

GOVERNMENT DECREE NO. 7/2016

of 15 June

NATIONAL LABOUR COUNCIL

The approval of the Labor Law by the National Parliament in 2012, respecting the provisions of the Constitution of the Republic and the main international labor justice instruments already ratified by Timor-Leste, represents a significant milestone in the development of the Timorese legal system and the consolidation of the rule of law.

The new Labor Law regulates individual and collective labor relations, providing for the rights and duties of workers and employers, with special emphasis on social partners and social dialogue. In this scope, it is foreseen that the Government creates the National Labor Council, of tripartite composition, in order to give continuity to the activities being developed since 2002, in the scope of the promotion of labor relations.

In this line of continuity, the structure of the Secretariat of State for the Professional Training and Employment Policy (SEPFOPE) promotes the creation of the National Labor Council, as a consultative body, of tripartite composition, leaving the approval of its statute to a later diploma.

Thus,

The Government, under the terms of Article 100 of Law No. 4/2012 of 21 February, which approves the Labor Law and Article 7 of Decree-Law No. 27/2015 of 19 August, decrees the following:

Article 1

Nature

The National Labor Council, hereinafter referred to as NLC, is the tripartite consultative body of the Secretariat of State for Vocational Training and Employment Policy, abbreviated to SEPFOPE.

Article 2

Duties

These are NLC's duties:

- a) to promote social dialogue and consultation between social partners;
- b) to give an opinion on the development of policies and legislation concerning labor relations;
- c) to propose the national minimum wage;
- d) to serve as a forum for collective bargaining;
- e) adopt its rules of procedure;
- f) any other that is assigned to it by law.

Article 3

Composition

1. The NLC is composed of:

- a) Three representatives of the Government, one of them being the President and the other Vice-President;
- b) Two representatives of Employers' Organizations (CCITL);
- c) Two Trade Union representatives.

2. The appointment of the members referred to in the preceding paragraph shall respect gender equality.
3. The three Government representatives in the NLC shall be appointed by the Government member responsible for the coordination of economic affairs, after hearing the Government member responsible for the area of labor, for a term of three years, renewable once for an equal period.
4. The remaining members of the NLC are proposed by the employees' organizations and trade unions and appointed by the Government member responsible for labor area professional training and employment, for a term of three years, renewable once for an equal period.
5. The employers' and trade unions' organizations registered under Article 85 of the Labor Law are responsible for determining, by common agreement, the criteria for appointment of representatives to the NLC.

Article 4 **Remuneration**

Members of the NLT shall be remunerated by means of attendance tickets in the category subsidy value mentioned in the bylaws.

Article 5 **Functioning**

1. The NLT shall meet ordinarily once a month and extraordinarily whenever convened by its President.
2. When convening meetings, the Chair shall indicate the agenda, the place of the meeting, the date and time of the meeting.
3. The meeting shall be subject to the presence of at least 5 of the members referred to in Article 3(1), and at least two government representatives.
4. NLC Meeting related expenses shall be borne by the State budget appropriation of the member of Government responsible for the area of labor, professional training and employment.

Article 6 **Deliberations**

1. NLC deliberations shall be adopted, whenever possible, by consensus.
2. If no consensus can be reached, the NLC shall deliberate by a majority of votes, without considering abstentions, with the chairman having a casting vote in case of a tie.
3. The deliberations of the NLC shall be of an advisory nature.
4. The deliberations of the NLC shall always be reasoned.
5. The deliberations of the NLC shall be recorded in minutes by its Chair, sent by letter to all members and approved at the meeting immediately thereafter.

Article 7 **Rules of Procedure**

The National Labor Council must approve its internal regulations within 90 days of the publication of this decree.

Article 8 **Entry into force**

This decree shall enter into force on the day after its publication.

Approved by the Council of Ministers on 12 April 2016

Be it published.

The Prime Minister,

Dr. Rui Maria de Araújo

The Minister of State, Coordinator of Economic Affairs,

Estanislau Aleixo da Silva