Human Resources Policy

Approved by the Board of Directors on February 01, 2012
# CONTENTS

INTRODUCTION OF TI CAMBODIA ................................................................. 4

1. TI CAMBODIA HUMAN RESOURCES ADMINISTRATION .......................... 4
   1.1 PURPOSE OF THE HUMAN RESOURCES POLICY ........................... 4
   1.2 SCOPE OF THE HUMAN RESOURCES POLICY .............................. 5
   1.3 LEGISLATION ........................................................................... 5
   1.4 EQUAL EMPLOYMENT OPPORTUNITIES .................................... 5
   1.5 PERSONNEL FILES ................................................................. 6

2. STAFF RECRUITMENT ........................................................................... 6
   2.1 IDENTIFICATION OF NEED AND APPROVAL OF RECRUITMENT ........ 6
   2.2 PREPARATION OF JOB DESCRIPTION ........................................ 6
   2.3 ADVERTISEMENT ..................................................................... 6
   2.4 INTERNAL APPLICATIONS ........................................................ 6
   2.5 SELECTION FOR INTERVIEW ....................................................... 7
   2.6 INTERVIEWING ......................................................................... 7
   2.7 THE RECRUITMENT DECISION .................................................... 8
   2.8 REFERENCES ............................................................................ 8
   2.9 INDUCTION/ORIENTATION OF NEW EMPLOYEES ....................... 8
   2.10 EMPLOYEE IDENTIFICATION ................................................... 9
   2.11 TRANSPARENT HIRING POLICY ............................................... 9

3. CONTRACTS AND TERMS OF EMPLOYMENTS ....................................... 9
   3.1 CONTRACTS ............................................................................ 9
   3.2 CONTRACT TYPES AND LENGTHS .......................................... 9
   3.3 PROBATION PERIOD ............................................................... 10

4. STAFFING AND REPORTING LINES ..................................................... 11
   4.1 LINE MANAGERS .................................................................... 11
   4.2 TI CAMBODIA STAFF LISTING ............................................... 11
   4.3 CONTRACTORS AND PART-TIME STAFF .................................... 11
   4.4 EXPATRIATE STAFF ............................................................... 11

5. WORKING HOURS AND OVERTIME ................................................... 12
   5.1 NORMAL WORKING HOURS ...................................................... 12
   5.2 OVERTIME ............................................................................... 12
   5.3 COMPENSATION LEAVE ....................................................... 13
   5.4 OTHER EMPLOYMENT .......................................................... 13

6. THE WORKING ENVIRONMENT .......................................................... 14
   6.1 HEALTH AND SAFETY ............................................................ 14
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2</td>
<td>SECURITY</td>
<td>14</td>
</tr>
<tr>
<td>6.3</td>
<td>Use of personal vehicle and MOTORCYCLES</td>
<td>15</td>
</tr>
<tr>
<td>6.4</td>
<td>TELEPHONE AND INTERNET</td>
<td>15</td>
</tr>
<tr>
<td>6.5</td>
<td>EMERGENCIES</td>
<td>15</td>
</tr>
<tr>
<td>6.6</td>
<td>AVOIDING CONFLICTS OF INTEREST</td>
<td>15</td>
</tr>
<tr>
<td>6.7</td>
<td>DISCLOSURE ON RELATIONSHIPS</td>
<td>16</td>
</tr>
<tr>
<td>6.8</td>
<td>APPROPRIATE BEHAVIOR</td>
<td>16</td>
</tr>
<tr>
<td>7.</td>
<td>SALARIES, BONUSES, AND BENEFITS</td>
<td>16</td>
</tr>
<tr>
<td>7.1</td>
<td>SCOPE OF THIS SECTION</td>
<td>16</td>
</tr>
<tr>
<td>7.2</td>
<td>BASE SALARIES</td>
<td>16</td>
</tr>
<tr>
<td>7.3</td>
<td>MONTHLY SALARY PAYMENT PROCEDURES</td>
<td>17</td>
</tr>
<tr>
<td>7.4</td>
<td>BONUSES</td>
<td>17</td>
</tr>
<tr>
<td>7.5</td>
<td>PENSION FUND</td>
<td>18</td>
</tr>
<tr>
<td>7.5.1</td>
<td>PENSION FUND ADVANCE PAYMENT</td>
<td>18</td>
</tr>
<tr>
<td>7.6</td>
<td>INSURANCE BENEFITS</td>
<td>19</td>
</tr>
<tr>
<td>7.7</td>
<td>TAX ON SALARY</td>
<td>19</td>
</tr>
<tr>
<td>8.</td>
<td>PERFORMANCE MANAGEMENT AND APPRAISALS</td>
<td>20</td>
</tr>
<tr>
<td>8.1</td>
<td>AIMS AND USE OF SYSTEM</td>
<td>20</td>
</tr>
<tr>
<td>8.2</td>
<td>TYPES AND FREQUENCY OF COACHING AND APPRAISALS</td>
<td>20</td>
</tr>
<tr>
<td>8.3</td>
<td>IMPORTANCE OF TECHNICAL SKILLS AND OBJECTIVE REVIEWING</td>
<td>21</td>
</tr>
<tr>
<td>8.4</td>
<td>DOCUMENTATION OF THE PERFORMANCE MANAGEMENT PROCESS</td>
<td>21</td>
</tr>
<tr>
<td>8.5</td>
<td>SCHEDULES FOR STAFF APPRAISALS, COACHING AND CONTRACT RENEWAL</td>
<td>22</td>
</tr>
<tr>
<td>9.</td>
<td>STAFF DEVELOPMENT AND CAREER PROGRESSION</td>
<td>22</td>
</tr>
<tr>
<td>9.1</td>
<td>EXTERNAL TRAINING</td>
<td>22</td>
</tr>
<tr>
<td>9.2</td>
<td>INTERNAL TRAINING</td>
<td>23</td>
</tr>
<tr>
<td>9.3</td>
<td>SHARING OF JOB SKILLS</td>
<td>23</td>
</tr>
<tr>
<td>9.4</td>
<td>PROMOTIONS AND CAREER PROGRESSION</td>
<td>23</td>
</tr>
<tr>
<td>10.</td>
<td>LEAVE</td>
<td>23</td>
</tr>
<tr>
<td>10.1</td>
<td>ANNUAL LEAVE</td>
<td>23</td>
</tr>
<tr>
<td>10.2</td>
<td>PUBLIC HOLIDAYS</td>
<td>24</td>
</tr>
<tr>
<td>10.3</td>
<td>SICK LEAVE</td>
<td>24</td>
</tr>
<tr>
<td>10.4</td>
<td>MATERNITY AND PATERNITY LEAVE</td>
<td>25</td>
</tr>
<tr>
<td>10.5</td>
<td>EMERGENCY LEAVE</td>
<td>25</td>
</tr>
<tr>
<td>10.6</td>
<td>UNPAID LEAVE</td>
<td>25</td>
</tr>
<tr>
<td>11.</td>
<td>DISCIPLINARY PROCEDURES</td>
<td>26</td>
</tr>
<tr>
<td>11.1</td>
<td>MINOR PROBLEMS</td>
<td>26</td>
</tr>
<tr>
<td>11.2</td>
<td>SERIOUS PROBLEMS</td>
<td>26</td>
</tr>
<tr>
<td>12.</td>
<td>DISPUTES AND GRIEVANCES</td>
<td>27</td>
</tr>
<tr>
<td>12.1</td>
<td>GRIEVANCES ENABLING IMMEDIATE TERMINATION OF CONTRACT</td>
<td>27</td>
</tr>
</tbody>
</table>

TI Cambodia Human Resources Policy
12.2 DISPUTES AND GRIEVANCES PROCEDURE ......................................................... 27
12.3 WHISTLE BLOWING POLICY ......................................................................... 27

13. STAFF TERMINATION ....................................................................................... 27

13.1 CONTRACT TERMINATION ........................................................................... 28
13.2 LEAVING PROCEDURES — ALL STAFF ...................................................... 28
13.3 RETURN OF PENSION FUND ......................................................................... 29
13.4 CERTIFICATE OF EMPLOYMENT AND REFERENCES ................................. 29
Introduction of TI Cambodia:

TI Cambodia was founded in July 5, 2010 by a group of professional Cambodian volunteers including Mr. Soeung Saroeun, Mr. Preap Kol and Ven. Thorn Vandong. It was formed with both financial and technical supports from Transparency International Secretariat (TI-S).

TI Cambodia believes that, in order to reduce poverty and inequality in a society and for a country to effectively develop herself, individuals and institutions must practice and behave in a corruption-free mind and environments and partake in activities that will enhance their values, reputation and dignity.

TI Cambodia is a National Chapter of Transparency International. It had officially registered as a local Cambodian non-governmental organisation with the Ministry of Interior in July 2011.

VALUES: TI Cambodia shall respect and adhere to the following values:

- Integrity
- Accountability
- Transparency
- Solidarity
- Justice
- Democracy

VISION: For Cambodian to live in a society free of corruption.

MISSION: Work together with individuals and institutions at all levels to promote integrity and reduce corruption in Cambodia.

GOALS:

1. Promote individual and institutional best practices and integrity in their day-to-day performance through education and sharing of good models and examples.

2. Empower community members to actively engage in monitoring development process at national and sub-national levels.

3. Advocate for positive changes toward a corruption free society.

1. TI Cambodia Human Resources Administration

1.1 Purpose of the Human Resources Policy

Transparency International Cambodia (TI Cambodia) considers that its employees are the greatest assets of the organization and are critical in achieving TI Cambodia’s mission. It aims to hire local staff where possible and to build their capacity, provide work that is satisfying, congruent with career objective and fairly paid.

TI Cambodia seeks to employ a diverse team of dedicated and talented professionals who can work together to promote integrity, good governance and to reduce corruption. This policy serves as a tool to help TI Cambodia’s employees work most effectively together to achieve its vision through a shared
understanding of the way we go about our business from a human resources perspective. TI Cambodia seeks to strengthen capacity and empower its core staff so that each team member is supported, nurtured, developed, challenged and inspired to work to their full potential to make their contribution to achieving our objectives and in so doing work to their full potential and meet their own aspirations.

This policy provides the essential information required by staff and supervisors to understand TI Cambodia’s HR management and development including the performance management framework, conditions of service, recruitment, staff movement, staff training and development, and exit policy and other HR processes followed in the organization. The HR Team can provide more detailed advice to staff and support to supervisors and managers regarding this policy.

This policy defines TI Cambodia’s human resources regulations and guidance in compliance with Cambodian labor law or other relevant legislations.

The Human Resources Policy is continually being developed, and will be reviewed whenever necessary. Recommendations and proposals for changes are welcomed from all staff. All comments and suggestions should be made to the HR Manager/Officer.

TI Cambodia Management reserves the right to change this policy at any time, provided the changes are reviewed by Management Team and approved by the Board of Directors and are in compliance with applicable laws.

1.2 Scope of the Human Resources Policy

This manual provides an overview of TI Cambodia HR policies and procedures for all staff employed under TI Cambodia employment contracts. It sets out the organization’s standards and expectations as well as staff rights and obligations. The conditions of employment of expatriate staff are determined by their employment contracts and are governed by this policy.

1.3 Legislation

TI Cambodia abides by the labor law of the Kingdom of Cambodia. Where the legislation allows additional or supplementary protections or restrictions TI Cambodia may choose to implement policies that go beyond the basic requirements of the law. Such policies will never be in breach of the laws.

It is the responsibility of the HR Manager/Officer to establish the legal position in any unknown or questionable situation after seeking proper legal advice from a professional lawyer and after obtaining approval from the Executive Director.

1.4 Equal Employment Opportunities

TI Cambodia complies with local and international laws with respect to equal employment opportunities. It does not discriminate on the grounds of race, color, gender, religion, political opinion, marital status, pregnancy, military service, physical or mental disability, sexual orientation, union activities, or any other legally protected category. A competitive process giving equal chance to women and men will be used to fill any vacant position. All other factors being equal, priority will be given to qualified TI Cambodia employees in good standing.
The main consideration for hiring employees include skills, experience, employment history, job performance, or technical qualifications.

TI Cambodia does not hire anyone under the age of 18 years or is actively engaged in political work for any political party in Cambodia which is in TI Cambodia’s view may or may be seen to compromise TI Cambodia’s neutrality.

1.5 Personnel Files

Each TI Cambodia staff member has a personnel file, which is stored securely in the HR/Administration Department. Access to files is limited to TI Cambodia management and to the authorized staff members. The maintenance and security of the personnel files are the responsibility of the HR Manager/Officer.

Personnel files contain resumes & CVs, job applications, signed job contracts, and other documents including appraisals and letters notifying employees of pay rises, promotions, and disciplinary warnings, etc.

2. Staff Recruitment

2.1 Identification of Need and Approval of Recruitment

The first step in recruitment is to identify the precise need that the new employee is to fulfill. This may not take long for a direct replacement of a current or previous employee, but for a new position, the current staffing situation should be reviewed and the impact of the new position considered by responsible manager or officer and approved by the Executive Director.

2.2 Preparation of Job Description

Each job description should include the employee’s job title, job objectives, a summary of responsibilities and duties. It should also contain information about the desired specifications of the employee, including qualifications and training, skills and knowledge, physical requirements, and any other particulars that are necessary or desirable for the role. The job description shall be approved by the Executive Director prior to the post being advertised.

2.3 Advertisement

New jobs shall usually be advertised in newspapers, websites and other places as deemed appropriate for the specific role. This may not be appropriate for low-level, unskilled jobs where possible candidates are readily available and it is not worth the expense of advertising, or for internal promotions where a known candidate is already available.

The job advertisement should contain the job title; the organization name and a summary of TI Cambodia’s objectives and programs; a brief job description (see 2.2); the salary and benefits offered (see section 7); a list of desired and essential specifications for candidates; instructions concerning how to apply, including TI Cambodia’s contact details; and the closing date for applications.

2.4 Internal Applications
TI Cambodia seeks to provide career development opportunities for employees, interns and volunteers. All staff, interns and volunteers are entitled and encouraged to apply for any positions advertised by TI Cambodia. All positions must therefore be advertised internally and any member of staff may apply.

In order to ensure transparency and fairness in the recruitment process, and to ensure that internal candidates are well suited for the new position they are applying for, all shortlisted candidates including internal ones must be interviewed (and tested if applicable).

All internal applicants for a TI Cambodia vacancy who meet the minimum skills, knowledge and/or experience required for the role should be shortlisted for testing and/or interview. However, in order to meet TI Cambodia’s obligations to donors the Recruitment Panel should recommend the best candidate for the role. Therefore, if an external candidate is found to be better they should be offered the job.

Exceptions to this obligation can be made in the following circumstances. Employees who have had their performance and competencies consistently rated as excellent in their Annual Performance Appraisal and who have been identified as having potential for promotion by their line managers, employees with good performance records. These exceptions have to be documented by responsible line manager endorsed and approved by the Executive Director before he or she is appointed.

2.5 Selection for Interview

Interviewing is expensive and time-consuming, so not all applicants for every job can be interviewed. A shortlist of 3-5 of the strongest applications should be drawn up.

The selection process for interviewing should be transparent and objective, based on a review of each application by the HR Manager/Officer and Director and/or other relevant staff, such as the prospective Line Manager. Criteria for selection will depend on the job being recruited for, but will typically include educational achievements, technical experience, and the quality of the application itself.

Candidates who have not been short listed for an interview should be informed, unless it states in the advertisement (see 2.3) that unsuccessful candidates will not be contacted.

2.6 Interviewing

The manager in charge of the recruiting should organize the interviews and necessary written test for the short listed candidates. The short listed candidates must be notified of the location and timing of their interviews and of any other logistical details such as qualification certificates to bring and the format of the interview.

The Line Manager and HR Manager/Officer should also agree on the interview format (which will be consistent for all candidates), including a pro forma list of questions, a written test (if appropriate), and any other material required. In particular, “interview record sheets” with details of the interview process, plus space for interviewers to take notes, should be prepared. The HR Manager/Officer should assemble an interview panel of two or three TI Cambodia staff including the hiring manager and the Director, as appropriate, to perform the interviews. Members of the Recruitment Committee may be different for various levels of positions being recruited and at various stages from short-listing to interviewing candidates.

All panel members should be issued with “interview record sheets” and should take written notes during the interview. Additional questions can be asked during the interview as required, to encourage each
candidate to elaborate on their own skills, experience, and knowledge and understanding of TI Cambodia. All interviews should be approximately the same length, and the interview “day” should be run according to schedule.

The end of the interview should be reserved to allow the candidates to ask any question of their own about TI Cambodia. The interview is a two-way process, and their questions should be answered fully and honestly. If there is possible flexibility over pay, the candidate should be asked to suggest a preferred level of pay for the role.

2.7 The Recruitment Decision

After all candidates have been interviewed, they should be evaluated against the job specification and qualification. Cultural and personal “fit” with the TI Cambodia and its staff should also be considered, along with the candidate’s pay expectations.

Input should be sought from all members of the interview panel. Candidates should be classified, first, as meeting requirements to be offered the job or not meeting requirements to be offered the job. Those that meet requirements should then be put in order, and the job should be offered to the top candidate. If he/she refuses, the next candidate should be offered, and so on. Once a candidate has accepted, the other shortlisted candidates should be informed about the result.

The application of potential applicants should be retained – TI Cambodia may wish to recruit additional staff in the future and an efficient way to do this is to contact previously interviewed applicants. Internal applicants should generally be given preference, as long as they meet the relevant criteria, as this fits with TI Cambodia’s aim of staff development and capacity-building.

2.8 References

All applicants should be informed that they will be required to supply details of referees who can vouch for the factual information on their applications, including the applicant’s most recent employer. Only references for qualified final candidates should be contacted by the Recruitment Manager.

For low-level and technical jobs, the request for a reference should be restricted to factual information concerning the applicant’s employment or educational history, their technical skills, qualifications, and job descriptions. For senior management and leadership roles, it should also include information about leadership qualities, temperament, and management style.

Depending on the post being recruited for, TI Cambodia may also be required to perform further background checks such as criminal records checks and degree authentication.

2.9 Induction/Orientation of New Employees

All new employee orientation is a two-level process. Soon after joining, the new employee will receive an “organization-level” orientation covering the TI Cambodia mission, vision and objectives, the human resources and finance policies and procedures; and the day-to-day operational guidelines. This orientation is conducted by the HR Manager/Officer. The employee will also receive a “program-level” orientation explaining more relevant program information, job duties and responsibilities, and reporting expectations. This orientation will be conducted by the Direct Supervisor or Line Manager.
After the orientation, the direct supervisor shall facilitate the new staff member to develop his/her performance plan for probationary period with clear tasks to do, indicators, and timeframe. Expected deliverables or outputs given to the new staff for the probationary period should be fairly developed understanding that it takes a while for the new staff to settle down and understand their roles/responsibilities and how the organization functions before he or she can be up to speed with their performance.

2.10 Employee Identification

TI Cambodia issues its employees with employee ID cards. These are evidence of identification and of entitlement to work. Issuing and tracking them is the responsibility of the HR Manager/Officer. They are the property of TI Cambodia and must be reclaimed from employees when they leave. Employees should also provide a copy of their family book and current address and telephone number to the Human Resources Department to be kept on file in case of emergencies.

2.11 Transparent Hiring Policy

TI Cambodia recognizes the need to be transparent in its hiring of staff. Under no circumstances does it accept payments to hire staff. Existing TI Cambodia staff must disclose any conflicts of interest if they are involved in the hiring process (for example, a relative such as cousins, relatives or in-laws and if so, they should not take part in the hiring decision. Hiring of relatives or in-laws may be difficult to avoid, and they are not absolutely forbidden; however, one relative should not be the direct Line Manager of another (section 6.10). Direct family members such as spouse, parents, brother, sister or child shall not be hired.

3. Contracts and Terms of Employments

3.1 Contracts

All employees will receive a written, signed contract with a job description outlining the responsibilities and tasks of their position. The employee and their supervisor should meet within the first week of employment to discuss the defined tasks and expected results, as well as to identify guidelines and resources to achieve these results, and how performance will be evaluated.

The HR Manager/Officer should arrange for the new employee to sign a contract upon starting employment. A copy must be given to the employee, and another retained in the personnel files in the HR/Administrative Department. Responsibility for storing and updating contracts as needed rests with the HR Manager/Officer. Contracts should be updated as needed – in particular, on completion of the probation period (depending on contract wording) or on expiry of a Fixed Term Contract (FTC). As part of performance management at TI Cambodia, the job description should be reviewed and, where necessary, updated during the annual performance appraisal (APA).

3.2 Contract Types and Lengths

TI Cambodia will issue new staff with Extended Term Contracts (ETCs) of up to one year depending on the date of hire. ETCs can be renewed, more than once if necessary, but the total duration of employment on an ETC cannot exceed two years. If it does, the contract automatically converts to an Open Ended Contract (OEC). The total period of employment, as calculated for benefits, pension fund or any other purpose, includes any ETCs as well as a subsequent OEC.
For consistency with appraisals and annual raises, TI Cambodia issues all contracts within a calendar year (January to December), meaning the majority of new contracts will be for less than one year. For example, an employee starting on June 30th will receive a contract from June 30th until December 31st or approximately six months. If however the employee start date is after October 1st, the employee contract will be valid for more than one year, up to a maximum of 15 months including probation. Renewed contracts for existing employees will generally be for one full year.

A precise finishing date must be specified for an ETC, except if the contract relates to a particular, one-off TI Cambodia project of uncertain duration, in which case the contract shall run until the project finishes. The employee should be informed of the approximate or intended duration of the contract when their employment starts.

Service providers, such as contracted teachers, technical assistants, and professional consultants will not receive ETCs as they are not regarded as permanent employees of TI Cambodia. Non-permanent “contractors” may receive written service provider contracts, but on a temporary basis and exclusive of benefits, unless otherwise noted in the Employment Contract.

3.3 Probation Period

All new permanent employees are required to complete a 3-month probation period. All new employees, and employees who are promoted to a new position, will be given a probationary period of three months unless the employee is assigned to a specific short term project, in which case, the probationary period will be stated in the contract of employment.

For short-term contracts, any applicable probationary period shall be agreed in advance and stated in the individual contract. Intern and volunteers shall also be under the probationary period.

The purpose of the probationary period is for TI Cambodia to assess the professional performance and ability of the employee and for the employee to decide if they enjoy working with TI Cambodia. Some factors which will be considered during the probationary period include an assessment of the employee’s technical skills required for the position, interpersonal relations, communication skills, general attitude, personal qualities, including, honesty, integrity, common sense, and loyalty.

During the probationary period both parties reserve the right to terminate the contract. If an employee’s contract is terminated during the probationary period, he/she will be paid only for time worked with no additional remuneration (see Benefits) unless otherwise agreed. To ensure a smooth transition of responsibilities, TI Cambodia and/or the employee should provide a minimum of 5 business days notice before ending a contract during the probationary period.

During the probationary period employees are entitled to use sick leave and emergency leave in accordance with the terms of 10.3 and 10.5 of this HR Policy. Also they are entitled to insurance benefits and pension.

However, new employees will not be eligible to receive the following benefits unless and until successful completion of the probationary period.

- Annual Leave
- Maternity Leave
- Paternity Leave
- Severance Benefits
13th Month Salary

When an existing employee takes up a new position, and while under the probationary period, he/she is entitled to all existing benefits.

Also when intern/volunteer is promoted to be a staff of TI Cambodia, his/her internship/voluntary work seniority shall not count as their seniority with TI Cambodia. Their seniority shall be counted when he/she becomes a staff.

Although new employees are unable to utilize these benefits during the probationary period, the benefits will begin to accrue as of the date of employment, not as of the date of the end of the probationary period. The probationary period shall be included in calculating length of service for all purposes and for determining eligibility for all benefits.

Upon completion of the probation period the employee will have a formal appraisal from their line manager to review their progress and annual expectations. The HR Manager/Officer will also provide a letter confirming the employee’s completion of probation along with any changes in pay or benefits that may have been agreed during the hiring process. Employees who do not successfully complete the probationary period will receive a letter providing the details related to their contract termination, including their end date and final pay.

4. Staffing and Reporting Lines

4.1 Line Managers

Every TI Cambodia staff member has an identified Line Manager to whom they report, and who is responsible for managing and supervising their work. The Line Manager is also the person to whom they submit written reports of their activities. All staff are to be made aware of the identity of their Line Manager as part of the orientation process (section 2.10).

4.2 TI Cambodia Staff Listing

A list is maintained at all times of all TI Cambodia employees by the HR Manager/Officer. This includes full name, gender, job title, staff category, and location. It is updated each time a new staff member is recruited or a current staff member leaves.

4.3 Contractors and Part-time Staff

Contractors are not permanent employees, and are not entitled to the same benefits, owing to TI Cambodia’s limited funding resources. Part-time status is separate from the above distinction. Part-time employees have the same status as full-time employees, with a reduced core salary and proportionally reduced annual leave. Part-time contractors have the same status as full-time contractors.

4.4 Expatriate Staff

The expatriate staff may be employed when deemed necessary by Management of TI Cambodia and subject to the same policies and benefits. Generally, expatriate staff will be expected to cover their own health and accident insurance costs, although this will be reviewed on an individual case basis for longer-term employees. In accordance with the local tax law, expatriate staff will have the required deductions.
made from their salaries each month (section 7.8). By law, TI Cambodia is required to pay taxes on any salary paid for employees working in Cambodia. Expatriates are not exempt from tax on salary.

Expatriate staff will have job contracts and personnel files set up exactly as for other staff, and are required to follow the same rules and regulations, including probation periods, preparing monthly reports for management, and regular appraisals. The precise arrangements may vary for each individual and will be set out in the appendix of the job contract.

TI Cambodia will follow Cambodian Labor Law and its Memorandum of Understanding or relevant legal agreement with the Cambodian Government in deciding which expatriate staff to employ in Cambodia. Where required, preference will be given to Cambodian applicants for a post.

5. Working Hours and Overtime

5.1 Normal Working Hours

The normal TI Cambodia working week is 37.5 hours (5 days of 7.5 hours) from Monday to Friday. Business hours (i.e. when the office must be staffed) are traditionally 08:00am to 12:00 noon and 1:30pm to 5:00pm. Access to the office is normally possible at any time owing to the guards and administrative procedures, and employees may choose to reschedule their working hours as long as they still work the full amount of hours and are present primarily during core office hours which is between 9am - 11:30am and 2pm - 4pm. Employees wishing to work different hours should make arrangements with their Line Manager in advance.

TI Cambodia supports staff who have requirements outside of work, particularly staff who have commitments because they are studying for qualifications (see section 8) and will attempt to help these staff arrange their working hours to allow them to both work and study.

The program office may change these working hours depending upon the need, but a minimum work week of 37.5 hours is expected of all full-time staff. Part-time staff will agree their hours in advance with their line manager. Additionally, according to the employee’s job description, an employee may be expected to work outside of normal office hours, especially when working on projects in the provinces or outside of the office.

5.2 Overtime

In general, overtime is not encouraged and will not normally be paid for program staff and management (see section 6). It will only be paid for guards, cleaners, drivers, housekeepers, and other basic support staff, and this should be rare.

The nature of working at TI Cambodia, for technical program staff and management, is that some overtime (including travel time) is likely to be unavoidable during busy periods. It is expected that these staff members will recognize that TI Cambodia’s public interest purpose and mission may require this extra commitment. For exceptional circumstances or requests outside the employee’s job description, overtime may be approved by an employee’s line supervisor.

All additional hours worked, by any staff, require the consent of the staff member. Technical staff who are not happy with being asked to work overtime should consult their Line Managers or discuss this directly with the Director. TI Cambodia will ensure that expectations are clearly stated in the job description and...
emphasized as part of the recruitment process and contract-signing. In acknowledgement of this, technical program staff and senior management are given extra flexibility in their working hours.

Overtime for guards, cleaners, drivers, housekeepers, and other basic support staff must be “exceptional and urgent” and must not exceed 2 hours, except during public holidays. Staff must agree that they can work overtime with their Line Managers before doing so: if it has not been approved in advance, overtime will not be paid. It cannot be approved retrospectively.

Employees cannot be forced to work overtime; this must be voluntary. Any support staff member who is struggling to finish their work in the time available should consult with their Line Manager to find ways of reducing their working hours. If the manager does not take action within 5 days, the employee should inform the HR Manager/Officer or Director. Employees must not work excessive hours as this will damage their productivity.

Overtime will be paid at 150% during normal working hours and 200% for additional hours worked at night, on Sundays, or on public holidays. This only applies to basic support staff and not to technical staff or management.

Guards, cleaners, drivers, housekeepers, and other basic support staff are eligible for overtime pay, to be calculated using the following overtime formulas. Guard overtime pay is calculated differently due to their common 6-day work week.

Full time guards:
• Monthly salary/23 working days x 150% = Overtime for normal working hours
• Monthly salary/23 working days x 200% = Overtime at night, on Sundays, or public holidays

Weekend guards:
• Monthly salary/8 working days x 150% = Overtime for normal working hours
• Monthly salary/8 working days x 200% = Overtime on public holidays

Part-time guards:
• Monthly salary/11 1/2 x 150% = Overtime for normal working hours
• Monthly salary/11 1/2 x 200% = Overtime at night, on Sundays, or public holidays

Full time cleaners, drivers, and basic staff:
• Monthly salary/22 x 150% = Overtime for normal working hours
• Monthly salary/22 x 200% = Overtime at night, weekends, or public holidays

Part-time cleaners, drivers, and basic staff:
• Monthly salary/11 x 150% = Overtime for normal working hours
• Monthly salary/11 x 200% = Overtime at night, weekends, or public holidays

5.3 Compensation Leave

When technical and managerial staff is requested to work on weekends or public holidays, TI Cambodia will allow staff to take leave days in lieu of the days worked outside of normal working hours. The direct supervisor and employee must discuss and agree on the dates and number of days that will be granted as compensation leave.

5.40 Other Employment
Staff shall not take on other paid or unpaid employment during their working hours at TI Cambodia. In special cases, they may be able to do this, but must discuss this beforehand with their Line Manager and be agreed by the Executive Director. Outside working hours, employees are allowed to engage in professional activities that are not in competition with the goals and aims of TI Cambodia, nor harmful to reputation of the organization.

6. The Working Environment

6.1 Health and Safety

TI Cambodia must maintain its workplaces in such a way that it protects the health and safety of its employees. The HR Manager/Officer and the Administration Officers are responsible for health and safety and for the prevention of workplace-related accidents.

Risks to health and safety vary with the employee’s role. Physical dangers include heavy lifting, falling items, operating machinery, fire, and risks from working alone. Tools, equipment, must be properly installed and maintained. Fire alarms, fire safety inspections, and other measures must be taken as necessary to minimize risks in the workplace.

Office-based working can also cause problems. For example, long hours working at a computer can damage employee’s eyesight, and poor posture can cause back injuries. Computer workstations and seating arrangements should be set up so that they are safe; employees should make adjustments as required to ensure that they are comfortable and should take short 5-10 minute breaks when required. Light and noise levels in the workplace should be monitored and adjusted if necessary; staff must have enough light to do their work and should not be exposed to excessive noise.

Employees may be required to use toxic chemicals such as cleaning products. These should be handled with care, with adequate ventilation, and with adequate protective gear.

TI Cambodia must also protect the psychological health of its employees. Stress at work should be avoided where possible. In particular, this can be caused by overwork, bullying, etc; Line Managers should monitor their employees and take action as required to resolve stress-related problems. Employees should not consume alcohol or other intoxicating drugs whilst working. This may lead to disciplinary procedures – see section 11.

Employees who are ill should not come to work. This is especially important for employees with colds, flu, coughs, etc, who may feel well enough to work but who are infectious to other employees. They should stay at home until they are well in order to avoid infecting other employees – see the sick leave entitlement in section 10.3. Contact with children is a risk area for illness and infectious diseases, and employees and volunteers should take care when visiting schools, etc.

All workplaces must be kept clean and hygienic. Clean toilets and washing facilities, and clean drinking water, must be provided in all workplaces. All TI Cambodia places of work should have a first aid kit and a nominated person (usually the Administration Manager/Officer) who is skilled in administering first aid.

6.2 Security

TI Cambodia employees should ensure their own personal safety while they are at work. In particular, they should take care when working alone, working in remote locations, working after dark, and working in...
potentially hazardous areas. If in doubt, they should contact their Line Manager for advice and in certain situations it may be safer to work in pairs rather than alone.

TI Cambodia’s assets should also be kept secure. The Central Office and other buildings should be guarded or kept locked, and staff must look after TI Cambodia property which is onsite and which is issued to them, especially keys. If in doubt, rooms should be kept locked when staff or volunteers are absent. The guards should monitor staff coming and going and should challenge any unknown visitors.

6.3 Use of Personal Vehicles or Motorcycles

TI Cambodia staff may use their personal vehicle and motorcycles for TI Cambodia’s business. Staff must be skilled, insured, and authorized to drive these vehicles or motorcycles.

Roads are dangerous and TI Cambodia staff should not drive if they are tired, under the influence of alcohol, etc. For motorcycles, staff must wear helmets and for car staff must wear seat belt. TI Cambodia is not liable for medical costs or compensation if the employee has an accident and is not wearing a helmet or seat belt, nor does the TI Cambodia provided insurance cover accidents if a helmet or seat belt is not worn.

For staff who use their vehicles or motorcycles for work purposes a reimbursement on gasoline will be given accordingly. For a regular and long term use of personal vehicles or motorcycles for TI Cambodia business, a flat rate and budget to cover gasoline and maintenance is given to staff subject to approval of the Executive Director.

6.4 Telephone and Internet

The office telephone is for TI Cambodia work use only. All users must record their calls on the written log. Employees who are issued with mobile phones and/or phone cards should also use them for TI Cambodia work only. SIM cards issued by TI Cambodia are managed by the HR Manager/Officer, who must be notified immediately if a phone or SIM card is lost or stolen.

The internet in the office is for TI Cambodia work purposes. Employees should be vigilant to scan for viruses. Particular caution should be taken with cheap copies of software, which may contain viruses. The IT staff should always be consulted for advice on obtaining and installing new software. Staff should communicate by email, using their @ticambodia.org email address when possible, as this is faster and cheaper than phone or paper communication. Staffs who are on holiday should consider using the out-of-office function so that critical emails are not overlooked.

6.5 Emergencies

All TI Cambodia staff should be aware of who to contact in an emergency and should carry the relevant phone numbers with them or in their phones. In the event of fire, flood, riots, etc, staff should contact the HR Manager/Officer to confirm they are safe and to get advice. In the event of a burglary or other crime, staff should contact their Line Manager or HR Manager/Officer for advice. If staffs require immediate medical attention, they should go to the doctor or to hospital, and they should contact their Line Manager or HR Manager/Officer as soon as possible.

6.6 Avoiding Conflicts of Interest

Conflict of interest is difficult to define, yet many people think they know it when they see it. Most conflicts fall into a gray area where ethics and public perception are more relevant than laws or precedents. Conflict
of interest arises whenever the personal or professional interests are potentially at odds with the best interests of the organization. Potential conflicts are common: An employee performs professional services for another organization, or proposes that a relative or friend be considered for a staff position. Such transactions are perfectly acceptable if they benefit the organization and if the decisions are made in an objective and informed manner.

If a staff member believes there is a conflict of interest between any director, manager or staff, they should speak to their Line Manager immediately to determine an appropriate remedy. If the conflict of interest involves the Executive Director, and the concerned staff does not feel that the Executive Director has taken appropriate action in a reasonable amount of time, then the concern should be raised with the Board of Directors.

6.7 Disclosure on Relationships

Employment of individuals directly related by birth or by marriage (parents, siblings, husband/wife, etc) to any member of the staff is not allowed. Relatives such as cousin or in-laws are allowed in principle, but must be disclosed to the Management Team prior to the recruitment process (section 2). One relative should not be the direct Line Manager of another.

This also applies to romantic or sexual relationships within the workplace. While these relationships should be avoided, if a relationship between an employee or volunteer and their direct or in-direct Line Manager develops, it must be brought to the attention of the Management Team. The Management Team will then decide what, if any, action should be taken.

6.8 Appropriate Behavior

People work best in a setting marked by mutual respect, gender equality, personal dignity and support that utilizes one’s skills and abilities, and encourages further learning. All members of staff may reasonably expect to pursue their work in a safe and civil environment, free from discrimination, harassment, sexual harassment, threatening or violent conduct, or offences against property. Any behavior or conflict between members of staff that could be viewed as demeaning or threatening should be reported to the HR Manager/Officer, or Director immediately. They will determine if any disciplinary procedures need to be implemented.

7. Salaries, Bonuses, and Benefits

7.1 Scope of this section

This section applies to fulltime and part-time employees of TI Cambodia. It does not apply to consultants, contractors, service providers such as teachers, government counterparts, volunteers, interns, or staff from partner and affiliate organizations.

7.2 Base Salaries

TI Cambodia is committed to reviewing its salary and benefits framework regularly to ensure that compensation levels are maintained in line with cost of living changes and to ensure that they remain competitive.

Every employee has a monthly base salary that is defined in their written employment contract with TI Cambodia. A copy of the signed contract is given to the staff member, and a copy is retained in the...
personnel files in the HR/Administrative Department. All staff should be notified of how their actual monthly amount will be calculated before their employment commences. They are also informed if the method of calculation changes.

Staffs who work an entire month will receive full pay. For partial months, TI Cambodia will calculate a reduced salary payment based on the number of days/hours worked.

Base salaries are decided using a classification system to ensure fairness and equitable pay. Each position has a pay scale from Grade A to Grade D and individuals will earn a salary based on their position, responsibilities and past experience. TI Cambodia aims to pay the competitive market rate with regard to the actual work performed, taking into account the level of skill and technical knowledge required, years of relevant experience, and the funding available. TI Cambodia will also follow any minimum wage legislation that may be introduced in the future.

Base salary does not change with performance level for a particular job. Exceptional performance, as determined by the appraisal system (see section 8), is rewarded separately by discretionary performance bonuses.

7.3 Monthly Salary Payment Procedures

Monthly salaries are paid by the 28th of each month. All payroll amounts must be authorized for payment via the signature of the Finance Manager and an Approving Officer. All employees have the right to be paid in cash, but where possible, employees will be paid by direct bank transfer. Those without bank accounts will be paid in cash directly to the employee – salaries cannot be paid to anyone else unless the staff member has agreed to this in advance. Monthly cash salaries must also be paid at or near the workplace, on work-days, and during working hours. If the regular payment day does not fall on a working day, payment must be arranged in advance.

Each employee should sign a payslip. This should show clearly how their total pay is calculated. All employees have the right to ask about these calculations. The staff member in charge of the payroll process must explain to the employee how their pay is calculated and must ensure that they are happy with the explanation. The payslip should have sufficient information to enable the employee to understand it. Any queries should be referred to the Finance or HR Manager/Officer. The monthly payment of salaries is the responsibility of the Finance Manager.

All staff who have worked for TI Cambodia for longer than 12 months will receive a “seniority increase” up to 5% per year in their monthly salary which the national inflate rate equal 5% or less than; however, if the inflation is over 5%, the seniority increase will follow the national rate, as an incentive to stay with TI Cambodia. All staff will be notified in writing of this and any other changes to their monthly salary, with a copy of the letter retained in the individual’s personnel file. The exact amount of the increase may vary and will be reviewed each year in line with availability of funds and changes in the cost of living.

7.4 Bonuses

Staff under ETC and OEC contract receives a 13th month salary paid at the time of the Khmer New Year (at the end of March or in early April). This is 100% of one month’s salary. To qualify for the full 13th month salary, an employee must have 12 months of continuous employment with TI Cambodia. For a period of employment shorter than 12 months, the 13th month salary is reduced pro rata based on the number of full months worked to date. Employees who end their employment prior to Khmer New Year are not entitled to receive this 13th month salary in part or in full.
All staff may also receive annual performance bonuses up to 5% of their annual income at the end of each year, provided they have been employed for at least three months (hired before October 1st). Bonuses will be determined by the employee's Annual Performance Appraisal (section 7) and should reflect performance, not workload. If an employee has to work exceptional hours, their Line Manager should either take action to reduce these, or should arrange for formal overtime to be paid in line with section 5.2. Employees hired after October 1st will generally not be eligible for a performance bonus until they have been employed for a full year, i.e. the end of the following year.

All bonuses must be authorized by the Executive Director and depend on the availability of funding.

7.5 Pension Fund

To help provide financial security to employees once they retire or reach a stage where they are unable to work, TI Cambodia will administer a Pension Fund for all core staff. TI Cambodia will supplement 7% of the staff's base monthly salary each month while staff has to contribute the same amount every month. The Pension Funds are paid into a separate, interest-bearing bank account that is managed and administered by TI Cambodia.

Provided they have passed probation, each employee's Pension Fund is paid to the employee as a lump sum when he/she leaves TI Cambodia irrespective of circumstances – whether leaving for another job, retiring, or being dismissed. For employees who leave while still on probation, the accrued pension fund will be retained by TI Cambodia.

It is the responsibility of the employee to inform the HR Manager/Officer who the beneficiary of their pension funds should be, in the event someone must receive it on their behalf. In cases of dismissal due to theft, destruction of property, or outstanding loans, TI Cambodia reserves the right to deduct or withhold payment, in part or in full, to cover the outstanding amount.

7.5.1 Pension Fund Advance Payment:

Once a member of staff has successfully completed a cycle of 5 years of uninterrupted service they can at any time request advance payment of up to 50% of the balance of pension fund that was accrued for him/her. The advance payment of pension fund can be made only once for every five years cycle of uninterrupted service. The amount of advance payment is calculated as follows:

Employee whose length of service is

<0 - <5 years: is not eligible to take pension fund advance

<5 - <10 years: is eligible to take one time pension fund advance. The maximum advance amount is \([(\text{provident fund earned as of year } 5)/2 - 0]\)

<10 - <15 years: is eligible to take up to maximum two times pension fund advance.

The 1st advance can be made during the period <5 - <10 years. The maximum 1st advance amount is \([(\text{pension fund earned as of year } 5)/2 - 0]\)

The 2nd advance can be made during the period <10 - <15 years. The maximum 2nd advance amount is \([(\text{pension fund earned as of year } 10)/2 - 1\text{st advance}]\)
However, staff can choose to take only one time advance during the period <10 - <15 years. The maximum advance amount is [(pension fund earned as of year 10)/2 – 0]

The same principle apply to those whose length of service is > 15 years

Pension fund advance payment procedure:

1. Staff completes pension fund advance payment request form
2. HR Manager/Officer and Finance Manager verifies the amount request
3. Executive Director approves the request
4. Finance prepares the payment

7.6 Insurance Benefits

TI Cambodia provides two private insurance policies for all core staff – Accident & Life and Group Hospital & Surgical. TI Cambodia also provides supplemental state insurance which covers accidents during working hours. These policies are arranged and paid centrally for all staff by the HR Manager/Officer in Phnom Penh.

The Accident & Life policy provides for medical and hospitalization expenses as a result of accidents at work. Medical expenses are paid by the insurance company, up to the maximum amount stated in the policy. Additional Group Hospital & Surgical insurance is provided to help cover in-patient medical treatment for serious accidents or illness. The Accident & Life policy also includes Life and Disability coverage should the accident be severe enough for partial or full permanent disability or death. It is the responsibility of the employee to inform the HR Manager/Officer who the beneficiary of their life insurance policy should be in the event someone must receive it on their behalf.

Additionally, TI Cambodia will also subscribe to the government's National Social Security Fund in accordance with the government's policy for all its employees hired under ETC and OEC contract.

Medical expenses not covered by either insurance policy will be the responsibility of the staff member or their family, and not TI Cambodia. TI Cambodia is currently not able to pay for comprehensive health insurance for its employees, as this is prohibitively expensive. All employees should take time to understand both insurance policies and direct any questions to the HR Manager/Officer if required.

Sick pay is available for staff who cannot work owing to health problems – see details in section 10.3.

Since the Surgical and Hospitalization insurance covers from 6 hours stay in the hospital, TI Cambodia understand the need of its employee; therefore TI Cambodia creates a health care benefit package to help staff who stay in hospital less than 6 hours or not going to the hospital. This healthcare provision consists of an allowance of $150 each year disburses whenever the proper receipt of medical payment is presented to Finance Department. This benefit is limited for staff only not family members.

7.7 Tax on Salary

In accordance with Cambodian Tax Law, TI Cambodia will withhold and pay its employees’ tax payments based on the rate imposed by the government. All employees, whether resident or non-resident in
Cambodia, are liable for tax on salary. The liability to pay tax is the responsibility of the employee, however, since Cambodia does not currently have an individual tax-payer system, responsibility for tax payments rests with the employer.

8. Performance Management and Appraisals

8.1 Aims and Use of System

The aims of the performance management system are to help TI Cambodia staff achieve their goals, to give staff feedback on their work, and to help TI Cambodia monitor and improve the quality of its operations. The system is flexible and is subject to change, as it must respond to the needs of TI Cambodia and its staff.

Helping TI Cambodia staff achieve their goals

The basic cycle is for staff to plan their goals, to determine what they need to do in order to achieve their goals, then to monitor and review progress. The goals must be properly defined and should tie in with the employee’s job description in their job contract. Goals should not be created for the sake of it, or because the appraisal system “requires” them. They must all be directly relevant to the employee’s aspirations, to their job description, and to TI Cambodia’s goals and objectives.

Giving staff feedback on their work

It is useful for staff to get feedback on their performance from another person, especially from their Line Manager, as this may help them to identify areas where they need to improve. Feedback of this kind should be documented, in writing, and kept on file as part of the employee’s personnel records.

Helping TI Cambodia monitor and improve the quality of its operations

TI Cambodia’s performance management system feeds into a decision-making process that can have significant consequences. For example, if an employee’s performance is poor, they may need additional training, additional management support, or assistance with their workload; if an employee’s performance is unacceptable, they may need to be dismissed; if an employee’s performance is exceptionally good, they may be paid a bonus or receive a promotion. In all of these cases, TI Cambodia should document the reasons for the actions taken, as this will give TI Cambodia legal protection and will ensure that all staffs are treated fairly and consistently.

For staffs that are dismissed for poor performance or misconduct, in particular, TI Cambodia needs to be able to justify the decision it has taken with reference to appraisals and guidance given to the staff member. Hence appraisals must be written up and signed off promptly.

Furthermore, there is a risk that a staff member may not be fairly treated, or may complain of this, if there are only two people involved in the performance management system (the staff member and their Line Manager). Hence the Executive Director must review and sign off on all appraisals, and they should become involved further if any disputes arise or if there are serious problems with any employee’s performance.

8.2 Types and Frequency of Coaching and Appraisals

Performance management is a continuous process. The lowest level is a “suggestion box” system for day-to-day operations, where staff can make suggestions (anonymously if desired) as to how their work could
be improved. This will allow many small improvements to accumulate, which will make TI Cambodia more effective. Staff should be encouraged to raise issues via this system, no matter how small. Staff suggestions should be recognized via the appraisal system.

Staffs receive formal coaching sessions as needed from their Line Manager. This is a two-way process where the staff member can discuss their performance and get some feedback. Coaching sessions should not take too long to prepare and write up. It exists to pick up on potential problems and to address these before they develop further. It also allows mid-year monitoring of staff progress towards the goals they have set themselves for the year.

The annual appraisal is the highest level of the performance management system. All staff have an annual appraisal, with their Line Manager (and with input as necessary from the Executive Director). The employee will complete a draft appraisal form, and together with the Line Manager, will complete a final version of this, which is signed off and filed. This includes feedback on the employee’s performance to date, and the employee’s goals for the future – see below on the documentation required. This is performed in November or December each year and the outcome will determine the employee’s annual performance bonus outlined in section 7.5.

8.3 Importance of Technical Skills and Objective Reviewing

The nature of TI Cambodia’s work means that most employees’ jobs focus on specific technical areas. Hence the performance management system should do the same, including direct technical skills (education, delivering training, administration, using technology and machinery, etc) and general technical skills (written and spoken languages, report-writing, press releases, schedules and charts, photography, planning and managing meetings, websites, giving presentations, filing documents, and so on). The appraisal should focus on these technical skills rather than on intangible aspects of performance such as “attitude to the job”, as these may result in arbitrary and subjective judgments.

The appraisal should also focus on factual evidence rather than on general judgments, which cannot be substantiated. For example, it should refer to specific programs completed during the year, and specific tasks within these programs. All of the employee’s work during the year should be taken into account. There is a risk that the appraisal will be biased if, for example, mistakes, or tasks that were not performed well, are noted on the appraisal form, but other tasks that were performed well are not noted. The appraisal is not a list of failures and mistakes. The aim is for the appraisal to be objective enough so that for a given employee, different appraisers would give a similar appraisal; hence it needs to be fair, balanced, and focused on specific technical areas. Staff must be given a chance to explain any areas of weakness in their performance.

Line Managers should be given training where required to help them perform fair and appropriate appraisals.

8.4 Documentation of the Performance Management Process

The standard Performance Appraisal Form should be used for all employees, modified as necessary to ensure that they are assessed against:

- The requirements of their job description as given in their job contract
- Specific performance goals chosen by the employee and/or Line Manager
- How they contribute to the operational aims of TI Cambodia
If areas of the form are not relevant, they should be crossed out. The entire form does not need to be completed for all staff. Only those aspects that are specifically relevant should be considered. In particular, only more senior staff should complete the entire form; staff at lower levels should focus on relevant technical skills and their experiences and achievements in these areas.

Furthermore, detailed feedback should be restricted to areas where the employee is performing especially well or especially badly.

The completed form must be signed off by the employee, the Line Manager, and Executive Director, and stored securely in the personnel files.

8.5 Schedules for Staff Appraisals, Coaching and Contract Renewal

Line Managers are responsible for drafting or reviewing the Job Description of their subordinates at the beginning of each year in consultation with the Employee. TI Cambodia prefers to have job descriptions and new contracts prepared by January each year and submitted to the HR Manager/Officer. For new Employees who begin work during the year, contracts should be prepared and signed within the ten working days of when the employee starts working with TI Cambodia.

9. Staff Development and Career Progression

TI Cambodia is committed to capacity-building of its staff, with the aim of creating an NGO run primarily by local staff with appropriate technical skills. The appraisals system (section 8) should tie into this long-term aim, focusing on technical skills.

9.1 External Training

TI Cambodia employees may be offered support for external training courses or help paying university school fees if there is sufficient funding available, the training or schooling is essential for performance of their jobs, and there is sufficient staff coverage available to allow them to take any required time off work. Employees are required to complete a training request form and submit the form for approval to their line manager and HR Manager/Officer prior to the training. External training courses and payment of school fees are paid out of capacity building budget and are made on an individual case basis, requiring approval by the Executive Director. To qualify for this benefit, staff must pass the exams (if applicable) and must attend at least 80% of the sessions/time required for that course. Staff are encouraged to take short courses on specialized skills or soft-skills that are relevant to their jobs.

A primary aim of any external training is to develop the capacity of the staff member and make them more effective in their role at TI Cambodia. With the intent to retain trained staff, any staff member who receives paid, external training or school fees must agree to the following:

- Training fees under $100, TI Cambodia pays 100%
- Training fees between $101-$200, the employee should continue employment with TI Cambodia for at least three months or will be required to pay back 50% of the training fee
- Training fees between $201-$500, the employee should continue employment with TI Cambodia for at least six months or will be required to pay back 50% of the training fee
- Training fees over $500, the employee should continue employment with TI Cambodia for at least twelve months or will be required to pay back 50% of the training fee.
Alternatively, some TI Cambodia staff study for external qualifications outside of their TI Cambodia working hours, at university, for example. TI Cambodia encourages its staff to build their capacity in this way, as long as it does not interfere with the satisfactory performance of their jobs. Staff are encouraged to speak to their Line Manager about their training or learning program at the beginning of the year.

9.2 Internal Training

Internal training is encouraged at TI Cambodia, as it has benefits for staff receiving and giving the training. This includes organization-wide areas such as health and safety, finance procedures, as well as job-specific training. All newly-recruited staff should have key training courses scheduled as part of the orientation process (section 2.10). In addition, internal training needs should be discussed as part of the annual appraisal process. Coordination of the internal training is the responsibility of the HR Manager/Officer.

9.3 Sharing of Job Skills

TI Cambodia promotes the sharing of job skills amongst employees. This builds capacity among TI Cambodia staff, reduces dependence on individual employees (which may cause challenges if they are absent) and allows the TI Cambodia offices to act responsively. Staffs are encouraged to look beyond their immediate job descriptions and to learn from each other. Where possible this should be supplemented by internal training as above.

The orientation process for new employees (section 2.10) should include informal training on all important office procedures such as the filing system, how to use the shared drive, and so on. The HR Manager/Officer and or IT Administrator should maintain information relating to these procedures and should show all new staff how to perform them.

9.4 Promotions and Career Progression

The annual appraisal should include a discussion of the staff member’s career aims, including possible qualifications, promotions, and additional job responsibilities. Where possible this should be tied into the succession planning process (see section 13.2). Staff should be encouraged to discuss their career objectives and how TI Cambodia can help them achieve these objectives.

10. Leave

10.1 Annual leave

All full-time employees of TI Cambodia (ETC & OEC) are entitled to 18 days of paid annual leave per calendar year, with an additional day for every three years of continuous employment. Part-time employees are entitled to annual leave reduced pro rata based on the proportion of a full week that they work: for example, an employee who works 20 hours rather than 40 hours per week is entitled to 9 days of annual leave with an additional half day at the fourth year of continuous employment.

Leave is calculated on a calendar year basis: an employee whose period of entitlement in a given year is less than the full twelve months is entitled to leave reduced pro rata based on the proportion of a full year that he/she has worked. Each month of service is equivalent to 1.5 days of annual leave. Employees must complete their probation before they are eligible to take annual leave.

Temporary staff, contractors, consultants, and other staff who are not under ETC or OEC employees will make individual arrangements as to the paid leave they are entitled to. Their entitlements will be set out in
their job contracts with TI Cambodia. These will ordinarily be in line with the entitlements for ETC and OEC staff, i.e. 1.5 days per full month of service, but may vary with the requirements of their roles.

The dates of annual leave should be chosen by the employee, but all annual leave must be approved by the employee’s Line Manager. The Annual Leave Request Form should be completed and handed to the Line Manager, who should sign the form to approve the leave and notify all other relevant staff as to the employee’s absence.

To avoid disruption to projects, employees should aim to submit their request for leave at least one week in advance for leave periods of less than five days. For leave periods of more than one week, at least two weeks advance notice is required. The total annual leave available is fixed, and employees should ensure that they take all of the leave to which they are entitled. Employees cannot earn improved appraisal scores by taking less than the maximum paid leave. TI Cambodia recognizes the importance of taking leave to its employees’ health and will not take “missed leave” into account when reviewing employee performance.

A maximum of six unused holidays can be carried over from one year to the next. Unused holidays will not be “reimbursed”, unless the employee is leaving TI Cambodia and then any current unused holidays can be included in the final payment (section 13.2).

The operational requirements of TI Cambodia may take precedence over leave requests at certain busy times of year, depending on the exact role of the employee. It may not be possible for all leave requests to be granted – employees should be aware of this and should be prepared to reschedule leave if they are required to be at work because of the operational requirements of TI Cambodia. If in any doubt, employees should discuss their leave plans well in advance with their Line Managers.

Paid annual leave is in addition to public holidays and sick leave, and is unaffected by these.

10.2 Public Holidays

TI Cambodia follows the public holidays issued by the government of Cambodia and in accordance with the labor law. The dates of these public holidays may change from year to year. The public holidays to be taken for each calendar year will be announced to all staff in advance via a memorandum prepared by the HR Manager/Officer and signed by the Executive Director. This will be distributed to all staff by email.

If a chosen official holiday falls on a weekend, the holiday will be moved to a weekday instead.

Because of their roles (e.g. security guard), some staff may be required to work on public holidays. If this is the case, they will be given alternative days off so that they get the same amount of holidays. Work during public holidays will be paid at the indicated overtime rate (section 5.2).

10.3 Sick Leave

All employees are permitted to take off up to 12 sick days per calendar year without a reduction in pay. For all sick leave employees must inform their Line Manager and the HR Manager/Officer that they are unable attend work due to their sickness. For sick leave that requires three or more consecutive days off work, a note from a medical practitioner may be requested by the HR Manager/Officer upon returning to work. Please also notice that medical check is not considered as sick.

If an employee is suffering from a more serious illness and time off is taken beyond the permitted twelve days, TI Cambodia Management will need to review the circumstances and some longer-term illnesses may result in a reduction of pay. Generally, ill staff requiring more than 12 days leave will receive 50% of their...
base salary for each additional sick day for up to three months, provided a certified doctor’s notice is submitted to TI Cambodia each week confirming the employee is still too sick to work. An employee who takes more than three months of sick leave may be transferred to unpaid leave status (10.6) for a further three months, i.e. up to a total sick leave time of six months. An employee who takes more than six months of consecutive sick leave may have their contract terminated.

An employee will not be compensated for not taking their sick leave. Employees that are ill should use their sick leave entitlement and promptly seek medical attention. Those with contagious diseases should not come into work, as this will stop them resting and recovering as fast, and will risk making other employees ill.

10.4 Maternity and Paternity Leave

All ETC and OEC female employees who have signed employment contract with TI Cambodia are entitled to three months (90 continuous days) of maternity leave. Full salary will be paid during this period, to female employee who has performed the work with TI Cambodia longer than a year service and as long as the employee has given at least 2 months notice that she wishes to take maternity leave and has indicated the specific dates of the leave. For female employees with less than one year of service, payment of salary during maternity leave will be granted on pro rata basis with the additional days/months consider for unpaid leave.

During the first two months after returning to work from maternity leave, the employee will only be expected to perform light work that is not physically demanding. Fully paid time off for breastfeeding (one hour per day) is permitted for one year from the date of child delivery, in addition to all other leave.

Paternity leave of one week (5 continuous working days) is available for ETC and OEC male employees after they sign the employment contract with TI Cambodia. Alternatively, the 5 days of paternity leave can be spread out over the first three months of the child’s birth.

All maternity and paternity leave arrangements and pay must be approved by the individual’s line manager prior to leave being granted.

Non ETC and OEC employees are not entitled to these paid maternity and paternity leave, but they can use other types of leaves applicable in this HR policy subject to approval of the Executive Director.

10.5 Emergency Leave

Emergency leave will be granted in the event of personal or family emergencies. The employee must call their Line Manager immediately to report that he/she wishes to take emergency leave. This can be taken for a period of up to two hours, at the discretion of the employee’s Line Manager, without further monitoring. The employee should make up the time taken off by working additional hours. Emergency leave lasting longer than two hours must be reported as soon as the employee returns to work, via completion of a Leave Form. This may then be treated as sick leave, paid annual leave, or made up by working additional hours depending on the circumstances.

Compassionate leave of up to three continuous working days is available for all TI Cambodia staff following a death in the immediate family. Immediate family includes a spouse, child, parent, sibling, grandparent, cousin, etc. This will not count against sick leave or annual leave.

10.6 Unpaid Leave
TI Cambodia employees may be granted unpaid leave for up to 2 months depending on circumstances. They will not be paid during this period but will retain their job titles and their job will be kept open for them to return to. Longer leave periods may also be allowed for training, education and overseas scholarships depending on the circumstances. All unpaid leave is at the discretion of the Executive Director.

Unpaid leave for a period of 2 months and above are only eligible for employees who have been working continuously for TI Cambodia for at least 2 years.

This may happen, as noted above, in the case of a long-term illness; it may also arise if, as part of the disciplinary process, an employee is suspended from work (see section 11).

11. Disciplinary Procedures

11.1 Minor Problems

Minor disciplinary problems are to be dealt with by the employee’s Line Manager and should follow the steps outlined below for the first, second, and third instances of a disciplinary problem. All employees must be treated in the same way during this process, to avoid any liability for unfair dismissal from TI Cambodia.

First: The employee should be spoken to, and if necessary, given a verbal warning; guidance should also be given as to how to improve and/or avoid future problems.

Second: The employee should be given a written warning (with a copy retained in the personnel file) and further guidance should be given as to how to improve and/or avoid future problems.

Third: The employee should be given a final written warning (with a copy retained in the personnel file), signed by the Executive Director, making it clear that a future repeat of the problem will result in dismissal. This should include a time period for improvement, typically of one month.

Minor disciplinary problems may relate to specific areas of under-performance on the job, or may include general issues such as: minor breaches of confidentiality, minor breaches of health and safety rules, minor breaches of IT rules, lateness or non-attendance at work, and antisocial behavior towards other staff. This list is not exhaustive; what constitutes misconduct is for the Management Team to determine.

11.2 Serious Problems

Serious disciplinarian problems will result in TI Cambodia terminating the employee’s contract without notice. These are limited to certain problems per the Cambodian labor law, which are listed below:

- Stealing, misappropriation, or embezzlement
- Fraudulent acts committed at the time of signing the job contract (presentation of false documentation) or during employment (sabotage, refusal to comply with the terms of the employment contract, divulging professional confidentiality)
- Serious infractions of disciplinary, safety, and health regulations
- Threats, abusive language or assault against the employer or other workers

TI Cambodia Human Resources Policy
• Inciting other workers to commit serious offences

A criminal conviction may also be grounds for immediate dismissal. The employee will be informed in writing via a letter signed by the assigned committee members. A copy will be retained in the employee’s personnel file. This must be done within seven days of the problem being noticed. Note that the above list does not include under-performance on the job; this is classed as a minor problem and must be handled via the procedure in section 11.1, with guidance given as to how to improve. Only if there is insufficient improvement can the employee’s contract be terminated.

12. Disputes and Grievances

12.1 Grievances Enabling Immediate Termination of Contract

TI Cambodia staff who have a dispute or grievance relating to their employment should follow the procedures described in section 12.2 below. However, staffs have the legal right to leave TI Cambodia without giving notice, if TI Cambodia commits any of the offences listed below:

• The use of fraudulent measures to entice a worker into signing a contract under conditions to which they would not otherwise have agreed, if they had realized it
• Refusal to pay all or part of the wages
• Repeated late payment of wages
• Abusive language, threats, violence or assault
• Failure to implement labor health and safety measures in the workplace as required by existing laws

12.2 Disputes and Grievances Procedure

TI Cambodia staff are encouraged to notify management as early as possible of any grievances or problems at work, via the suggestion box system (anonymously if desired), or by speaking, emailing or writing to their Line Manager or directly to the Executive Director. They can also mention any problems at work in their quarterly coaching or annual appraisal.

Line Managers who are notified of problems or grievances by staff should make written notes of the problem and the action taken to resolve the problem, or to escalate it to senior management for resolution. Serious problems may need to be discussed at monthly management meetings, or ultimately by the Board of Directors. While informal solutions to grievances are preferred, TI Cambodia should protect itself by documenting any grievances noted and any actions taken to resolve them, and should keep copies in the relevant personnel files.

12.3 Whistle Blowing Policy

TI Cambodia guarantees anonymity and employment protection for whistleblowers, as long as their allegations are made in good faith – for example, notifying the directors that a Line Manager is suspected to be engaged in fraud or theft. All such allegations will be treated with strict anonymity and investigated by the Executive Director or his representative (limited to Program Director, HR Manager/Officer or Finance Manager) who should keep the TI Cambodia Board of Directors informed.

13. Staff Termination
This section relates mainly to termination of core staff, employed on ETCs or OECs. Similar procedures apply to short-term contractors, consultants, volunteers and interns (14.5).

13.1 Contract Termination

By definition, Extended Term Contracts (ETCs) terminate at the specified ending date. They can however be terminated before the ending date if both parties are in agreement and the contract termination date is agreed in writing. TI Cambodia alone cannot terminate an ETC early, unless there are disciplinary problems or serious misconduct as outlined in section 11 or the short of funding for this position.

Written notice must be given to an employee on an ETC at the end of their contract, even though the date of termination is agreed in advance. The minimum notice period is 5 days for employment of less than 6 months, 10 days for employment of between 6 months and one year and 30 days for employment of longer than one year. If proper written notice is not given, the ETC rolls over to a new period of the same length as the previous ETC.

It is important for TI Cambodia to send out adequate notice to all employees whose ETCs are coming to an end or as a project is finishing. Preparation for written notices should be discussed between the Program Manager and the HR Manager/Officer and should be part of the project closure process. Ideally, TI Cambodia should give longer notice periods than the law requires – three months or more – although this depends on the certainty of ongoing funding during the closure period. The HR Manager/Officer is responsible for preparing all written notices and should keep copies of the letters in the relevant personnel files.

Open Ended Contracts (OECs) can be terminated at will by either TI Cambodia or the employee, with appropriate prior notice by the terminating party in writing. The minimum period of prior notice is seven days if the employee’s length of service is less than six months, 15 days for service from six months to two years, one month for service between two years and five years, two months for service between five years and ten years and three months if the employee’s length of service exceeds ten years. Due to the important contribution of each TI Cambodia staff member, either party should give longer notice periods than the law requires – ideally one month or more – for employees who have held their positions for more than one year.

13.2 Leaving Procedures – All Staff

Terminations cannot proceed without the approval of the Executive Director, who should be notified in advance of the termination procedures. A specified manager should be appointed to oversee the process – ordinarily, as for hiring, this would be the relevant Program Manager, or the HR Manager/Officer.

As soon as the termination process begins, the relevant manager should include succession planning as part of the process, if necessary. New recruitment can then be considered and promptly put into action as required to ensure no gap in project staffing.

On or close to the last day of employment, the HR Manager/Officer should arrange an exit interview with the leaving employee, to also be attended by the Line Manager or Executive Director as appropriate. This should be an open and honest discussion about the employee’s reasons for leaving and general feedback on their employment experience at TI Cambodia. Attendees should take written notes and should ensure that these are filed in the personnel file; they should also be reviewed at the next monthly management meeting and any recommendations arising should be acted upon. If the leaving employee does not wish to have an exit interview, or if one cannot be arranged, then written or telephone feedback should still be sought.
The HR Manager/Officer should prepare a brief checklist for the leaver, which should include key points such as returning all of TI Cambodia's property (including all keys, business cards, computer and other equipment, ID cards, etc) and settling any accounts with TI Cambodia (e.g. expense advances or salary advances). Contact details must be obtained for the employee including telephone and address. A deduction from the final pay amount can be made for any tools or other equipment belonging to TI Cambodia that are not returned by the leaver.

The Finance Manager is responsible for calculating the final salary payment for all leaving employees. This includes all of the wages they are owed (which must be paid within 48 hours if TI Cambodia has terminated the contract) together with any holiday compensation, severance pay, and indemnity for dismissal (see 12.4). A payslip should be produced showing exactly how each amount has been calculated, with a copy given to the leaver. Note: if an employee dies, all of the above benefits are still paid to a designated dependent or beneficiary. It is the staff member's responsibility to ensure the HR Manager/Officer has this information on file. In the case where a dependent or beneficiary has not been identified by the employee, the Management Team reserves the right to decide which family member or friend will receive the final payment.

Depending on the amount of holiday days already taken, the staff member will either receive additional holiday pay as compensation (on a pro rata basis per day) or will have an amount deducted from their final pay if they have taken more than the number of holidays they accrued.

13.3 Return of Pension Fund

All staff will receive the savings they have accrued via the Pension Fund on the day that they leave TI Cambodia. This is paid to all leavers irrespective of the circumstances of their leaving.

13.4 Certificate of Employment and References

Any employee leaving TI Cambodia may request a certificate of employment containing the starting and finishing dates of his employment, the types of jobs held, and the periods that these jobs were held or recommendation. Staff can receive one among both. No charge will be made for this, and no harmful statements must be added that could prejudice the future employment of the leaver.

Employees leaving in good standing may also request a personal reference from their Line Manager or other relevant managers including the Executive Director.
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<thead>
<tr>
<th>Name</th>
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<th>Signature</th>
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<tbody>
<tr>
<td>Mr. Rath Sophoan</td>
<td>Chairman</td>
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<tr>
<td>Mr. Hang Chhaya</td>
<td>Vice Chairman</td>
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<td>Mr. Soeung Saroeun</td>
<td>Treasurer</td>
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<td>Ven. Thorn Vandong</td>
<td>Member</td>
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<td>Mengly J. Quach, MD, MPH</td>
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<td>Mrs. Houf Ratkanak</td>
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