

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
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**Sub-Decree
On
Determination of Quota and Formality for Recruitment of Disabled Persons**

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 received an approval of the Council of Ministers in its plenary meeting held on 20 August 2010

**Decide
Chapter 1
General Regulation**

Article 1

This Sub-Decree aims to set a quota and formality 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 has its objective to:

- Promote the implementation of the law on protection and promotion of the rights of disabled persons, and the Royal Government's policy for disabled persons.
- Give job opportunity and encourage the disabled persons who are qualified for a position and capable of performing their functions, their roles and responsibilities.
- Promote the dignity, well-being and rights of Cambodian disabled persons through the recognition of their capacity rather than just look at the disability of their disabled persons.
- Fulfill the obligations of Cambodia as a signatory of the Convention and of the treaty on human rights and on the rights of the disabled persons.

Article 3

This Sub-Decree applies to ministries, state institutions and legal entity who are obliged to recruit disabled persons who are qualified and capable of performing their functions, their roles and responsibilities.

Article 4

Appropriate facilitation with overloaded burden refers to facilitation of the type of work and working conditions, training, environment, workplace, means, materials/equipment that are beyond the ability of the heads of the ministry, state institution and legal entity.

Chapter 2

Determination of Quota for Disabled Persons for Employment

Article 5

Ministries, state institutions with a total number of 50 (fifty) or more employees must employ disabled persons who are qualified and capable of performing their functions, their roles and responsibilities as per the type of work, as stated in article 11 of this Sub-Decree in the framework of civil servants of 2% (two per cents) of the total number of civil servants.

The determination of quota for the disabled persons to serve the Royal Cambodian Armed Forces shall be determined by a Prakas of the Minister of National Defense.

Article 6

Legal entity having a total number of 100 (one hundred) or more workers/employees must employ disabled persons who are qualified and capable of performing their functions, performing their roles and responsibilities as per the type of work as stated in article 11 of this Sub-Decree 1% (one per cent) of the total number of workers/employees.

Article 7

Ministries, state institutions and legal entity having civil servants, workers/employees less than that stated in articles 5 and 6 of this Sub-Decree and have employed disabled persons who are qualified and capable of performing their functions, their roles and responsibilities as per the type of work as stated in article 11 of this Sub-Decree will receive an appreciation as per article 17 of this Sub-decree.

Article 8

Ways of calculation of the number of disabled persons as per the criteria for type and level of disability as stated in article 20 of the Law on the Protection and Promotion of the Rights of Persons with Disability shall be as follow:

| Type of work | Type of disability | Level of Disability | Calculation |
|--|---|----------------------------|--|
| Full-time civil servants and employees | Physically disabled | Severe | One disabled person equals two |
| | Mentally disabled that has been rehabilitated | | |
| | Physically disabled | Mild, Moderate | One disabled person equals one |
| | Mentally disabled that has been rehabilitated | | |
| Short-term employees | Physically disabled | Severe | One disabled person equals one |
| | Mentally disabled that has been rehabilitated | | |
| | Physically disabled | Mild, Moderate | One disabled person equals half a person |
| | Mentally disabled that has been rehabilitated | | |

Chapter 3 Recruitment

Article 9

Ministries, state institutions shall give notice in writing to the Ministry of Social Affairs, Veteran and Youth Rehabilitation and the Secretariat of Public Functions in January every year about:

- The total number of civil servants except armed forces
- The number of disabled persons planned to be recruited as per the quota
- The number of physically disabled civil servants (mild, moderate)
- The number of physically disabled civil servants (severe)
- The number of mentally disabled civil servants (mild, moderate)
- The number of mentally disabled civil servants (severe)

In the event that the ministries, state institutions receiving a principle from the Royal Government for recruiting civil servants shall make a plan to recruit disabled persons as per the quota stated in article 5 above and send the plan to the Ministry of Social Affairs, Veteran and Youth Rehabilitation and the Secretariat of Public Functions within 1 (one) month after receiving the principle.

Article 10

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

- The total number of full-time workers/employees
- The number of disabled workers/employees to be recruited as per quota
- The number of full-time physically disabled workers/employees (mild, moderate)
- The number of full-time physically disabled workers/employees (severe)
- The number of full-time mentally disabled workers/employees (mild, moderate)
- The number of full-time mentally disabled workers/employees (severe)
- The number of short-term physically disabled workers/employees (mild, moderate)
- The number of short-term physically disabled workers/employees (severe)
- The number of short-term mentally disabled workers/employees (mild, moderate)
- The number of short-term mentally disabled workers/employees (mild, moderate)

In the event of the legal entity not recruiting enough physically and mentally disabled persons as per the quota stated in article 6 of this Sub-decree, the legal entity shall make a re-recruitment plan and send it 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

The Ministry of Social Affairs, Veteran and Youth Rehabilitation in collaboration with the Ministry of Labour and Vocational Training shall determine the types of work that can be performed by disabled persons and sends it to all ministries, state institutions and legal entity who are obliged to recruit disabled persons and widely and publicly disseminate the information.

Article 12

The date of any job examination for civil servant framework that may has physically or mentally disabled persons who are qualified and capable shall be determined and disseminate at least 3 (three) months before the examination date. In case of urgency, the dissemination shall be made at least 30 (thirty) days.

For the employment of enterprises, establishments and non-governmental organizations shall be made at least 30 (thirty) days.

Article 13

All ministries, state institutions and legal entities that have not yet employed disabled persons who are qualified and capable of performing their functions, their roles and responsibilities as per the quota stated in Article 5 and Article 6 of this Sub-decree shall make a recruitment plan to fill the inadequate number within 3 (three) years at the latest.

The supplementary recruitment shall be made every year. At least 30 (thirty) percent of the total recruitment plan shall be recruitment each year within 3 (three) years.

Chapter 4 Obligation and Facilitation

Article 14

Ministries, state institutions and legal entity are obliged to provide appropriate facilitation for disabled civil servants, workers, employees or apprentices or interns such as facilitation on the type and condition of work, training, environment, workplace, means, and equipment/materials except excessive facilitation.

Chapter 5 Contribution, Reward and Fine

Article 15

Heads of ministries, state institutions that have not fulfilled their obligation as per article 5 of this Sub-decree shall pay a contribution to Disability Foundation in the amount of 50 (fifty) percent of the basic salary of civil servants per month as per the type of framework for 1 (one) disabled civil servants

Legal entities that have not fulfilled their obligation as per article 6 of this Sub-Decree shall pay a contribution to Disability Foundation in the amount of 40 (forty) per cent of the monthly minimum salary of workers/employees for 1 (one) disabled worker/employee.

Article 16

Payment of a contribution as stated in Article 15 above shall be carried out as per the procedures determined by the Prakas of the Minister of Social Affairs, Veterans and Youth Rehabilitation at the request of the Governing Council of Disability Foundation.

Article 17

Heads of ministries, state institutions and legal entities that have fulfilled the obligation more than that stated in articles 5 and 6 of this Sub-decree shall receive an appreciation and/or other incentives in accordance with the law which shall be determined by the Prakas of the Minister of Social Affairs, Veterans and Youth Rehabilitation at the request of the Governing Council of Disability Foundation.

Article 18

Heads of ministries, state institutions and legal entities that have not fulfilled the obligation as stated in Article 5, Article 6 and Article 15 of this Sub-decree and refused to pay a contribution to the Disability Foundation shall be receive an interim fine as stipulated in Article 54 of the Law on the Protection and Promotion of the Rights of Persons with Disability.

In case of not complying with the above paragraph, there shall be a punishment as stated in Article 56 of the Law on the Protection and Promotion of the Rights of Persons with Disability.

Chapter 6
Final Provisions

Article 19

Any provisions contrary to this Sub-decree shall be abrogated.

Article 20

Minister in charge of the Council of Ministers, Minister of Economy and Finance, Minister of Social Affairs, Veteran and Youth Rehabilitation, Minister of Labour and Vocational Training, State Secretary of the Secretariat of Public Functions, Head of the Council for the Development of Cambodia, ministers and secretaries of states of all ministries and state institutions as well as legal entities shall be in charge of implementing this Sub-decree from the date of signature.

Phnom Penh, 30 August 2010

Prime Minister

(signed and stamped)

Samdach Akka Moha Sena Padei Techo Hun Sen Hun Sen

Place to receive:

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

Unofficial Translation

- Official gazette
- Archives