

# **ESTABLISHMENT REGULATION FOR TRAINING PROVIDERS 2011**



**Department of Human Resources  
Ministry of Labour and Human Resources  
The Royal Government of Bhutan**





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Ministry of Labour and Human Resources

'Building Quality Workforce for Productive Employment'



MINISTER

## FOREWORD

The Establishment Regulation for Training Providers 2011 is a revised regulation developed with the objective to create an enabling environment for establishment of private as well as public Technical and Vocational Education and Training (TVET) institutes in the country. The regulation lays out clearly defined processes to be followed by training institutes or promoters, both national and in the form of FDIs in setting up institutes to deliver TVET programs in Bhutan. This is clearly seen as a way of both increasing access and choice of TVET opportunities for skills development in the country as well as in improving the quality of TVET programs thereby contributing in reducing the mismatch between demand and supply of market relevant skills and increasing the employability of graduates from the various programs.

Through this regulation, the Ministry will foster private individual(s)/entity(s) or FDI ventures to not only establish training institutes but also to introduce market relevant training and skills development thereby enhancing employability of the Bhutanese youth in the labour market. Entrepreneurs will be guided to make informed decisions in setting up institutes to deliver market relevant training programs which will contribute to the sustainability of the business venture and also in ensuring quality and in promoting competition

The Department of Human Resources (DHR) under the Ministry of Labour and Human Resources will ensure enforcement of this regulation. This Establishment Regulation shall further serve in directing training providers to comply with the *Registration Regulation for Training Providers, 2010* enforced by the Department of Occupational Standards (DOS), Ministry of Labour and Human Resources.

We hope that this regulation will provide useful guidance and information to all national individual(s)/entity(s), agencies as well as foreign investors wishing to establish TVET institutes in the country.

A handwritten signature in black ink, appearing to read 'Dorji Wangdi'.

Dorji Wangdi  
Minister



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## 1. Citation

This regulation may be cited as the ‘Establishment Regulation for Training Providers, 2011’.

## 2. Application

This regulation shall have jurisdiction over licensing and establishment of private and public training institutes by private individual (s)/ enterprise (s)/ entity (ies) or any Government, Corporate, Non-Governmental Organizations (NGO) and Foreign Direct Investment parties in the country to offer vocational training program (s).

## 3. Interpretation

- 3.1 *Regulation* means the ‘Establishment Regulation for Training Providers, 2011’.
- 3.2 *TVET* means programs which are practical/ technical/ occupational skills oriented for direct entry into the labour market as defined under level 5B for diploma level courses and 4B for certificate level courses, of the International Standard of Classification of Education (ISCED) produced by UNESCO;
- 3.3 *Training Provider* means private, Public, Non Governmental Organization (NGOs) and FDI training institute(s) offering Technical and Vocational Education and Training (TVET) program(s);
- 3.4 *Promoter* means individual (s)/ enterprise (s)/ entity (ies), NGOs, FDI and Public Agencies in whose name the institute license of the training institute shall be recommended for issuance;
- 3.5 *Training* means TVET training offered by the Training Providers;
- 3.6 *MoLHR* means the Ministry of Labour and Human Resources
- 3.7 *DHR* means the Department of Human Resources, MoLHR which has the sole authority to review proposals for establishment of training institutes in the country and has the sole authority to recommend for issuance of Institute license to MoEA;
- 3.8 *DOS* means the Department of Occupational Standards, MoLHR;
- 3.9 *DoI* means the Department of Industry, and *RTIO* means Regional

Trade and Industry Office under Ministry of Economic Affairs (MoEA) where promoters of training institutes have to follow up for institute license upon recommendation by DHR. The DoI and RTIO has the sole authority for issuance/ renewal of business license in the Kingdom of Bhutan; FDI training provider (s) have to follow up with DoI and the local training provider have to follow up with RTIO in their respective region; and

3.10 License means institute license to function as a training institute issued by the DoI/ RTIO, MoEA under the *'Rules and regulation for Establishment and Operation of Industrial and Commercial Ventures in Bhutan'*.

#### 4. Background

- 4.1 One of Bhutan's aspirations is to become a knowledge economy with professionals and citizens well equipped with employable skills. Towards this end, Technical and Vocational Education and Training (TVET) can provide the most rapid, scale-up of skilled supply to drive the engine of economic development in Bhutan. However, Bhutan's current technical and vocational education system is inadequate to play the pivotal role required due to various constraints such as insufficient capacity to address future up-skilling needs, limited linkage with employer needs resulting in low employment, inadequate quality (gap in faculty quality and curriculum) and low attractiveness of vocational education in Bhutan. TVET is not a mainstream choice for youth in Bhutan today;
- 4.2 TVET was introduced in Bhutan in the 1960s and the Ministry of Labour and Human Resources (MoLHR) was established in 2003 to provide and coordinate technical and vocational education and skills training for the school leavers and Bhutanese youth through the DHR. TVET has received great importance in developed parts of the world in both meeting the needs of the economy as well as in providing a wide range of career opportunities to job seekers. Bhutan, stands at a critical juncture with rapidly increasing unemployment among its young population on one hand and on the other, a workforce which does not consider vocational education attractive enough to make a career out of it. The MoLHR faces the challenge of promoting TVET as an attractive and mainstream choice for Bhutanese youth leaving the formal education system;
- 4.3 Considering the role that TVET can play in Bhutan's socio-economic development the Government has also placed the need to make TVET a success in Bhutan. MoLHR is working towards

transforming TVET system in the country through various reforms, such as rebranding and re-positioning TVET, strengthening PPP in promoting TVET, fostering greater understanding of TVET both amongst parents and students alike, improving quality of training infrastructure, curriculum and teaching pedagogy in the TTIs, increasing access to TVET through increased intake as well as establishment of additional TTIs and IZCs, promoting and encouraging establishment of private TVET providers and diversifying TVET programs beyond what is offered in public TVET institutions; and

- 4.4 In ensuring that TVET becomes a success in Bhutan, employers viz-a-viz the private sector must play a pro-active role in assisting the government to adopt the right strategies and accordingly play their part and foster socio-economic development, one of the pillars of our development philosophy of GNH.

## **5. Objective**

5.1 The objectives of the Establishment Regulation are to:

- 1.1.1 Institute a clear set of procedure and regulations for establishment of institutes offering TVET Program (s) in the country. The training (s) offered may be at certificate or diploma levels as befits a vocational training as per international standard;
- 1.1.2 Develop TVET institutes of international standard and quality; and
- 1.1.3 Facilitate and promote private participation by both national and international players.

## **6. Scope**

- 6.1 The framework shall include review of proposals for establishment of public and private training institutes offering TVET program (s), both by local promoters as well as under the FDI arrangements;
- 6.2 FDI participation in TVET delivery shall be within the rules and regulations allowed under the FDI Policy. Such proposals shall be first reviewed by the DoI and then proposals for establishment of training institutes may accordingly be submitted to DHR with the FDI Registration Certificate;

- 6.3 The framework shall allow DHR to recommend for issuance of license to the DoI or RTIO based on start up investment<sup>1</sup>. Business operations shall be subject to receipt of actual institute license as per the conditions within the *Rules and Regulation for Establishment and Operation of Industrial and Commercial Ventures in Bhutan*, of the MoEA, and further subject to subsequent registration with DOS; and
- 6.4 The framework shall entitle business ventures in providing TVET, subject to relevant laws and regulations of the Kingdom of Bhutan.

## 7. The promoter for a training institute shall:

- 7.1 Submit the application for proposal addressed to:  
Director  
Department of Human Resources  
Ministry of Labour and Human Resources  
Thimphu, Bhutan  
P.O Box no. 1036
- 7.2 Submit duly filled Establishment Form (Annexure I) and Technical Form (**Annexure II**) for the following:
- 7.2.1 Establishment of new Institute;
  - 7.2.2 Expansion to other location (s); and
  - 7.2.3 Introduction of additional course (s).

### 7.3 *For Notification and Approval*

Training Institute shall notify and get approval from the DHR for the following changes using Establishment Form (**Annexure I**):

- 7.3.1 Name change;
  - 7.3.2 Ownership change;
  - 7.3.3 Discontinuation of course (s);
  - 7.3.4 Closure of institute (s); and
  - 7.3.5 Other (s)
- 7.4 For promoters intending to establish an institute under FDI shall first submit the proposal to DoI for issuance of FDI Registration Certificate, upon which proposal can be submitted to DHR along with FDI Registration Certificate.

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<sup>1</sup> For businesses with investment less than Nu. 10 Million, recommendation for licensing shall be directed to RTIO, MoEA and for higher investment to DoI, MoEA.

## 8. Procedures

- 8.1 Promoters shall submit proposal for establishment of private training institute to the address mentioned in clause 7.1 of this regulation;
- 8.2 The officer concerned in DHR, shall provide necessary comments on the proposal if it is not found in line with the *Establishment Regulation for Private Training Institutes, 2011*;
- 8.3 The DHR shall convene the institute Establishment Review Committee (ERC) meeting with the promoter within one month of receipt of the proposal;
- 8.4 The DHR shall carry out necessary study of the need and relevancy of the proposed institute (s) in consultation with relevant stakeholders and provide feedback, guidance and further recommendation to the promoter (s) during the ERC meeting;
- 8.5 The DHR shall issue recommendation based on the outcome from the ERC meeting either for issuance of license to DoI/RTIO or for further review of the establishment proposals; and
- 8.6 The promoter shall follow up with DoI/RTIO for license or revise the proposal accordingly.

## 9. Evaluation of Proposal

- 9.1 The proposal for establishment of private training institute (s) shall be reviewed by the ERC within one month from the date of receipt of proposal by the DHR;
- 9.2 The ERC shall comprise of individuals from following agencies for training under 4B1 of ISCED (Certificate level training) UNESCO definition:
  - 9.2.1 Department of Human Resources (DHR);
  - 9.2.2 Department of Occupational Standards (DOS);
  - 9.2.3 Department of Employment (DOE); and
  - 9.2.4 Department of Labour (DOL)
- 9.3 Representation of a related organization (for e.g.; RSTA in the case of Driving Institute, Tourism Council of Bhutan in case of

Hospitality and Tourism Institute) will be invited depending on the nature of the proposal;

- 9.4 In addition to individuals from clause 9.2 of this regulation, for proposals related to training under 5B of ISCED (Diploma level training), UNESCO definition, the ERC shall also comprise of following individuals:
- 9.4.1 Department of Adult and Higher Education (DAHE); and
  - 9.4.2 Royal University of Bhutan (RUB).
- 9.5 The review /evaluation of proposal shall take place through a presentation made to the ERC (for nature of proposals as under **clause 7.2**) for by the promoter, which shall provide an interactive platform for promoter(s) to be informed on the rules and regulations governing establishment and operation of training institutes providing TVET programs. This shall also facilitate promoters to receive substantive comments on their proposals, should the latter be found to be short of the minimum requirement as per the revised *Establishment Regulation for Private Training Institutes, 2011*;
- 9.6 For the nature of changes as under **clause 7.3**, the dealing officer in MoLHR shall put this up to the ERC and accordingly convey the decision to the promoter;
- 9.7 In the event the proposal does not meet the specified basic requirements, ERC members may accordingly direct the promoter for re-submission of the proposal/ rebuttal of the same within one month;
- 9.8 The ERC shall communicate critical feedback and comments to the promoter for incorporation in their revised proposal, which will accordingly undergo the process of review once again;
- 9.9 Proposals fulfilling the minimum criteria will be recommended to DoI/ RTIO for issuance of institute license; and
- 9.10The ERC shall have the full authority to reject or recommend any establishment proposal for licensing.

## 10. FDI/ International Players<sup>2</sup>

### 10.1 FDI Registration:

**FDI Registration Certificate (FDIRC) will be issued by the MoEA within two working weeks of submission of completed FDI Registration Application Form.** Registration of FDI will convey the right to be treated equally to a similar citizen-owned investment seeking to invest in the sector or activity. The issuance of a FDIR Certificate will not construe approval of the project proposed by the foreign investor. Registered foreign investor will be required to seek and gain all appropriate and necessary approvals, permits, licenses or registrations that any investor, foreign or citizen, wishing to commence operations in Bhutan. In seeking these approvals, permits, licenses or registrations, the foreign investors shall be required to produce the FDIR Certificate;

### 10.2 FDI Business Approval

A multi-sectoral FDI Committee chaired by the Ministry (MoEA) with representatives from relevant agencies shall appraise and approve FDI proposals. The Committee shall have the authority to approve and/or deny proposals based on the criteria approved and adopted. Representatives from the agencies that are not represented in the Committee shall be invited as and when deemed necessary. **The decision on the FDI proposals shall be conveyed within 45 days from the date of submission of completed documents.** The criteria for approval/ denial may be based, inter-alia, on the envisaged contribution of the proposed activity to the following:

- 10.2.1 GNH principles including FDI focus areas as in the FDI Policy;
- 10.2.2 Generation of employment for Bhutanese
- 10.2.3 Revenue contribution
- 10.2.4 Foreign exchange earnings
- 10.2.5 Value addition
- 10.2.6 Invention/ Innovation
- 10.2.7 Minimum investment of 25 million
- 10.2.8 Other requirements specified under clause 8 of this regulation

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2 Extracted from the FDI Policy, 2010

Notwithstanding the above provisions, the Royal Government of Bhutan (RGoB) reserves the right to reject any investment proposal without assigning any reasons. Whereas, the proposal is on setting up a TVET institute in Bhutan, the promoters shall approach the MoLHR as given under **clause 7** of this regulation. For further information regarding the FDI venture in training institute(s) Promoter(s) can go through FDI policy and Economic Development Policy 2010.

## **11. Environmental Requirements**

11.1 The promoter shall ensure that their proposal/ project is developed in line with the environmental legislations of the Kingdom of Bhutan and shall make necessary provisions for adopting mitigation measures against any form of adverse impacts that may result from generation of e-waste, or any hazardous waste that may be detrimental to the environment.

## **12. Registration**

12.1 Upon receipt of license from DoI/ RTIO, MoEA, the promoter(s) shall register with the DOS within one year, failing which DOS shall reserve the right to assume that the training institute is no longer operational and take action for deregistration;

12.2 Registration is mandatory for all TVET training providers in the country;

12.3 The promoter shall refer to ‘Regulation for Registration of Training Providers, 2010’ for registration details; and

12.4 Registration shall allow promoters to get Certificate of Registration which can be used to renew the license with RTIO/ DoI.

## **13. Accreditation**

13.1 On issuance of Certificate of Registration, an institute can apply for accreditation with DOS;

13.2 If affiliated with reputed external accreditation bodies, the institute shall submit to the DOS, the list of overseas recognized occupational standards and documentation of accreditation by the overseas qualification agency, if any;

13.3 Upon applying for accreditation of institute’s programs to the Ministry, the DOS shall assess the application for accreditation based on documents submitted and validation by physical inspection as per the Accreditation Regulations; which can be used

to renew the license; and

13.4 Accreditation is not mandatory but recommended under this regulation.

**14. Repatriation**

14.1 In the case of FDI ventures, repatriation of capital and remittance of dividends shall be governed by the Income Tax Act of the Kingdom of Bhutan, the Foreign Exchange Regulations of Bhutan, the Foreign Direct Investment Policy and the Foreign Direct Investment Rules and Regulations.

**15. Incentives & Exemption**

15.1 Any form of incentive and exemption shall be as per the provisions under the Economic Development Policy (EDP) and the FDI Policy. Agencies concerned shall accordingly obtain approval of the RGoB on any other incentive and exemption sought by the promoter, as applicable under relevant policies.

**16. Administration**

16.1 The administration of the various rules and regulations mentioned herein shall be carried out by respective agencies/ Ministries responsible for overseeing the same under their jurisdiction.

**17. Amendments**

18.1 This Regulation may be amended by the DHR from time to time as per the needs and changes in national priorities, government policies and future trends of TVET System in the country.

**Annexure I**

**Establishment Form**

Promoter's Details; Name of the Promoter(s) Nationality CID No:  Date of Birth (Day/Month/Year) Sex: Village: Gewog: Dungkhag: Dzongkhag: Name of Spouse/Father (as applicable):	_____ _____ ..... 1. Male/Female(Please tick mark on your choice) ..... ..... ..... ..... .....
Contact Information	PostalAddress: _____ Phone : _____ Fax : _____ Mobile : _____ Email _____ Website : _____
Submission Type	A) Establishment of new Institute B) Expansion to other location C) Introduction of additional courses D) Name change E) Ownership Change F) Discontinuation of course(s) G) Closure of institute (s) H) Other(s) Specify <i>(Place tick Mark on your choice)</i>
Write a proposal in case of option <b>A, B &amp; C</b>	Fill <b>Technical Form (Annexure II)</b>
Explanation for submission type <b>D, E, F, G &amp; H</b>	..... ..... .....
Proposed name of the Institute [in case of option <b>A, B&amp; C</b> ] Specify new owner in case of option <b>F</b>	..... ..... .....
Institute Location (Exact Location) : Village/Town: Gewog: Dungkhag/Dzongkhag:	..... ..... ..... .....

Investment:	.....
Working Capital:	.....
Promoter's Equity:	.....
Loan:	.....

Enclose the following Documents:

- Citizenship ID Card
- Valid No Objection Certificate from Police
- FDI Registration Certificate (in case of FDI proposals)

**Declaration:**

*I certify that the information provided is true, complete and accurate to the best of my knowledge. I realize that any false, fictitious, or fraudulent statements may be subjected to administrative penalties. I am fully aware and understand the Establishment Regulation for Training Provider.*

***Signature(s) of Promoter***

***Date:.....***

1. ....

2. ....

**Seal & Signature of  
Endorsing Authority  
Director DHR/ Chairperson  
Establishment Review Committee, MoLHR**

**Annexure II**

**Technical Form**

- I. The promoter is required to submit proposal (s) using the following outline with clear and complete information for enabling proper understanding during the review;
  - a. Title page (providing name of the institute and promoters details)
  - b. Table of Content
  - c. Forwarding Letter
  - d. Duly Filled Establishment Form & Technical form
  - e. Introduction; this section should outline the following:
    - i. The project rationale/purpose of the project
    - ii. Institute vision (statement about Institute growth)
    - iii. Mission statement (business purpose)
    - iv. Business goals and objectives

The proposal should contain the following details about the Promoter:

- a. Full Name: ..... Citizenship Identity Card No: .....  
Age: ..... Sex: .....
- b. Name of Father: ..... Name of Mother: .....  
Marital Status: ..... Name/ Occupation of Spouse: .....
- c. Permanent Address:  
Village/Town:.....  
Geog: .....,Dungkhag: .....,  
Dzongkhag: ..... House No:..... and;  
Thram No:.....
- d. Mailing or Contact Address (if different from above).....
- e. Post Office Box #:.....; Telephone/Facsimile #: .....;  
and Email Address: .....
- f. Promoter's Academic Qualification/ Experience: .....
- g. Promoter's current line of business (es) (if any): .....
- h. Proposed/Registered name and address of the current business: .....  
.....

**Note:** In case of partnership ventures, the above information is required for all the partners with complete description of legal structure of the business (proprietorship, partnership, cooperation, etc).

**II. Proposed project Location and Size of the Training Institute**

- a. Provide the name of the proposed and alternative project site: name of the area; city/town/village; Geog; Dungkhag and Dzongkhag. Specify whether the proposed site is self owned, to be purchased, rented,

commercial building/area, Government land, industrial or service estate. Explain the reasons for the selection of the site (Advantages of location). (Attach an institute map on an A4 size paper showing the detail infrastructure available near the proposed institute. For Example like road, building, offices etc).

**Note:** The location selected for establishment of training institute must be permanent and conducive to teaching and learning.

**III. Training Plan, Services and Assessment**

- a. Describe Training Plan(s) and Trainer-trainee ratio
  - i. Specifically describe all of your services
- b. Explain how the institute will do assessment and certification of the trainees

**Note:** The training provider must have planned activities and appropriate resources to support teaching and learning

**IV. Market Needs Analysis and Marketing**

- a. Describe your training institute and its outlook as a business/service entity.
- b. Provide a general profile of your targeted clients.
- c. Describe what share of the market you currently have /or anticipate.
- d. Explain your marketing strategies.

**V. Staffing (this section should include):**

- a. Organization chart of the institute
- b. Staff needs analysis/team composition and task assignment(Attach separate sheet if required)

Name of Faculty	Nationality	Education Qualification	Position Assigned	Task Assigned

**VI. Trainer’s profile/ Required Trainers’ Profile (Attach separate sheet if required)**

Trainer’s Name	Date of Birth	Education Qualification	Training Attended	Work Experience	Training Experience

**Note:** Attach Trainer’s CV, Citizenship ID copy, copy of relevant qualification and merit certificates. The training provider must have qualified teaching faculty in order to be able to deliver high quality teaching and provide relevant opportunities for their professional development and monitor their performance from time to time. Further, the training provider must also ensure that their teaching faculty should be, at least, one level higher in terms of qualification and must possess greater experience than the trainees (For instance, if the institute offers certificate course(s) then the trainer (s) must at least have diploma qualification).

**VII. Course Profile (Attach separate sheet if required)**

Program/ Course Title	Duration of the Training		Targeted Clients	Fee per candidate in Ngultrum
	Hrs/day	Total Duration		

The training institute must ensure that course (s)/program (s) identified should be relevant and market oriented or accredited by DOS.

**VIII. Infrastructure**

Provide an assessment of the level of infrastructure facilities available/ to be made available at the proposed site and information on additional infrastructure (road access, power lines, and telecommunication lines, water supply and sewerage, specific plot area, etc. )

**IX. Equipments and Facilities**

Provide details on the number of class rooms, office rooms, and other

infrastructure details equipment/tools for training, cafeteria facility, library and other relevant training equipment and facilities.

**X. Financial Management (Explain clearly the financial plan of the proposed training institute as highlighted below):**

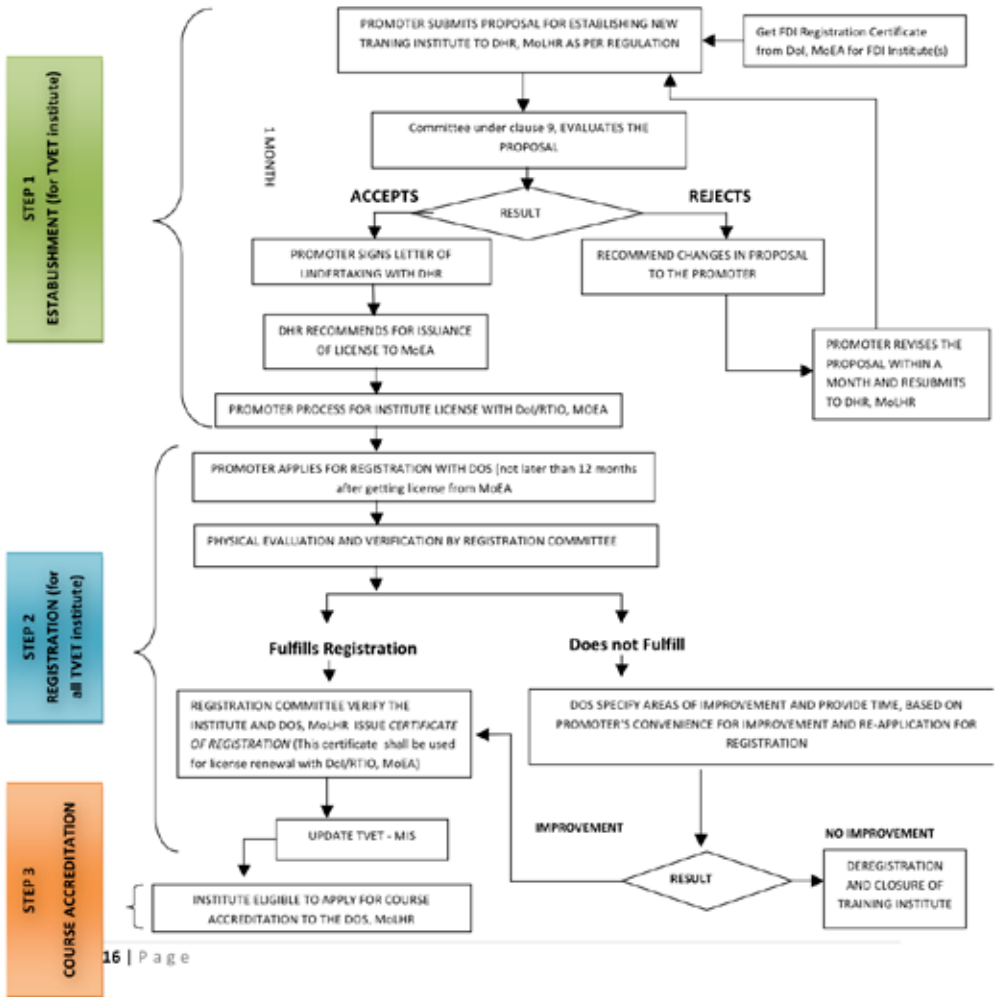
- a. Investment:
- b. Working Capital:
- c. Promoter's Equity:
- d. Loan:

**XI. Employment Prospect**

- a. Explain how the training institute would assist trainees to secure employment
- b. Ensure employment guarantee for certain percentage of trainees in each batch

**SWOT Analysis:** Clearly identify the Strength, Weakness, Opportunity and Threat of the proposed training institute (s).

### Flow Chart FLOW CHART FOR THE ESTABLISHMENT OF TRAINING INSTITUTE AND REGISTRATION PROCEDURES FOR ALL TRAINING PROVIDER(S)





མི་སྡེ་བསལ་ལས་ཁུངས་།  
ལས་གཡོག་ལྷན་ཁག།  
དཔལ་ལྷན་འབྲུག་གཞི་རིགས་།  
**Department of Human Resources**  
**Ministry of Labour and Human Resources**  
**Royal Government of Bhutan**



Annexure V

### Undertaking

I,Mr/Ms/Agency .....  
..... of .....  
Village,.....Gewog and .....Dzongkhag  
bearing Bhutanese Citizenship Identity No. .... hereby  
accept recommendation from the Department of Human Resources, Ministry  
of Labour and Human Resources as per the proposal submitted by me to  
establish ..... at  
.....

#### I/We, hereby undertake to:

1. Establish Training Institute as per the proposal submitted to the Department of Human Resources (DHR), Ministry of Labour and Human Resources (MoLHR);
2. Register in accordance with the *Regulation for Registration of Training Providers 2010* with the Department of Occupational Standard (DOS), MoLHR, within one year of issuance of forwarding letter for license, failing which MoLHR shall reserve the right to assume that my training institute is no longer operational and therefore deregister my training institute;
3. Understand that Registration is mandatory for all public and private training provider in the country in order to operate as a training provider and for renewal of trade license with the *Regional Trade and Industry Office or Department of Trade, MoEA*;
4. Declare and understand that approval of license does not in any way constitute an obligation by the licensing authority or any Government agency to provide financial support/ land/space/manpower to me/ us to carry-out business;
5. Certify that the information furnished herewith is true to the best of my knowledge and principle. In the event of detection of false or misleading information, I/We confer herewith absolute authority the Ministry of Labour and Human Resources to take any action deemed appropriate

- including cancellation of the license; and
6. Uphold all the laws of the Kingdom of Bhutan and observe all internationally accepted norms, code and ethics of business in the delivery of quality training in my institute.

I/We hereby confirm that I have been briefed on the *Establishment Regulation for Training Providers 2011* and *Regulation for Registration of Training Providers 2010* and *FDI Policy*. I have understood them, including the implication and consequences of deviating from them.

Date:

Place:

Signature of Applicant

(Affix Judicial Stamp)

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Approved by Establishment  
Review Committee  
Ministry of Labour and Human Resources

Seal & Signature of  
Director, DHR/  
ERC Chairperson

Date:

Place: