

Kingdom of Cambodia
Nation - Religion - King

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Royal Government of Cambodia
NO.

Sub-Decree
Quota for Recruitment of Disabled Persons

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The Royal Government

- having seen the constitution of the Kingdom of Cambodia
- having seen the Royal Decree no. 0908/1055, dated 25th September 2008, on setting up of the Royal Government of Cambodia
- having seen the Royal Proclamation no. 02/94, dated 20th July 1994, promulgating the law on setting up and function of the Council of Ministers
- having seen the Royal Proclamation no. 03/94, dated 05th August 1994, promulgating the law on investment of the Kingdom of Cambodia, and the Royal Proclamation no. 0303/009, dated 24th March 2003, promulgating the law on modification of the law on investment of the Kingdom of Cambodia
- having seen the Royal Proclamation no. 06/94, dated 30th October 1994, promulgating the law on common statute for civil servants of the Kingdom of Cambodia
- having seen the Royal Proclamation no. 0196/18, dated 24th January 1996, promulgating the law on setting up of the Ministry of Economy and Finance
- having seen the Royal Proclamation no. 0397/01, dated 13th March 1997, promulgating the labour law
- having seen the Royal Proclamation no. 0105/001, dated 17th January 2005, promulgating the law on setting up of the Ministry of Social Affairs, Veteran and Youth Rehabilitation
- having seen the Royal Proclamation no. 0105/003, dated 17th January 2005, promulgating the law on setting up of the Ministry of Labour and Vocational Training
- having seen the Royal Proclamation no. 0709/010, dated 03rd July 2009, promulgating the law on protection and promotion of the rights of the disabled persons
- having seen a Sub-Decree no. 04, dated 20th January 2000, on setting up and function of the Ministry of Economy and Finance
- having seen a Sub-Decree no. 52, dated 01 April 2005, on setting up and function of the Ministry of Labour and Vocational Training
- having seen a Sub-Decree no. 55, dated 08th April 2005, on setting up and function of Ministry of Social Affairs, Veteran and Youth Rehabilitation
- having seen a Sub-Decree no. 149, dated 03rd October 2008, on setting up and function of the Council for Development of Cambodia
- having got an approval of the Council of Ministers in its plenary meeting held on 2010

Decides
Chapter 1
General Regulation

Article 1.-

This Sub-Decree aims at giving a quota for recruitment of disabled persons, in compliance with the law on protection and promotion of the rights of the disabled persons.

Article 2.-

This Sub-Decree aims at:

- Urging the implementation of the law on protection and promotion of the rights of the disabled persons, and the Royal Government's policy for disabled persons.
- Giving job opportunity to and encouraging the disabled persons who are qualified for a position and capable of doing their functions, performing their roles and responsibilities.
- Promoting the dignity, the well-being and the rights of the Cambodian disabled persons through recognition of their capacity rather than looking down on them because of their disability.
- Fulfilling the obligations of Cambodia, a signatory of a Convention and of a treaty on human rights and on the rights of the disabled persons.

Article 3.-

This Sub-Decree is subject to implementation by and for Ministries, State's institutions and legal entity/persons who are obliged to recruit qualified and capable disabled persons who are qualified for a position and capable of doing their functions, performing their roles and responsibilities.

Article 4.-

Appropriate facilitation with overloaded burden which refers to facilitation of the types of work and work conditions, training, environment, working place/space, means, supplies/equipment that are beyond the ability of the Heads of a Ministry, of a State institution and of a legal entity/person.

Chapter 2
Quota for Disabled Persons for Job/Employment

Article 5.-

Ministries and/or State institutions with a total number of more than 50 (fifty) staff (civil servants, employees) must include or have 2% (two per cents of) qualified and capable disabled persons who are qualified for a position and capable of doing their functions, performing their roles and responsibilities, according to the types of work, as provided/stated in article 11 of this Sub-Decree.

Quota for the disabled persons to serve in the Royal Khmer Army is defined by a Prakas (proclamation) of/by National Defense Minister.

Article 6.-

Legal entity/person having a total number of more than 100 (one hundred) workers, employees must include or have 1% (one per cent of) qualified and capable disabled persons who are qualified for a position and capable of doing their functions, performing their roles and responsibilities, according to the types of work, as provided/stated in article 11 of this Sub-Decree.

Article 7.-

Ministries, State institutions and legal entity/person having civil servants, workers and employees in a total number of lesser than that provided/stated in articles 5 and 6 of this Sub-Decree, and already having employed qualified and capable disabled persons who are qualified for a position and capable of doing their functions, performing their roles and responsibilities, according to the types of work, as provided/stated in article 11 of this Sub-Decree will be and/or are entitled to receiving an appreciation/encouragement as per article 17 of this Sub- Decree.

Article 8.-

Ways of calculation of number of disabled persons as per the established criteria, types and level of disability are provided in article 20 of the law on protection and promotion of the rights of the disabled persons as follow:

| Type of Work | Type of Disability | Level of Disability | Calculation |
|--|-----------------------------------|---------------------|-------------------------------------|
| Full-time civil servants and employees | Physically disabled | Serious(Iy) | One disabled person equals two |
| | Mentally disabled (rehabilitated) | | |
| | Physically disabled | Mild | One disabled person equals one |
| | Mentally disabled (rehabilitated) | | |
| Short-term employees | Physically disabled | Serious(Iy) | One disabled person equals one |
| | Mentally disabled (rehabilitated) | | |
| | Physically disabled | Mild | One disabled person equals one half |
| | Mentally disabled (rehabilitated) | | |

Chapter 3 Recruitment

Article 9.-

Ministries, State institutions inform (in writing) the Ministry of Social Affairs, Veteran and Youth Rehabilitation and the Secretariat of Public Functions in every year's January about:

- The total number of civil servants except armed forces
- The number of disabled persons subject to recruitment as per the quota
- The number of physically (mild) disabled persons (civil servants)
- The number of physically (seriously) disabled persons (civil servants)
- The number of mentally (mild & rehabilitated) disabled persons (civil servants)
- The number of mentally (seriously & rehabilitated) disabled persons (civil servants)

In the event of (that) Ministries and State institutions receive instruction/approval of the Royal Government for recruiting civil servants (for their facilities), the Ministries and State institutions shall plan to recruit disabled persons as per the provided quota stated in the above-mentioned article 5 and send the plan to the Ministry of Social Affairs, Veteran and Youth Rehabilitation and the Secretariat of Public Functions within a period of 1 (one) month after the receipt of such instruction/approval.

Article 10.-

Legal entity/person having more than 100 (one hundred) workers, employees shall regularly inform (in writing) in every year's January the Ministry of Social Affairs, Veteran and Youth Rehabilitation and the Ministry of Labour and Vocational Training about:

- The total number of full-time workers, employees
- The number of disabled workers and employees to be recruited as per quota
- The number of full-time physically (mild) disabled workers, employees
- The number of full-time physically (seriously) disabled workers, employees
- The number of full-time mentally (mild & rehabilitated) disabled workers, employees
- The number of full-time mentally (seriously & rehabilitated) disabled workers, employees
- The number of short-term physically (mild) disabled workers, employees
- The number of short-term physically (seriously) disabled workers, employees
- The number of short-term mentally (mild & rehabilitated) disabled workers, employees
- The number of short-term mentally (seriously & rehabilitated) disabled workers, employees

Should legal entity/person not recruit both physically and mentally disabled persons for their workers, employees upto the allowed number as per the given quota stated in article 6 of this Sub-Decree, there is a need to plan for another recruitment and send the plan to the Ministry of Social Affairs, Veteran and Youth Rehabilitation and the Ministry of Labour and Vocational Training before end of December of each year.

Article 11.-

Ministry of Social Affairs, Veteran and Youth Rehabilitation, in collaboration with Ministry of Labour and Vocational Training, defines the types of work that can be done and performed by disabled persons and sends it to all Ministries, State institutions and legal entity/person who are obliged to recruit disabled persons to work and disseminate the information publicly and comprehensively.

Article 12.-

Should there be any job competition which allows/requires recruitment of both physically and mentally disabled persons to work as and/or to be civil servants, the date for the very competition shall be fixed and made known at least 3 (three) months prior to the date (of exam to be taken). In the event and/or as the matter of urgency, notice shall be made at least 30 (thirty) days for recruitment of people to work in an enterprise, establishment and NGO.

Article 13.-

Ministries, State institutions and legal entity/person not yet having disabled persons, as per articles 5 and 6 provided in this Sub-Decree, who are qualified and capable disabled persons (who are) qualified for a position and capable of doing their functions, performing their roles and responsibilities shall plan other recruitments in order to get adequate (allowed) number within a period of 3 (three) years the longest.

Plan for complete recruitment in order to fill (vacant allowed positions) shall be done yearly. Each year, recruitment shall be completed by 30% (thirty per cents) of the total 3 (three)-year planned recruitment.

Chapter 4

Obligation and Appropriate Facilitation

Article 14.-

Ministries, State institutions and legal entity/person are obliged to provide appropriate facilitation primarily for disabled civil servants, workers, employees or skill learners or

interns, which refers to the types of work and work conditions, training, environment, working place/space, means, supplies/equipment, except that the facilitation is too much in terms of burden.

Chapter 5

Fines/dues, Reward and Disciplinary Actions

Article 15.-

Heads of Ministries, State institutions having not done their obliged work according to article 5 of this Sub-Decree shall be brought under disciplinary actions as to pay a fine or a due to the fund of the Disabled Persons in the amount of 50% (fifty per cents) of an individual civil servant's (respective) monthly gross salary for a disabled civil servant.

Legal entity/person having not done their obliged work according to article 6 of this Sub-Decree shall be brought under disciplinary actions as to pay a fine or a due to the fund of the Disabled Persons in the amount of 40% (forty per cents) of an individual worker, employee's (respective) monthly minimum salary for a disabled civil servant.

Article 16.-

Payment of a fine or a due as per the above article 15 shall be applied according to a Prakas (proclamation) by the Minister of Social Affairs, Veteran and Youth Rehabilitation following a request by the Board of Trustees/Directors) of the Disabled Persons Foundation (DPF).

Article 17.-

Heads of Ministries, institutions and legal entity/person having done their obliged work more than that stated in articles 5 and 6 of this Sub-Decree shall be entitled to receiving appreciation and/or various encouraged rewards according to the existing laws defined by a Prakas (proclamation) by Minister of Social Affairs, Veteran and Youth Rehabilitation following a request by the Board of Trustees/Directors) of the Disabled Persons Foundation (DPF).

Article 18.-

Heads of Ministries, institutions and legal entity/person having not done their obliged work as stated in articles 5, 6 and 15 of this Sub-Decree, who do not pay their due fine to the fund of the Disabled Persons, shall be brought under Disciplinary Actions as to pay cash as stated in article 54 of the law on Protection and Promotion of the Rights of the Disabled Persons.

In case the content of the above paragraph is not respected, a punishment shall be applied following article 56 of the law on Protection and Promotion of the Rights of the Disabled Persons.

Chapter 6

Final Provisions

Article 19.-

Any provisions found to be contrary to this Sub-Decree shall be abrogated.

Article 20.-

Minister in charge of Council of Ministers, Ministers of Economy and Finance, of Social Affairs, Veteran and Youth Rehabilitation, of Labour and Vocational Training, State Secretary of the Secretariat of Public Functions, Head of Council for

Development of Cambodia, Ministers and States Secretaries of all Ministries and State Institutions as well as legal entity/person are required to implement/apply this Sub-Decree from the day of signature.

Phnom Penh,2010

Prime Minister

Samdach Akeak Moha Sena Padei Daek Chau Hun Sen

Recipients:

- The Royal Palace
- Secretariat-General of Constitution Council
- Secretariat-General of Senate
- Secretariat-General of National Assembly
- Secretary-General of the Royal Government
- Cabinet of the Prime Minister
- Cabinet of the Deputy Prime Ministers
- As per article 20
- Royal duties
- Archives