representatives of the relevant production sectors and Vocational Training centers.

3. The composition and duties of the Special Subcommittees, as well as those of the Secretariat for technical administrative support to the Executive Committee, are defined in the attached by-laws.

Article 6 Property

INDMO has its own property and the right to enjoy such assets included in the public domain as may be allocated to the pursuance of its responsibilities by ministerial statute of the Secretary of State for Vocational Training and Employment.

Article 7 Proceeds

1. The proceeds and expenses in connection with INDMO's responsibilities are provided for in the general State budget.
2. INDMO's budget is included in the budget of the Secretariat of State for Vocational Training and Employment.

Article 8 Exemptions

INDMO is exempted from all charges, costs and official fees of any nature in the judicial proceedings, and notary's and registration acts in which it takes part.

Article 9 Final and transitional provisions

1. The Executive Committee shall prepare the relevant Regulations within ninety (90) days of being appointed.
2. Any and all Vocational Training Centers currently in operation shall, within one year of INDMO's effective establishment, apply for the certification registration.

Article 10 Revocation

Any provisions contrary to this Decree-Law are revoked.

Article 11 Effective date

This statute shall become effective 15 days after it is published.

Approved by the Council of Ministers on 5 December 2007.

The Prime-Minister,

 [signed]
Kay Rala Xanana Gusmão

Promulgated on 28 / 02 / 2008

Be it published.

The acting President of the Republic,

 [signed]
Fernando La sama de Araújo

APPENDIX

BY-LAWS OF THE NATIONAL INSTITUTE FOR MANPOWER DEVELOPMENT (INDMO)

CHAPTER I PURPOSE AND RESPONSIBILITIES

Article 1 Purpose

INDMO's purpose is to support the achievement of the objectives of the Government's policy as regards the quality of Vocational Training, by means of the certification of the Vocational Training Centers and Companies in Timor-Leste and of the training promoted thereby.

Article 2 Responsibilities

1. INDMO shall have the following responsibilities:
 - (a) To define and approve the standards of skills of the various production sectors in Timor-Leste;
 - (b) To certify the skills in accordance with the approved standards;
 - (c) To certify the Training Centers and Companies to act as skills evaluation centers, as well as to certify the relevant trainers.
2. The skills certification procedure shall be established in a systematic and objective manner, on the basis of the national and international standards.
3. The national standards of skills shall be established on the basis of such know-how, abilities and attitudes as are relevant for the exercise of the duties inherent to each production sector.

CHAPTER II GENERAL STRUCTURE

SECTION I COMPOSITION

Article 3 Composition

INDMO shall comprise the following bodies:

- (a) Executive Committee;
- (b) Audit Board;
- (c) Special subcommittees;
- (d) Secretariat.

**SECTION II
EXECUTIVE COMMITTEE**

**Article 4
Executive Committee**

1. The Executive Committee shall comprise:
 - (a) A representative of the Secretariat of State for Vocational Training and Employment, who shall serve as chairman;
 - (b) A representative of the Ministry of Education and Culture, who shall serve as vice-chairman;
 - (c) A representative appointed by the employers' organizations;
 - (d) A representative appointed by the employees' organizations;
 - (e) A representative appointed by the Vocational Training institutions.
2. The concerned organizations shall, under the Constitution, observe the balance between genders in appointing the members of the Executive Committee.
3. The members of the Executive Committee shall be appointed by the Secretary of State for Vocational Training and Employment.
4. The Executive Committee shall have the following duties:
 - (a) To prepare the Internal Regulations and the Establishment Plan and submit the same to the approval of the Secretary of State for Vocational Training and Employment;
 - (b) To prepare the Annual Action Plan to be approved by the Administrative Board;
 - (c) To observe the principle of transparency and efficiency in order to ensure the management of INDMO's annual budget;
 - (d) To ensure INDMO's proper operation and maintenance, managing it as provided for in its Internal Regulations, Annual Action Plan and Budget;
 - (e) To define the procedures for approval and revision of the standards of skills for each production sector, as well as the registration and certification process;
 - (f) To create the special Subcommittees in keeping with their specializations, to define the standards of skills for each production sector;
 - (g) To define the responsibilities and duties of the special Subcommittees and inspect them;
 - (h) To exercise the disciplinary power as provided for in the Internal Regulations;
 - (i) To enter into and terminate contracts with employees;
 - (j) To manage the annual Budget and the Annual Action Plan, submitting the relevant regular reports;
 - (k) To control INDMO's bank account;

- (l) When so requested on an exceptional basis by the supervisory or inspection body, to submit reports on the execution of the Annual Budget and/or the Annual Action Plan;
 - (m) To promote such actions as allow the establishment of public or private partnerships;
 - (n) To approve the standards of skills for vocational training;
 - (o) To grant skill certificates to the Vocational Training courses and Centers;
 - (p) To authorize or determine any actions to be performed and/or any documents to be executed, as may be required for the development of INDMO's ordinary activities;
 - (q) To approve the value of the technical and administrative services rendered by INDMO;
 - (r) To ensure the making of the expenses inherent to the activities defined in the Annual Action Plan;
 - (s) To prepare the annual financial report.
5. The Executive Committee shall hold ordinary meetings once a week and special meetings whenever called by the Chairman or its legal substitute.
 6. The Executive Committee is INDMO's superior decision-making body, and its decisions shall be taken in accordance with Articles 21 to 30 of Decree-Law 12/2006, of 26 July 2006.

**Article 5
Term of Office**

1. The members of the Executive Committee shall be appointed for a four-year' term.
2. The term of office of the members of the Special Subcommittees shall be defined in the act that institutes the relevant Subcommittee, and shall have a maximum duration of up to two years.
3. The members of the Executive Committee and of the Special Subcommittees may serve a maximum of two consecutive terms.

**Article 6
Powers of the Chairman**

The Chairman shall:

- (a) Call and chair the meetings of the Executive Committee and, whenever required, those of the Subcommittees, and cause the relevant minutes to be taken;
- (b) Conduct INDMO's management, and direct its staff and the actions of all its services;
- (c) Ensure the liaison with the supervising body and other entities;
- (d) Represent INDMO, in judicature and thereout, save as otherwise determined by the Secretary of State for Vocational Training and Employment;

- (e) Exercise such other powers as are granted by law to the Chairman.

**Article 7
Powers of the Vice-Chairman**

The Vice-Chairman shall:

- (a) Replace the Chairman in its absences and legal impediments, assuming the Chairman's powers;
- (b) Exercise such other powers as are granted by the Executive Committee or the supervising body to the Vice-Chairman.

**SECTION III
AUDIT BOARD**

**Article 8
Composition of the Audit Board**

1. The Audit Board is the body responsible for controlling INDMO's budgetary execution and proper management.
2. The Audit Board shall comprise three (3) members designated by the Minister of Finance and appointed by joint ministerial statute with the Secretary of State for Vocational Training and Employment.
3. The members of the Audit Board shall be appointed for a two-year' term, and may be appointed for another term of equal duration.
4. In exercising their duties, the members of the Audit Board shall be given free access to the facilities and documentation in respect of INDMO.
5. In addition to the report on the instrument for submission of the accounts, the Audit Board shall submit reports on a periodic basis or when so requested by the supervising body.

**Article 9
Duties of the Audit Board**

The Audit Board shall have the following duties:

- (a) To inspect INDMO's budgetary execution and proper management;
- (b) To prepare periodic detailed opinions on the subjects referred to in Article 9(a) above;
- (c) To prepare opinions when required by law;
- (d) To prepare opinions on the acquisition, mortgaging, leasing and disposition of immoveable property;
- (e) To inform the supervising body whenever there is certainty or an indication of any irregularity in INDMO's budgetary or administrative management, and to propose such measures as are required to remedy the same.

**SECTION IV
OTHER BODIES**

**Article 10
Special Subcommittee**

The special Subcommittee shall:

- (a) Comply with such duties as are defined in its act of institution;
- (b) Submit periodic reports on the activities carried out.

**Article 11
Secretariat**

- 1. The Secretariat is the body responsible for providing technical administrative support to the Executive Committee.
- 2. The Secretariat shall be appointed by the Executive Committee and shall be headed by a chief of Secretariat:
 - (a) To prepare INDMO's agenda;
 - (b) To call, upon the Chairman's request, meetings of the Executive Committee and of the special Subcommittees;
 - (c) To take minutes of the meetings of the Executive Committee and of the special Subcommittees;
 - (d) To prepare the annual action plan and submit it to the approval of the Secretary of State for Vocational Training and Employment;
 - (e) To submit the annual financial report prepared by the Executive Committee to the approval of the Secretary of State for Vocational Training and Employment.
- 3. The Chief of Secretariat shall account directly to the Chairman of the Executive Committee or to its legal substitute.

**CHAPTER IV
GENERAL PROVISIONS**

**Article 12
Liability**

- 1. In exercising their duties, the members of INDMO's Executive Committee shall be civilly liable for the actions and omissions committed in breach of their obligations under the law or these by-laws, save if they prove they acted with no fault.
- 2. The actions and omissions committed by the members of the Executive Committee in violation of the provisions of Article 12.1 above do not exclude criminal and disciplinary administrative liability.

**Article 13
Proceeds**

- 1. INDMO's proceeds comprise:

- (a) Resources provided for in the State Budget;
 - (b) The charges for technical and administrative services;
 - (c) Donations, bequests or other resources allocated to it.
2. The value of the technical and administrative services shall be defined by an internal regulation to be approved by the Executive Committee.

**Article 14
Employment Framework**

The rules on the individual employment contract established in the Labor Code shall apply to the institute's employees referred to in Article 4.4(i), who may not accumulate public offices or other private activities which interfere with INDMO's interests.

**Article 15
Internal Regulations**

INDMO's Internal Regulations shall be prepared by the Executive Committee and approved no later than ninety (90) days of the approval of these by-laws.