

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
Num: 108 OrNkr.BK**

**Sub-Decree
On
Determining the Rate and Formality of Recruitment of Disable person**

Royal Government

- Having seen Constitution of Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKT/0908/1055 dated September 25, 2008 On Nomination of Royal Government of Cambodia
- Having seen Royal Decree No. 02/NS/94 dated July 20, 1994 promulgating Law on Organization and Function of Council of Ministers
- Having seen Royal Decree No. 03/NS/94 dated August 05, 1994 promulgating Law on investment in Kingdom of Cambodia and Royal Krom NS/RKM/0303/009 dated March 24, 2003 which promulgating/amend a law on investment of Kingdom of Cambodia
- Having seen Royal Decree No. 06/NS/RKM/94 dated October 30, 1994 promulgating Law on civil servants statute of Kingdom of Cambodia
- Having seen Royal Decree No. NS/RKM/0196/18 dated January 24, 1996 promulgating Law on Establishment of Ministry of Economic and Finance
- Having seen Royal Decree No. CHS/RKM/0397/01 dated March 13, 1997 promulgating Labour Law
- Having seen Royal Decree No. NS/RKM/0105/001 dated January 17, 2005 promulgating on Organization and Function of Ministry of Social Affairs Veterans and Rehabilitation (MSAVR)

**HEREBY DECIDES
CHAPTER 1
General Provisions**

Art 1:

This Sub-Decree is aimed at determining the rate and formality of recruitment of disable person to work in accordance with the law on protection and promotion the rights of disable person.

Art 2:

This Sub-Decree has the following purposes:

- Encourage implementation the law on protection and promotion the rights of disable person and Royal Government policy for disable person.

- Offer employment opportunity and encourage disable person with career qualifications and responsibilities to work
- Upgrade regard, health and rights of Cambodian disable person through recognizing capacity of disable person which is better than just eying only the disability of disable person
- Participate in fulfilling the obligation of Cambodia as a signature state of treaty and convention related to human rights and disable person rights.

Art 3:

This Sub-Decree has the scope of implementation to Ministries, State entities and Legal entities which has obligation to recruit disable person who has qualification and career responsibility to work.

Art 4:

Proper Coordination which is characterized as too excessive burden refers to coordination on type and employment condition, training on section of environment, workplace, means, materials which are over the ability of Head of Ministries, State entities and Legal entities.

CHAPTER 2

Determining the Rate of Disable Person to Work

Art 5:

Ministries, State entities which employ from 50 upward of civil servants shall has disable person of qualifications and career responsibilities according to the type of career as set in article 11 of this Sub-Decree to work in the frame of civil servants in the rate of 2% of total of civil servants.

Determining number of disable person to work in Royal Government Arm Forces shall be determined by Prakas of Minister of Ministry of National Defense.

Art 6:

Legal Entities which employs from 100 workers upward shall has disable person of career qualifications and task responsibilities according to the type of career as set in article 11 of this Sub-Decree in the rate of 1% of total of workers.

Art 7:

Ministries, State entities and Legal entities which employ civil servants and workers less than the amount set in art 5 and 6 of this Sub-Decree but has recruited disable person of career qualifications and task responsibilities to work shall be entitled to encouragement as set in art 17 of this Sub-Decree.

Art 8:

Method for calculating the number of disable person in accordance with judgment criterions, type and rate of disabilities as set in art 20 of Law on Protection and Promotion the Rights of Disable Persons is applicable as follow:

Type of career	Type of disability	Rate of disability	Calculation the number
	Physical disable person	Serious	One disable person shall be considered
	Psycho disable		

Full time Civil servant, worker	person who is rehabilitated		as two
	Physical disable person	Average	One disable person shall be consider as one
Psycho disable person who is rehabilitated			
Short time worker	Physical disable person	Serious	One disable person shall be consider as one
	Psycho disable person who is rehabilitated		
	Physical disable person	Average	One disable person shall be consider as a half
	Psycho disable person who is rehabilitated		

CHAPTER 3 Formality for Recruitment

Art 9:

Ministries, State entities shall make to Ministry of social affair veteran and youth rehabilitation and Secretariat of State of public function writing notification every year in January on:

- Total number of Civil servant except for arm force
- Number of disable person planned to recruit in accordance with the determined rate
- Number of Civil servant who is average physical disable person
- Number of Civil servant who is serious physical disable person
- Number of Civil servant who is average psycho disable person
- Number of Civil servant who is serious psycho disable person

In the event that Ministries, State entities get from Royal Government permission to recruit Civil servant the Ministries, State entities shall built recruitment plan for disable person in accordance with the rate as set in art 5 above and send it to Ministry of Social Affair Veteran and Youth Rehabilitation and Secretariat of Public Function in one month after getting permission.

Art 10:

Legal entities which employ from 100 workers upward shall make the yearly notification in writing to Ministry of Social Affairs Veteran and Youth Rehabilitation and to MoLVT in January of every year on:

- Total number of full time worker
- Number of worker who is disable person planned to recruit in accordance with the determined rate
- Number of full time worker who is average physical disable person
- Number of full time worker who is serious physical disable person
- Number of full time worker who is average psycho disable person
- Number of full time worker who is serious psycho disable person

- Number of short time worker who is average physical disable person
- Number of short time worker who is serious physical disable person
- Number of short time worker who is average psycho disable person
- Number of short time worker who is serious psycho disable person

In the event that the number of recruited disable person is, in accordance with the rate as set in the art 6 of this Sub-Decree, not enough legal entities shall reconstruct the recruitment plan and sent it to Ministry of Social Affairs Veterans and Youth Rehabilitation and to MoLVT before the end of December of the year.

Art 11:

Ministry of Social Affairs Veteran and Youth Rehabilitation cooperates with MoLVT to determine type of works suitable for disable person to be send to every Ministries, State entities and Legal entities who has obligation to recruit to work disable person and to be publicly divulged.

Art 12:

Any date of recruitment examination for recruiting civil servant that may be participated by physical or psycho disable person of career qualification shall be determined and divulged at least 3 month in the minimum before the opening of the examination. In the case of emergency the divulgation shall be made in 30 days at the minimum.

For the recruitment to work in enterprise, establishment and NGO the divulgation is at least 30 days.

Art 13:

Every Ministries, State entities and legal entities which does not yet have disable person of career qualification and task responsibility to work in the rate as set by art 5 and 6 of this Sub-Decree shall built additional recruitment plan to fill the lack in 3 years at the maximum.

CHAPTER 4

Obligation and Proper Coordination

Art 14:

Ministries, State entities and Legal entities shall have the obligation to proper coordinate disable civil servant, worker or apprentice or trainee such as coordination on type and condition of working, apprenticeship, environment, work place, other mean, material except for proper coordination of too serious burden.

CHAPTER 5

CONTRIBUTION, ENCOURAGEMENT AND PENALTY

Art 15:

Head of Ministries, State entities that do not comply with the obligation as set in art 5 of this Sub-Decree shall contribute to the disable person foundation the amount of 50% of basic monthly salary of civil servant according to function frame for one disable person.

Legal entities that do not comply with the obligation as set in art 6 of this Sub-Decree shall contribute to the disable person foundation the amount of 40% of minimum monthly wage of worker for one disable person worker.

Art 16:

Contribution as set in the above article 15 shall be implemented through the procedure set by PRAKAS of Minister of Ministry of Social Affair Veteran and Youth Rehabilitation up on request of Governing Board of disable person foundation.

Art 17:

Head of ministries, state entities and legal entities who over fulfill the obligation as set in art 5 and 6 of this sub-decree shall be subjected to admiring and/or any other encouragement in accordance with the law in effect which is determined by PRAKAS of Minister of Ministry of Social Affairs Veteran and Youth Rehabilitation up on request of Governing Board of handicap foundation.

Art 18:

Head of Ministries, State entities and Legal entities that do not comply with the obligation as set in art 5, art 6 and art 15 of this Sub-Decree and do not contribute to the disable person foundation shall be liable to cash penalty as set in art 54 of the law on protection and promotion rights of disable person.

CHAPTER 6 FINAL PROVISIONS

Art 19:

Any provisions that do not comply with this Sub-Decree shall be considered as null and void.

Art 20:

Minister in charge of council of minister, Minister of economy and finance, Minister of social affairs veteran and youth rehabilitation, Minister of MoLVT, Secretariat of public function, Head of CDC, Minister, Secretary of state of all ministries, State entities shall be in charge of implementing this Sub-Decree from the date of signature.

Phnom Penh, 30 August 2010

(Signed and sealed)

Prime minister

Samdech Aka Mohar Sena Padei Decho HUN SEN

CC:

- Ministry of Royal Palace
- General Secretariat of Constitutional Council
- General Secretariat of Senate
- General Secretariat of National Assembly

CAMFEBA/UNOFFICIAL TRANSLATION

- General Secretariat of Royal Government
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- As Article 20
- Royal Tasks
- File and Chronicle