



**MINUTE OF
THE 34TH HRM LEARNING FORUM
ON
“LEGAL COMPLIANCE ON EMPLOYMENT TERMS AND CONDITION”
31st May 2017, Diakonia Center/KSSA Building**



*Prepared By: Ms. Keo Mara, Learning Specialist
Supported By, Ms. Soeung Satya, HR Specialist*

I. Introduction

As the longest established membership organization in Cambodia, the Cooperation Committee for Cambodia (CCC) has played a unique role since 1990 in strengthening the cooperation, professionalism, accountability, governance, and development effectiveness of the Civil Society Organizations (CSOs) that are working across diverse sectors in Cambodia.

To keep responding to the needs of the NGO community; CCC had conducted the 33th HR Learning Forum on 23 September 2016 with the main topic is ***“Performance Management”***. 2017. To continue the series of the learning forum to further improve the capacity of the HR practitioner, the HR Working Group members decided to select the main topic which raised by NGO participants during the previous learning forum is ***“Legal compliance on Employment Terms and Condition”*** for the ***34^h HR Learning Forum in 2017***.

The 34th HR Learning Forum is designed for HR practitioners who come from members and non-members organizations of CCC and private sector. This event has full-day conducted on 31st May 2017 at Diakonia center (ICF/KSSA) with the **88 participants (44 women)** including CCC staff attended and they are came from one private sector, 21 INGOs and 29 LNGOs. The learning forum focused on specific objectives, expected outputs, and agenda as below:

II. Objective

1. To strengthen participant’s internal policy to comply with the relevant laws of Cambodia
2. To improve the understanding of participants on the ***Legal compliance on Employment Terms and Condition***
3. To give an opportunity for learning, sharing and build a stronger network of HR practitioners among CSOs community.

III. Opening Remarks

The 34th HRM Learning Forum was opened remark by Mr. Soeung Saroeun, Executive Director of CCC.

Firstly, he thanks giving to all participants who have attended in the HR learning forum to day. He emphasized that this learning forum is very important for the HR practitioners and staff to know and understand the policies and other relevance laws. He expressed that CSOs should follow and reflect to the four relevant laws: ***1) VAT number & Salary Taxation, 2) Labor Law, 3)Accounting Law(accounting standards) and 4) Social Welfare or NSSF.***

Finally, he sincerely thanks to HR working group who contributed their value time, energy, experience and resource to oversight and support the series of learning forums to respond to the true need of the learning community.

IV. Summary output of the 34th HR Learning Forum

Session 1: Review the last HR learning forum in 2016

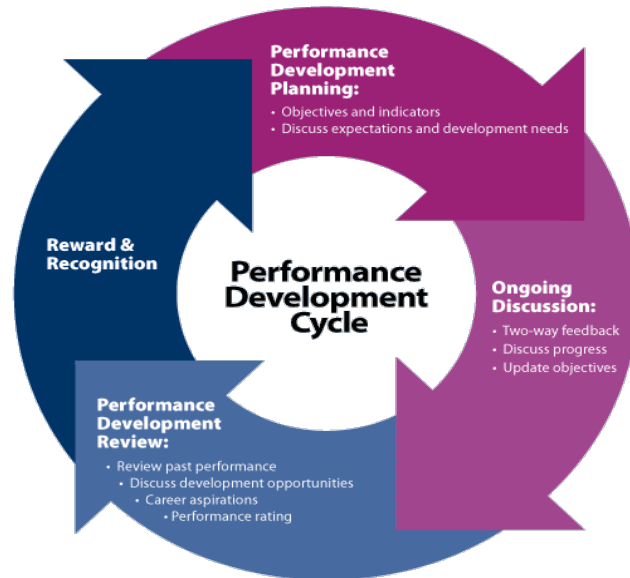
The last HR Learning forum in 2016 was reviewed by Ms. Soeung Satya, HR Specialist, CCC.

She explained briefly on the main points of “*Performance Management*” which has learnt in previous topic of the previous learning forum on 23 September 2016. Within this session, she shared briefly the key points as below:

- ▶ **The Performance Management can be focused: Organization, Department, Employee and Services.**
- ▶ **This session cover key points:**
 - *Performance Management,*
 - *Induction, Probationary/Performance setting,*
 - *Performance Appraisal,*
 - *Managing Poor/Unsatisfactory Performance,*
 - *360 Degree Feedbacks.*
- ▶ **Tips for successful use of probationary policies:**
 - *Be clear about the expectations*
 - *Give feedback regularly.*
 - *Get help for the employee*
 - *Get feedback from HR department*
 - *Documented everything*
- ▶ **The organization run smoothly should be consider the 6Ms:**
 1. Management
 2. Manpower
 3. Money
 4. Machineries
 5. Motivation
 6. Moral
- ▶ **The Comparison of performance evaluation with the 360 degree review**



► The Performance Development Cycle



To be learnt more on these topics she suggested participants access the detail information in the attached files on CCC website.

Session 2: Group Discussion on the real practical of participant on their internal policy (staff policy).

The participants were divided into three groups to discuss on the real practic of each organization on their staff policy which focused on staff recruitment, retention and termination by using the three questions of each topic as below:

1- Staff Recruitments:

- How to recruit staff effectively and quality?
- What are the challenges in staff recruitment? And,
- How do overcome those challenges?

2- Staff Retentions:

- How do you retent good staff?
- What are the challenges in retention staff? And,
- How do you overcome those challenges?



3- Staff Separation

- How many types of staff separation?
- What are factors that cause staff to separation from their work or organization?
- How do you overcome those challenges?

The results from the three groups' discussion

Group I. Staff Recruitments

a. How to recruit effective and quality staff?

We can do based on the resources of each organization; however, we have to follow the key points below:

- Design clear/Set up job description and job specification (Job evaluation, program/HR/finance...)
- Announcement (media, newspaper, Facebook, radio....)
- Short-list (if application met requirement)
- Interview (questions, rank sheet and results)
- Reference check
- Clear recruitment and Selection tools
- Appointment

Added by participants and HR Working members:

As the HR practitioners, besides the key points above, they have to concentrate on:

- Workforce planning at the recruitment process
- Reference check: we should check with the persons who worked in previous workplace as requested by committee and agreed by candidate. The reference check we must focus on the three points:

- **Personal Attitude =30%**
- **Educational Background =30%**
- **Work experiences = 40%**

Shared by: Mr. Pheap Mono, Director of HR & Administration, PSK

- The selection process(Interview performance) and reference check:
 - **Skills and experiences=50%**
 - **Behavior and Competency = 50%(it is a very important point)**

Shared by: Ms. Ang Dakmai, HR Advisor of Save the Children

And should follow the existing procedures 80% if it is right, but another 20% need to be analyzed by HR and management team.

b). The challenges of the recruitment processes:

The participants raised the key points that they met in the recruitment processes as listed below:

- Lack of cooperation from relevant department/programs
- Lack of qualified applicants
- Delayed and cancelled
- Interview process
- No workforce planning in place
- Not stated salary rank in Job announcement
- Reference check process
- Appointment (upon control/ was cancelled)
- Low salary rank and benefits
- Very technical position
- Location base and Organizational profile



c). **Solutions:**

- *Review salary scale every 3 years*
- *Prepare attractive and clear Job announcement*
- *Select the right advertising agency*
- *Prefer resident base and location base*
- *Encourage candidates to check website*

Group II. Staff Retentions

a. **Procedure to retain staff:**

The group results showing the ways how to retain staffs are below:

- Leadership and management style (fairness in any decision making, clear structure, motivation, transparency and accountability)
- Enabling environment at work place (have appropriate room and fresh)
- Career development
- Clear policies, JD ,roles and responsibilities
- **Motivation:** recognition, appreciation and engagement with staff (team meeting, enabling working/ environment working_ staff health and safety...)
- Good teamwork



Added by participants and HR Working members:

- *Building trust between staff and managers , mangers and staff, staff and staff is very important*
- *Non financial reward is very crucial for building trust(At the first day of work, manager should stay closely with the new staff)*

The 3 Rs are very important:

- Respect** should be linked to building trust*
- Recognized** the achievements of staff*
- Rewards** both non financial and financial base, salary...*

b). The challenges to staff retention:

- **No Promotion plan:** staff has no capacity; poor performance (high expectation), promotion/ salary,
- Budget: shortfall (capacity building)
- Career development / Aspiration
- Staff training and development
- Well-being
- Compensation and benefits
- Recognition and reward
- Work environment
- Family recognition
- Compleitive salary and benefits
- Management and leadership

- Behavior and capacity(managers and staff)
- Succession planning

c). Solutions:

- Effective Leadership (good relationship, social interaction, understanding staff...)
- Enforcement Policies: Compensation and Benefits (work life balance)
- Promote transparency and accountability
- Market survey on salary and benefits
- Build capacity
- Consultation and performance review

Group 3: The types of staff separation

The two types of staff separation:

1. Separation by volunteering (resign for new opportunity ...,etc.)
2. Non-volunteering(End staff contract or termination)

There are many factors that can make staff separation such as:

- New job opportunity
- Study opportunity and personal development
- Family conditions
- Work environment
- No encouragement and Low benefits
- Implementing Policies(it means it is not a full compliance policy)
- Financing (shortfall in fund/no fund)
- Organization restructure or redundancy
- Poor performance and poor management
- Resignation
- Health issue
- Teamwork
- Ending contract
- Work pressure or work overload
- Unsafe work and advocacy/dissatisfaction

c). Solutions:

- Clear any compensation and all staff benefits based on internal policies and labor law
- The resignation staff must handover the rest works and clear other properties that they used to their manager, before they leave
- Talent/succession planning
- Complaints or grievance policy
- Exits interview and salary survey
- Policies review and update
- Staff perception/attitude survey
- Staff representative
- Mentoring and coaching
- Career movement
- Warning procedure

Session 3: The presentation of speaker “Legal Compliance on Employment Terms and Conditions”

The Legal compliance on Employment Terms and Conditions were shared by Mr. Yun Sokhann, Expert of job consulting from CLEC.

He expressed that, that we have education, certificates, skills and experiences means we have only 50% to 60% of our knowledge, so to get 100% we have to learn more about other relevant laws in Cambodia.

Before he shared his skills, knowledge and experience related to this topic, he agreed with all the results shared by each group and HR working group members. He concluded that the group discussion results related to the Staff recruitment, Staff retention and staff separation/termination; he expressed that it's based on the situation and resources in each organization etc. He added that in generally, in CSOs sector they used term “policy” such as organizational policy or staff policy, but government used “*internal regulation*”. **He expressed that to be more effective organizational policy, the manger must be consult with all staff for policy development/reviewing process, and then submits the drafted policy to ministry of labor to get final approval.**



The related topic “Legal compliance on Employment Terms and Conditions”, he shared the seven contents by following below:

1. Declaration opening or closing of the firm (company / organization..)
2. Declaration/information of staff movement
3. Internal regulation of a company
4. Union or staff representative
5. Staff recruitment
6. Staff retention
7. Staff separation (*Please see the detail information in the attached file on CCC website.*)

The plenary sharing between speaker, HR Working Group and Participants

Q_ To become a staff representative, what are the requirements?

- More than eight staff can be voted or can be automatically promoted based on the situation of the organization.

Q_ How many kinds of staff contract?

- Two kinds of staff contracts: Fix duration contract (FDC) and Undetermined-duration contract (UDC)

The Fix duration contract (FDC):

- clear JD or documentation
- Clear time frame of staff contract

If the FDC more than 2 years; it will become UDC automatically (it means that if the staff worked more than 2 years even they signed or not signed to renew the contract). **To detail information please have a look labour law in article 67.**

The speaker expressed “the staff contract that should have more benefits than law is the best”

The probation period:

It is based on skills and experiences such as:

- No skill: one month period
- Partially relevant skill: two month period
- Skillful: three month period

HR Working Group: Q If staff could not pass probation within three months period, but the management team wants to continue probation in other three months, thus is it right or wrong?

- It based on the negotiation and personal voluntary with the contract if they don't have any problem, but if we have the problem and staff continued complaint to the ministry of labour, if so the ministry of labour will be shoveled the problem by following the labour law.
- If the probation period result is still not satisfied by manager, and then the manager extended the next three months probation period and already agreed each other (between staff and manager). In this case the extend probation period cannot be able, if they finished three months period, they will became a full time staff and to improve them we must have clear improvement plan together.(it means we cannot terminate without any serious mistake).
- Notice: If UDC least than 6 months should inform 7days and FDC least than 3months no need any inform, but we terminated before period we need to pay compensation and benefits based on the labour law.
- If they pass the probation but their performance is not satisfied by the manager, we can terminate with the reason, if they received advice from the organization.

Q In the probation period what are the benefits they will get? (Worked only 2 months but personal issue happened)

- They will get 5% plus paid leave (following labour law)
- *In summary, staff termination we have to comply with labour law in article # 95, if UDC or FDC by inform and approved by ministry of labour.*
- *The director or manager cannot provide the certificate of work by putting or saying anything bad of staff who left; we need to give chance to them to go to other places (Labour law, article 73 & 93)*

Q How we address the serious mistake?

- The problem can be solved within 7 days after receiving the complaint; they have rights to jump over if more than 7 days(Labour law, article 26), *but they can complain to the ministry of labour and they can work as usual if the case happened more than 3 years(in case the problem not yet solved). And other compensations and benefits will be paid by following law in article 120.*

Session 4: Discussion to select new topic for the next learning forum

The key topics which selected by participants are below:

1. Succession Plan (Process and procedure)
2. Conflict Management and Resolution (Group and individual, How to manage & minimize conflict and solve)
3. Labour Law and Taxation (TOS, withholding tax and tax at final payment, Explanation on taxation, staff benefits)
4. Termination Contract(compensations)
5. Duty of organization to the ministry of Labour

6. Result Base Management (work performance, how to operate and manage effective activities?)
7. Recruitment Process (how to make/write the contract, how to evaluate the contract and type of contract)
8. Employment law and its implication for CSOs (How to develop organizational policy and regulation based on government law)
9. Complaint (prevention benefits, misconduct of organization and staff level, compensations)
10. Salary scale (definition of each scale and job evaluation)
11. Workforce planning (recruitment plan...etc.)
12. Performance Management and HR development (how to do TNA, career development plan, staff appraisal, coaching and session plan)
13. Training and Development Management (tool to control on staff's talent and capacity...)
14. Process and procedure of registration (workbook and card of work)- (inform to ministry or department of law, and contact place,)
15. Effectiveness of office management(HR system, filing, documenting, information system including hard and soft tool)
16. Staff Interview (how to develop questionnaires and committee)
17. Organizational Development and Leadership for HRM
18. Introduce GPP standards (6 topics of GPP) and How to develop HR policy to fit the standards (labour law, other relevant laws including GPP standards)

Session 5: Evaluation Results of the Learning Forum

Based on the evaluation sheet showed the result overall of the learning forum as detail below:

Topics	Very Unsatisfied (%)	Unsatisfied (%)	Normal (%)	satisfied (%)	Very satisfied (%)
Venue			11.67%	50.00%	38.00%
Logistics providing			20.00%	55.00%	25.00%
Understanding the key contents			13.33%	65.00%	21.67%
Explanation of speakers			10.00%	55.00%	35.00%
Sharing Experience of speakers		3.33%	8.33%	55.00%	33.33%
Duration		3.33%	8.33%	61.67%	26.67%

► ***The key points that the participants have captured well from the learning forum are:***

- Staff leaving and turnover
- Staff compensation and benefits
- Type of staff contract, staff recruitment and Staff retention
- Cambodian Labour law
- Probation period
- Factor of staff separation and staff resignation
- Staff complaint
- Final payment for UDC and FDC
- Group discussion (Challenges, address etc.)
- Staff ending contract and notice

- Legal of employment of each article
- Staff appraisal in probation period
- Staff representative
- Experiences of HR working members

▶ ***The key points will be applied to improve their own skills as well as their organization's performance:***

- UDC and FDC
- Learn more about labour law
- Probation period
- Staff benefits (in probation period, resignation and termination)
- Staff recruitment, retention, separation and termination
- Terms and condition
- Staff motivation
- Staff life and work balance
- Working environment
- Reflection of internal policies with labour law
- Final compensation
- Procedure of notice or informing to staff (for resignation, termination...etc.)
- Union
- Legal compliance
- Reference check

▶ ***The key points that the participants will share with others:***

- Staff recruitment, retention, separation, termination and resignation
- Registration of internal policies with ministry of labour
- Results of group discussion (question # 2 and #3...etc.)
- Some article in labour law
- Brief report to director
- Staff benefits and compensations
- Type of staff contract
- Reflection of policies with labour law(some article)
- Representative of Union vs. staff Representative
- The factors of staff separation or resignation
- Probation period
- Good attitude of HR or manager
- Staff compensation based on labour law
- How to check reference and how to take care of staff
- Management and leadership

▶ ***The key commented by participants to improve for the next learning forum:***

- Please share the real experience of each topic that can be reference for participants
- Should have less presentation and more questions if possible
- Motivate participants to share their own practical and have more group discussions
- Remind participants to propose topic for next learning at least one-month period
- Should consider slides (color, words and attractive pictures)
- The speaker should explain with the good recommendation
- Add more topics related to the other international laws
- Should share how to efficiency and effectiveness of staff contract
- Should have more speakers involved if possible
- Water center should be easily accessible for people with disability
- Good facilitator and organizer should be friendly, however, should increase intimacy

- Should be more specific and detailed of each topic of group discussion or group activities
- The content is very good but the speaker should be more interactive (ex: asking, brainstorm, discussion and walking around participants etc., if possible).
- Short time for discussion and sharing staff benefits (severance pay and indemnity)
- Increase group discussion and activities
- Should have case study to share and share slide presentation
- Should increase day for Legal compliance and other relevant laws to be clearly understood
- Should compile questions and answers by responding via website after finishing learning

Session 6: Conclusion

In general, the participants appreciated and satisfied with the venue, logistics providing, the learning topic and the sharing of each speaker etc. as the results of evaluation. The participants have learnt a lot from the speaker as well as from HR working group members. They well captured of the key contents listed down above, and they also learnt from each group discussion and presentations. Moreover, the participants have committed to share their colleagues and apply what they learnt from this forum to improve their daily performance, and they have known each other, which is an opportunity to communicate and build network for the future work. By the way, to further improve their skill and knowledge, they raised some key topics to speakers for the next learning as listed above.











Closing Remarks

At the end of the 34th HRM Learning Forum, Mr. Khorn Bunthong, Head of Operation of CCC thanked the participants who spent their valuable time to attend the forum until the end; he also expressed thanks to speaker and HR working group members who shared their knowledge and experiences in this learning forum and CCC staff who organized this learning forum.

Moreover, he added that this learning forum is really important and the topic is interesting, so staff need to know and understand the two types of staff (asset and liability). We must take care of staff in three areas are recruitment, retention and termination; especially we must build trust to each other, pay attention, respect, and follow the labour law.

He added that generally, for the **staff recruitment**, we look at skills, knowledge and experiences, especially he agreed with the HR working group members and speaker who shared the percentage scoring as the attitude is the most important as well as reference check procedure. We should ask permission from applicant before checking with consideration and ensure that it's 00% good or not. However, we need to discuss face to face and then follow up the plan with them; it shows our professional work and respect. For **the staff retention**, we must take care of the good staff and it is also the risk of the organization. We should also look at the attitude of the leaders; we must trust each other and have good working environment. Staff motivation with respect and care is important. For the **staff turnover** either volunteer or non-volunteer we cannot retain 100%, but we must learn and reflect from the staff that left via exit interview and organizational health check (CCC tools) to improve our performance. He agreed with Mr. Soeung Saroeun, ED of CCC that the focus on the four main laws: **Taxation, Labour Law, NSSF, NGO Law and Accounting Standards (in draft by government)** is also the risk for our organization. Finally, he wished all have good luck, good health and safe trip all the time when they go back home.

Annexes: Learning Documentations

- | | | | | |
|---|---|---|--|---|
|  |  |  |  |  |
| Final Concept Note
HR Learning Forum 3 | Agendas and
Speakers for HRM 31 | 1_Review Session
in 2016 by (Satya) (3 | Small Group
Discussion .pdf | Fina_Legal
Compliance on Labor |
|  |  |  |  |  |
| 2. | 2. | 3. | 4. | Participants list of HR
forum 31 May 2017.p |

