



គណៈកម្មាធិការ  
សហប្រតិបត្តិការដើម្បីកម្ពុជា  
Cooperation Committee  
for Cambodia  
Comité de Coopération  
Pour le Cambodge

**ទស្សនវិស័យ:** ការអភិវឌ្ឍប្រកបដោយនិរន្តរភាពសម្រាប់ប្រទេសកម្ពុជា  
**Vision:** Sustainable development for Cambodia

## Minute of 1<sup>st</sup> HRM Learning Forum



**08 April, 2014, KSSA, Phnom Penh**

**Partnerships for Sustainable Development in Cambodia**

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## **I. INTRODUCTION:**

As the longest established membership organization in Cambodia, the Cooperation Committee for Cambodia (CCC) has been playing 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.

CCC delivers its mission and mandate through a five-year program entitled “Governance Hub Program (GHP)” for 2014–2018, aiming at building a more cohesive, accountable, transparent NGO sectors, contributing more effectively to the development of Cambodia. GHP focuses on three interconnected components: 1) Governance & Professional Practices (GPP) 2) Research and Learning (R&L) and 3) Coalition Building, Advocacy and Networking (CAN).

Responding to its vision which is for sustainable development for Cambodia, CCC offers a range of learning opportunities for NGO staff to influence their thinking and practices and to deliver high quality services appropriately respond to the true needs of those CSO.

One of many activities of the component 2 is to conduct various learning forums for CCC members such as Human Resource Management (HRM), Monitoring and Evaluation (M &E), Information Communication Technology (ICT) and Finance Management forum.

The HRM Learning Forum has been conducted since 2002 and facilitated by CCC with technical support from HRM Working Group members who are HRM professionals and practitioners of CCC member organizations. The overall objectives of HRM learning forum is to 1) stimulate action learning to transform knowledge; skills and experiences of individual people and organizations into a community of practices for a betterment of NGO community in Cambodia in the field of HR and 2) build a strong network among HR practitioners and professionals for ongoing learning on HR matters and issues related.

To continually respond to the needs of the NGO community for good practice within the NGOs, in 2014 CCC will host two full day HRM learning forums for member and nonmember organizations; in which the first forum will be conducted on 08 April 2014 and the second will be on 18 September 2014.

This is the minute of the first HRM learning forum which was held on 08 April 2014 at KSSA building in Phnom Penh. The forum was attended by 93 participants (49 are Females) from 63 NGOs who are HR and admin practitioners of CCC member and non-member organizations. The objectives and expected outcome the forum are as below:

### ***Objective of the forum:***

- To enhance understanding on employment contract, employment engagement and benefits.
- To discuss among participants to expand their learning insight of the key practical elements of employment contract, employment engagement and benefits
- To build up more network and relationship among HR practitioners and professionals for ongoing learning on HRM matters and related issues.

### ***Expected outputs:***

- Participants have better understood about employment contract, employment engagement and benefits.
- Participants have widely understood about learning insight of the key practical elements of employment contract, employment engagement and benefits
- Participants have actively involved in class activity and shared knowledge and experience related to HRM.

- Participants have enhanced network of HR practitioners and professionals

## **II. SUMMARY OUTPUTS OF THE FORUM:**

The 1st HRM Learning Forum was presided by Mr. Soeung Saroeun, Executive Director, CCC. He began by thanking the HRM working group members who have contribute their value inputs to support HRM learning forum of CCC and the member organizations as a whole for supporting CCC so far .

This forum aims to create opportunity to all HR practitioners to share experience and knowledge with each other. He further called for working together among the NGO staff to have one voice to develop community and deal with society problem.

He also motivated participant NGOs to comply with labor law of Cambodia. One way to ensure for HRM best practice in an organization is NGO GPP's standards.

He informed that CCC is now working on the developing share point which is a kind of technology that may help user to share information online.

### **SESSION 1: Review learning points from previous HRM learning forum**

This session was facilitated by Mr. Lim Sokly, Learning Specialist, CCC. He reviewed some point that the participant have learnt in the previous HRM learning forum as below:

- Type of compensation
- When should be provided the compensation
- Fix and variable compensation
- Good strategy to provide compensation

### **SESSION 2: Employment contract and benefits**

The session of employment contract and benefits was facilitated by Mr. Nuon Heap, HR Director-Institutional Development, PSK. His session covered on some articles of Cambodian labor law, types of contract and probation period.

He advised that staff policy of one organization should be stamped to recognized by the Ministry of Labor, to abide by the law. You have to update to the ministry once you've revised the policy especially on the interest between employee and employer.

He explained the two types of contract, fixed duration contract (FDC) and undetermined duration contract (UDC) as below:

**1. Fixed duration contract (FDC):** This kind of contract has requirements such as:

- Must be in writing
- Not longer than two years
- Must obtain a specified beginning and end date

## The requirements to terminate the FDC

- Normally expires (ends) on the **ending date** specified in the contract.
  - If terminating FDC length up to 6 months or less, No notice required.
  - If terminating FDC length more than 6 months, 10 days notice.
  - If terminating FDC length more than 1 year, 15 days notice.
- **Both parties agreed** to cancel before ending date.
- **Serious misconduct.** Either party decides to cancel the contract before ending date because of **legal reasons** or **with legal reasons** for cancelling the contract. If it's serious termination not longer than 7 days.
- **Force majeure (article 85-86) such** Earthquake, flood, war, or unforeseen circumstance, death of employer, shutting down of establishment by government. According to article 73 (2). Employee is entitled to **severance pay** when terminated contract.

## FDC Severance pay

- At the expiration of the contract, **the employer shall provide the worker with the severance pay proportional to both the wages and the length of the contract.** The exact amount of the severance pay is set by a collective agreement. If nothing set in such agreement, the **severance pay** is at least equal to **five percent of the wages paid** (automatically) during the length of the contract.

**2. Undetermined duration contract (UDC):** this kind of contract the employee signs only one time. There is only start date, no end date; however, if we want to end this contract we just give notice.

## Undetermined Contract

- Two ways to create a contract UDC:
- **Intentional Creation** at the time of contracting by entering into an oral or written employment contract that states explicitly that it is for an **undetermined duration** or that implies that *is not mentioned ending date of the employment.*
- **Unintentional creation** whereby a fixed duration contract is transformed into UDC, either at the time of contracting or at a later time.
- FDC is not in writing becomes UDC
- FDC has more than two years
- FDC of *two years or less* that tacitly **continues** after the fixed end date without a formal renewal of the contact becomes UDC.

## Cancellation of UDC

It can be made by either Employee (EE) or Employer (ER) as long as the party cancelling contact meets the requirements:

- EE has the right to cancel UDC for any reason
- ER must show **valid reason** to cancel the contract. The reason must be related to:
  - The employee's skills or qualification for the job.
  - The employee's behavior or character or

- The requirements of the operation of the enterprise, factory or service and whether the employee's services are still needed.

- **Notice Period**

- If terminating UDC length 6 months or less, 7 days notice.
- If terminating UDC length more than 6 months up to 2 years, 15 days notice.
- If terminating UDC length more than 2 years and up to 5 years, 1 month notice.
- If terminating UDC length more than 5 years and up to 10 years, 2 months notice.
- If terminating UDC length more than 10 years, 3 months notice.

### **UDC Indemnity for Dismissal**

Article 89: If the labor contract is terminated by the employer alone, except in the case of a serious offense by the worker, the employer is required to give the dismissed worker, in addition to the prior notice stipulated in the present Section, the indemnity for dismissal as explained below:

- If the employment length 6 – 12 months, the employee will get 7 days of wage and fringe benefits.
- If the employment length more than 12 months, the employee will get equal to fifteen days of wage and fringe benefit for each year.

Note: - The maximum of indemnity cannot exceed six months of wage and fringe benefits.

- Length of service is longer than one year, time fractions of service of six months or more shall be counted as an entire year.
- The worker is also entitled to this indemnity if he is laid off for reasons of health.

*Recommendation:* We should inform staff how we calculate the indemnity. We should clearly understand that *Indemnity* is used in UDC and *severance pay* is used in FDC.

Probation period cannot last longer than three months for regular employee, two months for specialized workers and one month for non-specialized workers.

If an NGO have retirement policy and so when staff resign they can get all (indemnity and retirement fund....others if it's stated in the policy)

### ***SESSION 3: Employment engagement***

This session was facilitated by Ms. Vireak ANN, Executive Director, Attorney-at-Law & Arbitrator.

She commenced her session by brainstorming question that what is contract?. In general, it is an agreement that establishes a working relationship between employer (ER) and employee (EE).

She mentioned that although a foreign employee sing contract with foreign company at abroad, they have to abide by the Cambodia labor law once s/he comes to work in Cambodia.

She further distinguished employee from contractor.

Employee is any person who agrees to perform an activity, in return for compensation, under the direction and authority of a person or legal entity (under the control of labor law). The employee work will mention about the detail, mean and result.

The labor contractor is a sub-contractor who contracts with an entrepreneur and who himself recruits the necessary work force or workmen for the execution of certain work or the provision of certain services for an all-inclusive price. The labor law is not applying on the contractor and contractor's work will mention only on the result.

Participants are divided into two groups to work on the case study to identify whether the case is mentioned about employee or contractor.

What should be in the contract?

- Parties
- Position title
- Work station
- Working hours
- Salary and benefits
- Non-competition clause
- Notice for termination
- Severance pay (pay when we terminate staff), FDC
- Providence fund (pay when we terminate staff)

General recommendation: process of receiving salary is not important to the determination of whether s/he is an employee and a contractor. Title of the position (contractor, employee, consultant or advisor....) is not important; the important is the nature of work which can determine the title.

In labor law, employer is not allowed to encourage employee to borrow leave and settle it in the upcoming year.

All benefit which haven't stated in the staff policy, it must be stated in the contract.

#### ***SESSION 4: GPP standard reflects on HRM***

This session was presented by Mr. Sok Sovann, Certification Specialist, CCC. He has shared about the governance & management of GPP which have VFA, Working group, NCCC beside GPP team and the development of Code and the measuring method, supporting documents and how to apply for certificate from NGO GPP through online.

He emphasized that code of NGO GPP, CCC is one of 37 initiatives in Asia and the Pacific. He continued to show about standard 6 which is talking about Effective Human Resources Management and linked to the main sessions of this HRM learning Forum.

▪ **Table discussion to define topic for the next HRM learning forum**

Table discussion was facilitated by Mr. Lim Sokly, Learning Specialist, CCC. He asked for participants of **each table** to discuss to define only two topics that they wish to happen for the next HRM learning forum. Below are the topics raised by participants in the first HRM learning forum.

No.	Topics	Respondent
1	How to develop HR policy	1
2	Labor law <ul style="list-style-type: none"> <li>- Overtime</li> <li>- On staff contract</li> <li>- Any important point related to NGO work</li> </ul>	5
3	HR Planning <ul style="list-style-type: none"> <li>- How to improve performance</li> <li>- Effective staff development</li> <li>- Performance appraisal</li> <li>- Recruitment planning</li> </ul>	6
4	Benefit and Compensation	1
5	E-HR System <ul style="list-style-type: none"> <li>- Staff appraisal system</li> <li>- Manage filling system</li> </ul>	5
6	Contract, procurement and negotiation skills	1
7	Leadership and management <ul style="list-style-type: none"> <li>- How to be a good leader</li> <li>- Effective manager</li> </ul>	1
8	Interviewing skills	1
9	Salary scale	2
10	Termination process	1
11	Staff conflict management	1
12	Taxation <ul style="list-style-type: none"> <li>- Taxation policy</li> <li>- Taxation on salary &amp; Benefits</li> </ul>	2

▪ **Conclusion and closing remarks**

Conclusion and closing remarks was made by Mr Soeung Typo, Component II Manager, CCC. He thanked the HRM working group members that provided great inputs to this forum. He also showed his admiration for guest speaker's knowledge and sharing years experience with the

participant. Besides thanking the participant for their full participation in the whole day learning forum, he encouraged them to give feedback to make better improvement on this forum.

### **III. CONCLUSION:**

The first HRM learning forum was conducted successfully with actively participated by all participants and professionally supported by our honor guest speakers and fruitfully produced great outputs as expected. Within this forum 2 main topics, employment contract and benefits and employment engagement, were presented to the participants.

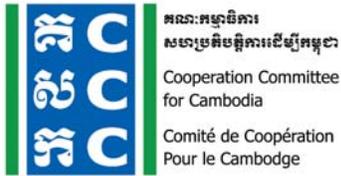
Regarding the consolidated result of evaluation form completed by the participants, most of them valued as good on the process, venue, logistics providing, organizer, and duration of the forum.

86% of participant understood clearly about types of contract (UDC and FDC) and benefits while 17% of them fast grasped on how to identify the employer and employee follows by the 12% that emphasized about the labor law and visa (stamping) on staff policy. The participants also committed to bring back knowledge which gain from these topics to apply in their organization. Moreover, they will inform their organization about policy stamping by the ministry of labor law. Yet they suggested having longer time for question and answer as it was an impressive forum.

All in all, this learning forum provided a great opportunity for human resources practitioners to build stronger network and share experiences and challenges of their daily operation. We, CCC, as an organizer are very proud of this fruitful result. Moreover, we commit to put more effort to improve and extend such good forum to serve as a pool of building more capacity together.

### **Annexes:**

- Agenda of the forum
- Evaluation of the forum



# HRM Learning Forum

Concept Note

08 April 2014

At ICF/KSSA Building

## I. Introduction

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## II. Objectives of the forum

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- To build up more network and relationship among HR practitioners and professionals for ongoing learning on HRM matters and related issues.

## III. Expected outputs:

- Participants have better understood about employment contract, employment engagement and benefits.
- Participants have widely understood about learning insight of the key practical elements of employment contract, employment engagement and benefits
- Participants have actively involved in class activity and shared knowledge and experience related to HRM.
- Participants have enhanced network of HR practitioners and professionals

## VI. Target Participants

This HRM learning forum is offered to a maximum of 120 participants from CCC members and nonmember organizations who are HR practitioners and professionals. Each participant should be assigned by the senior management of their organization and committed to apply what has been learned from the forum to their organization. Participants from non-CCC member are welcomed but are subjected to pay attendance fee as stated in the CCC Policy on Capacity Development and Learning Services as a contribution to support the forum's logistic arrangement.

## V. Detailed Agendas:

Time	Key Contents	Resource persons
07:30-08:00	Registration	<b>Mrs. Sam Vaddthanak</b> , Learning Officer
08:00-08:10	Welcome and Introduction of the forum objectives	<b>Mr. Lim Sokly</b> , Learning Specialist, CCC
08:10-08:15	Opening remarks	<b>Mr. Soeung Saroeun</b> , Executive Director, CCC
08:15-08:30	<b><i>Session1: Review learning points from previous HR learning forum</i></b>	<b>Mr. Lim Sokly</b> , Learning Specialist, CCC
09:00-10:30	<b><i>Session 2:</i></b> <b><i>Employment contract and benefits:</i></b> <ul style="list-style-type: none"><li>• Types of contracts</li></ul>	<b>Mr. Nuon Heap</b> , HR Director- Institutional Development, PSK
10:30-10:45	<b>Coffee Break</b>	

10:45-12:00	<ul style="list-style-type: none"> <li>• Benefit and common practice in NGO community</li> <li>• Exercise/Group discussion</li> </ul>	Mr. Nuon Heap, HR Director- Institutional Development, PSK
12:00-01:30	<b>Lunch Break</b>	
01:30-03:30	<p><b><u>Session 3:</u></b></p> <p><b><i>Employment Engagement:</i></b></p> <ul style="list-style-type: none"> <li>• Contract Negotiation</li> <li>• Specific Terms and Conditions Required for Contract</li> <li>• Exercise/Group discussion</li> </ul>	<b>Ms. Ann Vireak</b> , Executive Director, Attorney At Law & Arbitrator, Integrating Human to Quality (IHQ)
03:30-03:45	<b>Coffee Break</b>	
03:45-04:10	<p><b><u>Session 4:</u></b></p> <p><b><i>GPP standard reflects on HRM</i></b></p>	<b>Mr. Sok Sovann</b> , Certification Specialist, CCC
04:10 – 04:30	Discussion by Table on the Next Topics and Forum Evaluation	<b>Mr. Lim Sokly</b> , Learning Specialist, CCC
04:30-04:40	Conclusion and closing	<b>Mr. Soeung Typo</b> , Research and Learning Manager, CCC.

Note: CCC reserves the rights to alter the agenda based on the availability of the speakers and time constraints.

**ការវាយតម្លៃវេទិកាអន្តរាគមន៍សូត**  
**Learning Forum Evaluation**

**HRM Learning Forum**  
**ថ្ងៃទី ០៨ ខែមេសា ឆ្នាំ ២០១៤**

1. តើអ្នកយល់យ៉ាងដូចម្តេចចំពោះចំណុចខាងក្រោម? សូម ✓

	មិនល្អ	មធ្យម	ល្អ	ល្អណាស់
ដំណើរការ/ Process	0%	5%	78%	17%
ទីកន្លែង /Venue	0%	3%	87%	10%
ការផ្តល់ជូនផ្នែកភស្តុភារ /Logistics providing	0%	12%	83%	5%
អ្នករៀបចំ /Organizer	0%	5%	85%	0%
រយៈពេល / Duration	10% ខ្លីពេក	87% មធ្យម	3% វែង	<input type="checkbox"/> វែងពេក

2. តើចំណុចណាខ្លះដែលអ្នកបានរៀនហើយយល់ច្បាស់?

What point do you clearly understand?

1.	Types of contract (UDC and FDC) and benefits	51/59
2.	Identify EE & ER	10
3.	Term in contract	4
4.	Labor law and Visa	7
5.	All	2
6.	Notice period	1
7.	N/A	1
8.	Employment engagement	3
9.	HR Position	1
10.	Probation period	1

3. តើចំណុចអ្វីខ្លះដែលអ្នកនឹងយកទៅអនុវត្តក្នុងអង្គការរបស់អ្នក? (សូមបញ្ជាក់ចំណុចជាក់លាក់)

What are you going to do in your organization from this training? (Please give specific point)

1.	N/A	3
2.	Revise the contract to be correct (UDC & FDC) and benefit	29
3.	Contract management	3
4.	Add more non-competition clause and severance pay in employment contract	3
5.	All because it's very important	2
6.	Contract type (open question)	2
7.	Employment engagement	1
8.	Will inform my organization about policy stamping by the ministry	7
9.	Try to comply with all criteria which recognized by the ministry of labor law.	14

10.	Evaluation of staff probation and performance	2
11.	Term and condition in contract	2
12.	Share with my colleague about the process and work of HR and policy	1
13.	Reviewing compensation	1
14.	Notice period	1

4. តើចំណុចណាខ្លះដែលគិតថាវគ្គបណ្តុះបណ្តាលនេះគួរធ្វើការកែលំអ?

What aspects of this training do you think need to be improved?

1.	N/A	30
2.	Request labor law specialist to present taxation of labor law	2
3.	Time should be longer for Q&A	12
4.	Material should be provided to the participant (in advance)	7
5.	Time management	1
6.	What should be in the contract?	1
7.	Such forum should be open for student	1
8.	Slide presentation should be in Khmer language	3
9.	Should be detail on labor law	1
10.	It's good enough, I appreciate	1
11.	Should invite government officer to clarify about stamping process	1

5. យោបល់ផ្សេងៗ /Any other comments?

1.	N/A	35
2.	Please provide topic on conflict of interest	1
3.	Please CCC develops E-HR system	2
4.	Please CCC provides training on labor law in detail	3
5.	Please CCC provides longer time for this forum	3
6.	Please CCC provides training on appraisal system, monitoring staff in probation, and more on UDC and FDC	1
7.	Please CCC provides training on contract format and details	1
8.	Please CCC provides training on how to prepare for a career in HR	1
9.	Have many good points for partner organizations	1
10.	Provide more sample of each point	2
11.	CCC should big bottle of water to reduce plastic using	1
12.	Please CCC provides more continuing course	5
13.	CCC should share participant list so that we can keep our contact	1
14.	If possible should focus on administration management	1
15.	CCC should give certificate after the forum	1
16.	Please make wi-fi available for participant	1

**សូមផ្តល់មតិគ្រឿងចំពោះអ្នកសម្របសម្រួលដូចខាងក្រោម: សូម ✓**

**ប្រធានបទ** :/Topic: Employment contract and benefits

សូមផ្តល់មតិគ្រឿងចំពោះចំណុចខាងក្រោម/ Please give feedback on below points:

ខ្លឹមសារនៃការពន្យល់/Explanation	<input type="checkbox"/> នូវមានកំរិត	12%មធ្យម	83%ល្អ	5% ល្អណាស់
ការចែករំលែកបទពិសោធន៍/Share experience	<input type="checkbox"/> នូវមានកំរិត	7%មធ្យម	88%ល្អ	5% ល្អណាស់

ផ្សេងៗ/others - Participant should have time to finish question.  
- Thanks for providing clear explanation.

**សូមផ្តល់មតិគ្រឡប់ចំពោះអ្នកសម្របសម្រួលដូចខាងក្រោម: សូម ✓**

**ប្រធានបទ** :/Topic: Employment engagement

សូមផ្តល់មតិគ្រឡប់សំរាប់គាត់ទៅលើចំណុចដូចខាងក្រោម/ Please give feedback on below points:

ខ្លឹមសារនៃការពន្យល់/Explanation	<input type="checkbox"/> នូវមានកំរិត	7%មធ្យម	79%ល្អ	14% ល្អណាស់
ការចែករំលែកបទពិសោធន៍/Share experience	<input type="checkbox"/> នូវមានកំរិត	5%មធ្យម	83%ល្អ	12% ល្អណាស់

ផ្សេងៗ/others – Guest speaker full of competent and experience, it make me understand easily.  
- Good time management with good brainstorming question.

**សូមផ្តល់មតិគ្រឡប់ចំពោះអ្នកសម្របសម្រួលដូចខាងក្រោម: សូម ✓**

**ប្រធានបទ** :/Topic: GPP standard reflects on HRM

សូមផ្តល់មតិគ្រឡប់សំរាប់គាត់ទៅលើចំណុចដូចខាងក្រោម/ Please give feedback on below points:

ខ្លឹមសារនៃការពន្យល់/Explanation	<input type="checkbox"/> នូវមានកំរិត	10%មធ្យម	90%ល្អ	<input type="checkbox"/> ល្អណាស់
ការចែករំលែកបទពិសោធន៍/Share experience	<input type="checkbox"/> នូវមានកំរិត	12%មធ្យម	88%ល្អ	<input type="checkbox"/> ល្អណាស់

ផ្សេងៗ/others – It's new to me so a little bit difficult to understand.

**សូមអរគុណ!**