



# Human Resources Policy

# Operations Enfants du Cambodge (OEC)

## HUMAN RESOURCES POLICY

### REFERENCE:

- 1- OEC By-law;
- 2- Code of Ethical Principles and Conduct;
- 3- Human Rights Policy;
- 4- Child Protection Policy;
- 5- Gender Equality Policy;
- 6- Minority Policy;
- 7- Drug Policy;
- 8- Statute of Staff Association;
- 9- Conflict of Interest Policy;
- 10- Procurement Committee;
- 11- Asset Committee;
- 12- Internal Control;
- 13- The Permanent Secretariat for Code Observance;
- 14- Financial Policy;
- 15- Admin Policy and;
- 16- Delegation of Authority Framework.
- 17- Cambodian Labour Law.

### OVERVIEW:

Operations Enfants du Cambodge makes a long march from 1996 and continues constantly with successive development in strong spirit of non-profit; non-commercial; non-government; non-adherent to any political party; legally registered; and subscribing to universal humanitarian values and practices. OEC has the responsibility to be transparent, honest, accountable, and ethical, to give out accurate information and social services, and to not manipulate situations for the personal benefit of its boards and staff, but to accept learning new requirement and keeping as principle that the right personnel for the right position is a sure bet for organizational effectiveness and efficiency. The files in reference, treated internally and published through [www.oecbtb.org](http://www.oecbtb.org), are materials guiding OEC staff to realize good governance, the core values of OEC. For constant good practice and continuous development a Human Resources Policy is elaborated in the following order:

### 1- RECRUITMENT PROCESS:

#### Introduction

Recruitment is done by formal procedures, starting from identifying the need to fill a post or project to reaching the stage of official appointment. A recruitment committee is formed, subdivided in writing committee, correction committee; interview committee, total scoring committee and finally deliberated by the body of recruitment committee, which will be approved by the executive director. **The admin manager is responsible for arrangement and facilitation of the process.**

Phase	Maximum duration	By
Vacancy identification		Suggested by admin manager or executive director (ED) and decided by Management Committee (MT).
Preparation job description	1 week	Program coordinator or Admin manager.
Internal lateral move of staff (depending on necessary need)		Implementation of article 11-7 of Administration policy, to be decided by MT.
Application form (available in Admin and in <a href="http://www.oecbtb.org">www.oecbtb.org</a> )		Admin manager
Vacancy announcement		Admin Manager
Application period	3 weeks	Admin Manager

Selection for interviews		Recruitment committee
Interviews	Favourable time	Interview committee
Second round interviews (if applicable)	Within 1 week	Recruitment committee
Selection of successful candidate(s)	Immediately	Deliberation of Recruitment committee, approved by ED
Appointment procedure and signing of contract	Depends on planning	Presented by Admin Manager and signed by ED.

## 1-2. Vacancy identification

A vacancy can be identified after an employee has left/or will leave the job or new tasks for the organization arise which require a new post. The need for filling such vacancies can be discussed in the monthly or extra-management meetings (attended by all Management Committee members). In such a meeting (of which minutes need to be taken) issues need to be discussed like expectations of the post, recruitment planning, internal lateral move of staff if applicable, mode of vacancy announcement, type of contract etc. If the planned recruitment procedure differs notably from the above described procedure this has to be approved by the board of directors of the organization before recruitment starts.

All internal staff have the rights to jump up to higher grade or position through competitive test with external candidates when a vacancy has been pronounced.

## 1-3. Preparation job description

All employees to be recruited by the organization will have explicit job descriptions that form part of the employment contract whether permanent or temporary contract. Job descriptions should make clear the tasks to be performed, the level of responsibility of the job, the knowledge and the skill level required to do the job productively. For most cases job descriptions are standard. In some cases job descriptions may be custom made, for instance if new functions are created for which no standard job description exists. Custom made job descriptions will need to be based as much as possible on the existing standard job descriptions presented by admin manager. For all jobs under project level the job descriptions will be prepared by the involved project manager together with the Admin Manager and will be approved by the ED. For all jobs at management level the job descriptions will be made by the Program Coordinator together with the Admin manager and will be approved by the Board of Directors.

## 1-4. Internal Lateral Move of Staff

a)- Internally OEC, by common agreement with the Management Committee, can move a competent staff, with his/her consent, from one project to another one of the similar importance or level, or from the main office to sub-branch of equal position.

b)- In these cases, if the salary of the previous position is inferior to the new position, in an interval between 10\$ to 50\$, the moved person can obtain the new salary accepted by the donor agency, because he/she has been moved by service obligation.

c)- In the case that his/her project faces any phase out or reaches an end, his/her move to any new position becomes sympathetic and depends then on existing salary.

## 1-5. Preparation Application Form

The application forms have already been prepared by the Admin Manager and can be got from admin office or from OEC web site, [www.oecbtb.org](http://www.oecbtb.org).

## **1-6. External vacancy announcement**

An external vacancy announcement should be done by cost-effective advertising, for instance by using local radio, by OEC web site and additionally by popular web site company. Every announcement should clearly indicate the application procedure and closing date. The application can be submitted directly to OEC main office or sent by email.

## **1-7. Appointment procedure and signing of contract**

After final selection of a candidate, the Admin Manager, with permission from the executive director will write and send to the candidate's email address a job offer letter. The job offer letter will clarify the requirements for accepting the job offer and reporting on duty. The candidate will have to react to the job offer letter within one week. If the candidate shows interest in the job offer, an appointment will be made by the Admin Manager to (further) discuss the terms and conditions of employment and if he/she accepts, to sign the employment contract, child rights policy, gender equality policy, drug policy and job description. In some cases it may be required to have a second meeting to further discuss the terms and conditions of employment before signing these documents.

## **2- STARTING ON THE JOB**

### **2-1. First working day**

On the first working day the targets for the probation period are discussed with the probationer by the Admin Manager. This includes a clear explanation about what is expected of the employee. The probationer is introduced to the organization. He/she will receive from the Admin Manager the Fundamental Rules of OEC.

The probationer can get a 25% advance of his/her first month salary on the first working day, if requested for.

The project manager or the assistant project manager, or head of section is capable to supervise the probationer and train him/her into the relevant tasks he/she will have to fulfill. In most cases the supervisor will be the person placed one place above the probationer's position in the organization hierarchy, but this is not necessarily so.

After the introduction and administrative procedures on the first working day, the probationer is handed over to his/her supervisor who will from guide the probationer during his/her probation period

### **2-2. Tasks of the Admin Manager**

- Organize the payment to the probationer and, if requested for by the probationer, a 25% advance of the first month salary.
- Ensure that the probationer is taken up in the liability. Contact the involved insurance companies if needed and fulfill all required procedures.
- Ensure proper handing over of the probationer to his/her supervisor.

### **2-3. Probation period**

The goal of a probation period is:

- a) To test the ability of the probationer to perform well on the job.
- b) To test the suitability of the probationer's character to fit into the organization.

Beside training and supporting the probationer, the probationer's supervisor also monitors the probationer during the probation period and fills in the Probation Monitoring Form on a monthly basis. This information written in this Form is not accessible to the probationer.

The first month of probation is meant to familiarize the probationer with the organization and also to help him/her to settle down and understand the organization's operations. Usually the supervisor has a training program in mind and also instructs relevant colleagues who will help in conducting this training.

After one month the supervisor and the probationer assess together whether the work progresses well and where improvements are needed. The supervisor reports about the outcome of this assessment in the Probation Monitoring Form of the probationer and discusses the results with the Admin Manager, the relevant Section Head. If the first month was unsuccessful and there are no positive prospects for performance to be improved, at this stage the probationer can be dismissed after approval by the MT and the Executive Director.

In case it concerns a position at management level always a member of the Board of Directors should be part of the evaluation panel. In such case any recommendation of the panel should be approved by the Board of Directors to become a decision of the organization.

#### **2-4. Notice of termination of contract or resignation**

Written notice to terminate employment, by the organization to the employee or by employee to the organization must be done as follows:

- 1- During probation : 7 days in advance
- 2- Employees up to one year employed : 30 days in advance.
- 3- Employees longer than 1 year employed : 60 days in advance.

The organization may revoke these conditions on the basis of:

1. Provisions within disciplinary procedures. Immediate dismissal can be given in case of insubordination, absenteeism, lack of performance, lack of co-operation and theft. **The procedures to be followed in any such case should follow the labor laws of the country!**
2. The employee has been certified permanently unable to work by a medical practitioner (consult the Labor Law of the country to know and follow the exact rules on this!).
3. The employee has been imprisoned or convicted of an offense.

#### **2-5. Tasks of the Admin Manager**

- In case the contract of an employee or probationer is terminated or an employee or probationer resigns, make sure that all required procedures are carried out according to the labor laws of the country.
- In such case also stop the insurances the organization is paying for this person from the date the person has stopped working.

#### **2-6. Re-employment**

Former employees who have left the organization (whether being under casual/temporary or permanent employment) by resignation (of their own accord) or who have had their employment terminated for any reason connected with their performance or conduct will in principle not be re-employed. However, the ED, with consultation of MT, may use his/her discretion to modify this policy where he/she considers if that it may be of mutual benefit to the individual and the organization. The general exception to this rule will be where an employee has left the organization as a result of redundancy in which case the ED's approval will not need to be sought for re-employment. However, for this case of re-employment, the person would have to apply through the formal application procedures (during recruitment round).

### **3- PAYMENT POLICIES AND PROCEDURES**

#### **3-1. Salary and wages**

Salary means payment for work, made to an employee with an employment contract, usually done in the form of a monthly cash or account book. Wages means remuneration or earnings, capable of being expressed in terms of money, which are payable to an employee under a contract of service and includes cost of living allowance paid to an employee. The salary/wage system of the organization is bound to centrally agreed hard currency amounts (between Connect International and its partner organizations) and to be followed by the organization. The salary/wage system is evaluated once a year by Connect International and its partner organizations. A salary scale is planned in article 15 of administration policy, page 74.

#### **3-2. Salary and wages payment**

The amount of salary is paid according to the employment contract of the employee. This may be cash or by account book. If the month-end falls on a Saturday or Sunday then payment shall be made on a Friday before the weekend.

All obligatory tax and insurance payments by the staff shall follow exactly the rules of payment as set by the involved authorities in the country! So make sure the staffs are well informed about these rules.

Employees will be expected to pay their government graduated tax to the concerned Provincial Authorities or any other tax they are obliged to pay, according to the law of the country. It is not the responsibility of the employer to pay this tax or to remind the employee to pay.

Each employee on the payroll (on permanent contract) signs a pay slip (in duplicate) at the end of the month stating the above. One signed pay slip will remain with the employee and the other with the organization. The salaries depend on:

1. The position of the employee,
2. The time an employee has worked in the organization,
3. The performance of the employee.

#### **3.3- Salary increase (performance related)**

The increase of salary may be applied based on annual individual performance evaluated and on actual economic situation, determined by management committee of OEC (usually 10%).

Employees with unsatisfactory performance will attract no promotion or step increase

New staff, in probation period, gets 80% of scale salary provided by the funding organization; she/he will get full salary (100%) after passing probation period of three months.

#### **3.4- A Thirteenth month Salary for staff members**

All staff members are entitled to receive a thirteen month salary offered by funding organization.

#### **3.5- Change to another position**

If an employee takes up another position in the organization his/her salary will be according to the grading level of the new position, starting as if the employee was newly employed (thus starting for the grading system at year 1, unless the position is at the same or a lower grading level).

#### **3.6- Acting allowance**

Acting allowance is an additional allowance on top of the salary of an employee who acts on behalf of a higher grading position. Acting allowance may apply:

- If the employee for which one is acting is temporary absent (for instance for a training

- course or due to illness),
- in anticipation of the employee being promoted into the position he/she is acting for, or
- if the position is vacant and to be filled in the future by another person still to be recruited.

The granting of an acting allowance to an employee shall be decided on by the Executive Director and Management team. The amount will be based on the grade the position the employee will act on behalf of. Acting allowance is not regarded as a merit increase. After acting is finalized and if the employee takes the full position, he/she will receive the payment suiting the post (entering the first step).

### **3.7- Medical care**

As motivation and to maintain good working train by good health, the funding organization is invited to provide organizational staff with a monthly medical care of ten dollars (\$10 each).

### **3.8- Insurances**

The organization will have for each employee and probationer a liability and an accident insurance.

## **4- STAFF DEVELOPMENT POLICIES**

### **4.1- Introduction**

The organization has a system of staff development in place for employees at all levels. This consists of performance appraisals of the employees and the possibility for employees to follow internal and external trainings when they are invited to do so. Employees are also free to apply for training courses that they would like to follow.

### **4.2- Employee performance appraisal**

Performance appraisal is a continuous process of reviewing or discussing one's job and aims at improvement of performance in the current job.

#### **4.2.1- Objectives of performance appraisal**

- To satisfy the individual's needs for feedback on performance and to assist him/her in improving the performance in the current job.
- To strengthen supervisor - employee relationships.
- To get feedback on the level of employee motivation.
- To help the employee to perform better in order to strengthen the organization as a whole to perform better.

#### **4.2.2- Performance appraisal process**

After completion of the probation period and annually, each member of staff will undergo an appraisal exercise to review his/her performance and to agree on new targets, as well as identifying training and employee development needs. Each employee is evaluated based on targets set, and then other new targets are set for the next year. The employee should be appraised over the whole period since it was last appraised. It is the responsibility of employee and immediate supervisor to ensure that individually set targets are monitored on regular basis as specified in the completed performance appraisal report. Failure to comply with this will have an adverse implication on the part of the immediate supervisor and concerned employee.

The report (a filled in performance appraisal form) is prepared in duplicate and should be endorsed by the employee, the direct supervisor, the chairman of MT and the Executive Director. One copy of the appraisal form is given to the employee in duplicate and the original copy of the form is filed in the employee's personal file. If the employee does not agree with the outcome of the appraisal, he/she can appeal with the Executive Director.

#### **4.3- Training**

The organization supports a policy of progressive development of employees. Training needs of employees at all levels will be assessed regularly and where required for the job, internal or external training will be organized at the organization's expense. Training wanted and initiated by the employee but not suiting the organization's budget or priorities should be paid by the employee and be done outside working hours.

Employees who pursue courses sponsored by the organization, and whose total cost exceed 200 USD(including allowances), are obliged to serve the organization for a minimum of 1 or 2 years (depending on the amount) after training before they can resign/retire from the organization. They will have to sign an agreement under this arrangement.

#### **4.4- Transfers**

The organization appoints the employee to a specific project location (other province or District Office) and this may be subject to transfer at any time. An employee may be given the opportunity to transfer because of:

1. The organization may initiate the transfer. In this case the employee needs to be consulted on the possibilities for him/her to transfer.
2. Transfer may be affected as a result of personal interest/request and this may take place after request by the employee to be transferred to another office. An employee wishing to transfer from one Main office to another usually has to apply for an existing vacancy. If the post is advertised externally, he/she would have to equally compete with external applicants.

Transfers need the approval of the ED after consultation with MT. Employees who are transferred may apply for coverage of incurred costs involved in the transfer. This will be looked into per each case.

#### **4.5- Use of notice board**

All important communication regarding vacant positions, the change in positions of employees (whether being promoted, acting on behalf of, transfers, new appointments, resignations, etc.), training courses and other important issues regarding staff development should be announced on the notice board in the office for every employee's information.

### **5-LEAVE POLICY**

#### **5.1- Introduction**

Employees serving under the organization's Terms and Conditions of Service will be entitled to an annual leave totaling in accordance with the below **5.1.1** criterion for each year of service. Employees may opt to take their leave in one single block or sets of blocks. Leaves have to be agreed by the Direct supervisor, Admin Officer and finally ED.

##### **5.1.1**

<b>No</b>	<b>Category of Staff</b>	<b>Entitled Annual Leave</b>
1	Up to 3 years service	15 days
2	4 to 6 years service	16 days
3	7 to 9 years service	17 days
4	Over 9 years service	18 days

*Note: This length of time excludes Saturday and Sunday.*

##### **5.1.2- Planning of leave**

A leave calendar should be drawn at the beginning of the year and agreed upon by each Section Head or Project Manager, which is then forwarded to the Admin Manager. Each Section Head

or Project Manager is responsible for inquiring with his/her section about the leave plans of employees working in the Section or in the Project.

#### **5.1.2 Requests and authorization procedures**

Amendment to the schedule will be at the discretion of the immediate supervisor in consultation with the Admin Manager and Financial Manager. For each scheduled leave period, the employee will submit a leave form to the Admin and Financial Manager after agreement by the immediate supervisor (who signs the form for approval). This will be done at least two weeks in advance (except for sick leave and compassionate leave). Depending on the circumstances, the immediate supervisor may reschedule the leave (in consultation with the concerned employee). The Admin Manager will verify the leave record and sign the leave form for approval. Final leave approval is done by the ED who may sometimes reverse the leave schedule if certain circumstances may warrant this to happen. The Admin Manager informs the employee about (non-) approval.

Employees taking leave are required to return according to the dates agreed in the leave forms. Otherwise the normal disciplinary penalties will apply: a formal written warning and loss of pay for the days the employee was not present at work. An employee serving on probation will not be allowed to take leave, only on the discretion of the ED.

#### **5.2. Paid leave**

Employees who have successfully completed their probation are eligible for paid leave under the following conditions:

- 1 Employee is not on temporary terms of service or on induction/probation.
- 2 Paid leave will accrue from the date of full-time engagement (at a monthly rate of 25 working days). The employee can never take more than the criterion in 5.1.1. Employee must apply for leave at least two weeks in advance.

Leave not taken within the contractual year shall automatically expire and cannot be transferred to the next contractual year.

#### **5.3- Compassionate leave**

In the event of death of real mother/father, first degree sister/brother, father/mother in-law, spouse and children, compassionate leave of a maximum of three (3) days will be granted. This section applies to employees on permanent terms of employment but under discretion of the ED will employee on probation or temporary terms be granted this leave.

If the employee wishes a leave longer than two days, he/she shall propose the use of his/her annual leave entitlement or opt for reduction in payment (if there are no paid leave days (left). This needs to be agreed in advance following the procedures mentioned in the former paragraph.

#### **5.4- Maternity and paternity leave**

A female employee shall be entitled a maximum of three (3) months, one mas prenatal and two months as postnatal, maternity leave on full pay. During probation and under temporary terms of service, there are no provisions for maternity and paternity leave. During the maternity leave period, the normal benefits and entitlements of the employee including her contractual rights and accumulation of seniority, shall continue uninterrupted and her period of employment shall not be considered to have been interrupted, reduced or broken. In the event of illness, certified by a registered practitioner, arising out of pregnancy or confinement, affecting the employee or her child, the organization shall grant the employee additional leave as required according to the situation.

A maximum of five (5) days, if applied for, will be given to the male employee for paternity leave. This leave will be taken within a period of five (5) days after the spouse has delivered.

Employee is encouraged to announce her pregnancy to her immediate supervisor as early as possible, and on such grounds, she will be allowed time off for her antenatal visits. Similarly same way, the nursing mother will be allowed time off during working hours for breast-feeding. The duration of absence should be determined on case-by-case basis, but should not exceed a period of two hours per day for a maximum of six months after giving birth.

In circumstances whereby an expectant employee may be working under dangerous conditions, which could result, into serious health hazards, management may re-design her duties. This will have to be certified by the referral medical doctor and approved by the ED.

#### **5.5- Sick leave**

Sick leave will be authorized when the employee is unable to work because of sickness or injury, or when the employee needs medical examination or treatment, which can be obtained only during the time when employee would normally be on duty. Sick leave is not used for care of family members or treatment for a family member. Absences of such nature are subjected to the normally applying disciplinary procedures. Application for sick leave should be evidenced by a doctor's certificate delivered on the second day of sickness latest, with a written request from the employee, also delivered on the second day latest. Always a sick leave should be filled in. The immediate supervisor will make approval of sick leave then forward it to the Admin Manager who seeks approval of the ED. The sick leave will start from the first day of absence. The management has the right to visit the employee or send a representative to visit the employee for the purpose of cross checking.

Employees are entitled to a maximum of 12 days sick leave days in year. No more than six (6) uncertified sick leave days can be taken for consideration per sick leave year. This paid sickness benefit may be extended under the below conditions:

1. Get paid one hundred percent (100%) for patient treated within three (3) months;
2. Get paid fifty hundred percent (50%) for the patient treated from the month 4,5 to 6;
3. Cannot get paid in case that any thickness is reverse or chronic and cannot afford to work for the organization up to six (6) months;
4. In case where patients are comforted under six (6) months, the employees have the right to join a paid position and its recovery.

#### **5.6- Public holidays**

The organization respects the public holidays as defined by annual calendar decided by a Sub Degree, signed by the Cambodian Prime Minister. In the event of obligating employees to work on such holidays and other declared holidays, the organization will compensate these days in time or money. The Admin Manager, Financial Manager and ED in consultation with immediate supervisor will be expected to amend the leave schedules of the involved employees in such cases. Public holidays falling within an employee's leave are not counted as leave days and as such are not deducted from the employee's leave record.

#### **5.7- Leave without pay**

Leave without pay will only be granted in exceptional cases to permanent employees who have been employed with the organization for a minimum of 18 months. The leave should fit into the planning of the organization and it should be able to (partially) replace the employee. The leave should be requested for three months in advance.

### **3- DISCIPLINARY PROCEDURES**

#### **6.1- Introduction**

The organization has developed a Code of Conduct, called "Code of Ethical Principles and Conduct" for the employees (see Fundamental Rules of OEC, page 14). Every employee upon acceptance of a position with the organization signs the Code of Conduct at the same day the employment contract is signed. The Code of Conduct comprises the rules to which all employees should comply. Additionally OEC has set up a Permanent Secretariat for Code Observance and reception of complaints (page 52-53 of fundamental rules) including a text of Complaint Resolution Process (page 46).

Disciplinary procedures apply to all employees at all levels (on permanent and temporary employment) who do not function within the rules of the Code of Conduct. This is to ensure that the organization's policies, standard of performance and behavior are maintained at an appropriate high level. The organization's policy is to ensure that always a positive approach is used to motivate the employee. Disciplinary procedures only come in if the encountered situation is of willful nature and (potentially) damaging to the organization and/or colleagues.

Further on in this chapter the main offences are mentioned. It is at the discretion of the Section Head (for offences by employees below management level) to judge whether an offence is minor or major. Depending on this judgment several procedures can be followed as explained further on. A disciplinary committee will be instituted by Management Committees to deal with severe disciplinary cases.

**Important:**

Ensure that disciplinary actions comply fully with Kram dated March 13, 1997 on the Labor laws of the country and with the procedures and protocols of the Labor Office in the area, especially Labor Law Compliance Review for NGOs, April 2010. Especially for the more serious disciplinary actions (suspension and dismissal) it is important that these follow exactly the Labor Laws and are fully coordinated with the Labor Office in the area before imposing them on the involved employee(s).

If this is not done correctly the organization takes a risk of large claims by staff on whom disciplinary actions were imposed for not abiding to the Labor laws, rules or protocols, and this may involve large sums of money plus a lot of work to get everything sorted out (including the danger for court cases etc.)! It is therefore advised strongly to first contact the Labor Office and develops the disciplinary procedures in detail with them and keeps regular contact with the people in the Labor Office. Then, for each case it is important to verify with the Labor Office what should best be done.

**Important:**

When discussing disciplinary actions with the Labor Office, it is important to verify whether the Labor Office's advice on the disciplinary actions and especially the financial side of it complies with the Labor Laws of the country. If there is a discrepancy between the Labor Laws and the advice of the Labor Office it is important to discuss this matter and find a solution together.

Then, be sure that the Labor Office signs a protocol about the disciplinary actions with the organization so that the organization can always proof that they have officially agreed with the Procedures to be followed.

**The Section Heads and supervisors are primarily responsible for identifying offenses disciplinary actions used in the organization (The Permanent Secretariat for Code Observance and reception of complaints and Complaint Resolution Process).**

**6.2- Procedures to be followed**

The Section Heads or Project Manager and supervisors are primarily responsible for identifying offenses. They communicate each offense to the Permanent Secretariat for Code Observance which will discuss the offense with ED and MT. In reaction to an offense the ED provides a verbal warning to the involved employee in case of small offenses. In case of larger offenses it is advised that the ED and the MT coordinate the disciplinary action first with the Labor Office. After the approval of the Labor Office the agreed disciplinary action can then be imposed on the involved employee.

- **Verbal warning** (not recorded in personal file of the employee).
- **Warning letters:** Each warning letter is recorded in the personal file of the employee. Each warning letter has a particular level, depending on the offense and decision of MT. As long as the sum of the issued warning letter levels to an employee is less than 4 no further disciplinary actions will be undertaken against the employee. If the sum of the

issued warning letter levels to an employee is 4 or more during the whole time of service of the employee, the ED by decision of MT meeting can decide to start the procedures for dismissal, endorsed by the Board of Director conformable to 12.3 of the By Law, or suspension of the employee whenever he thinks this is necessary.

- **Suspension:** Suspension means that an employee is sent off the job for a limited time of 2 weeks maximum without payment of salary. The decision to suspend someone is taken by the Management Committee and endorsed by the Board of Directors.
- Dismissal. Dismissal can be with or without pay, depending on the offense and the Labor Laws of March 13, 1997. The decision to dismiss someone is taken by Management Committee and endorsed by the Board of Directors in accordance with the labor laws of the country.

### **6.3- Appeals**

At any stage in the above proceeding, the employee may appeal through the Admin Manager for suspension or change of the disciplinary action that will cause a mixed complaint meeting. Following the point 4 of Complaint Resolution Process, the final decision of any dispute, without appeal, will be the decision of the mixed complaint committee, consisted of Executive Management Committee members, five (5) representative of staff association and the Permanent Secretariat Team.

### **6.4- Grievance handling procedures**

Respecting and implementing democratic governance, OEC recognizes complaint as a feedback for reinforcement of the rule of law, transparency, inclusiveness, responsiveness and accountability in management. All OEC staffs have been supposed to deeply and comprehensively understand all basic rules, and then committed to all fundamental documents of OEC, therefore our comprehensive complaints process will:

- a)- Increase the level of satisfaction with member's services.
- b)- Recognize the members' right to comment or complain.
- c)- Provide a fair, efficient and accessible process for resolving complaint.
- d)- Monitor complaint with a view of identifying area for improvement in quality of services or operational behavior.

#### **Grievance:**

All staff members at all level are advised to present verbal or written grievance to his/her proper team leader or to Permanent Secretariat, which, depend on the importance of the information, must discuss the problem in the Executive Management Committee. The outcome of the discussion, adjustment, enhancement, or clarification shall be published openly or verbally explained in a meeting to eliminate all doubt which can cause passivity in operation.

#### **6.4.1- Grievances against employees**

The employee will approach the Admin Manager. In case the grievance is against the Admin Manager the employee approaches the ED. Admin Manager (or the ED) investigates the matter and if possible solves the issue to the employee's satisfaction. Grievance complaints are always taken very seriously and should be given full attention immediately! A good way to try and resolve the grievance is to invite the person against whom the grievance is held and the employee who expressed the grievance to come to terms with each other in a personal conversation in which the Admin Manager (or the ED) acts as a facilitator. Important is to lay down agreements made in such a conversation in writing and have both persons sign it for approval. The agreement is made up in three-fold: one copy for each of the two involved employees and one copy for the filing system.

In case in this way no solution is achieved the Admin Manager (and/or the ED) will convoke Management Committee meeting for decision. In case the grievance is against any employee of the management team (including grievances against the ED) members of the Board of the organization are invited to join the conversations with participation of representative of Staff Association and the final decision on the required action (especially if no agreement has mutually been achieved between the involved employees) is then taken by the Board.

## **7- EMPLOYEE WELFARE**

### **7.1- Leisure**

The senior management shall arrange a staff party together with other employees once a calendar year (usually as New Year party). Venue and date will be decided upon by vote or discussion.

### **7.2- Allowances/per-diem**

The Organization shall meet the following maximum expenses while staff is sent on official duty outside the place where the organization is working. These allowances are only paid against actual costs made.

- Transport: at public rate
- Breakfast : USD 4 (four USD)
- Lunch : USD 5 (five USD)
- Dinner : USD 5 (five USD)

If an employee is sent on a training course the organization will determine the allowances needed. If for instance lunch is provided during the training course, the employee will not be given the lunch part of the allowance; when a training course takes place within the town where the employee lives and the employee can eat and sleep at home no allowance will be given at all. If third parties pay allowances (e.g. organizers of the training course) the employee is allowed to accept these but the organization will in such case not give an allowance to the employee.

### **7.3- Severance Payment (re-amended on 31 August 2018)**

The severance payment is aiming to:

- Provide basic financial security to separating employee
- Ensure compliance with Cambodia Labor law

Severance Pay will be calculated and accrued on a monthly basis by Finance Department, and will be released to employee only for particular separation of employee from Operations Enfants du Cambodge. This fund will cover from employee joining date to the last date and will be included the final payment.

Employee is entitled to the Severance Pay only under the following conditions:

- Voluntary resignation before end of contract and end of project.
- Contract expired. - End of program/project.
- Position is made redundant. - Restructuring of program/project.
- Employee is ill or accident that can't continue to work.

Employee is not entitled to the Severance Pay under the following conditions:

- Dismissed owing to serious misconduct.
- Termination owing to low performance
- Contract terminated owing to unsuccessful performance during the probation period

Support Employee is entitled to the Severance Pay under the following conditions:

- Voluntary resignation before end of contract or dissolution of the organization.
- Contract expired. - Position is made redundant.
- Restructuring of program/project.
- Employee is ill or accident that can't continue to work.

**Note:** The Support Employee, who has been performing his / her job, is not entitled to the Severance when a program/project is ended but the severance pay accrued from the project/program is kept in a bank account for him/her when the employee leaves the organization.

### **Calculation of Severance Payment**

The calculation of severance pay will be based on monthly total wages, and accumulated every month.

The method of calculation of Severance Pay is 8% of the total wages to be accumulated each month. The total wages are included:

- Gross salary
- Bonus
- Over time.

**Note: Employees can get Severance Pay if donor agreement.**

### **7.4- Providence Fund (added on 25 May 2018)**

To support employee's motivation, financial security and socio-economic family support, especially effectiveness of job's performance, OEC will contribute 10% of the gross monthly salary amount, into a separate Provident Fund account.

Staff members will be able to voluntarily add personal contributions to this fund on a monthly basis by agreement with the finance team. The benefits collected in this fund can be fully withdrawn by the employee when he/she stops working for OEC regardless of the reason for departure, ending contract, project demobilization/termination, or dismissal.

Employee is able to priorly request to withdraw 50% of this provident fund from OEC contribution and their provident fund contributed by own salary to use for their family's need and interest. To withdraw this fund, employee has to attach/submit supporting documents including approval letter from OEC director to HR unit and Finance unit.

**Note: employee will receive interest of this policy according to the agreement from donor.**

### **7.5- Work facilitation**

Depending on the position and tasks of the employee the organization will do as much as possible to facilitate the employee in his/her work. This means that the employee can use the organization's computers, transport (if stated in the job description), stationary, calculators, field equipment and crash helmets all while on duty. Usually these items are not taken home, but left in office.

Protective wear provided for all employees in the field section are crash helmets, which remain the property of the organization. Stationary can be used in normal quantities as required by the work. Employees can request for equipment or items needed to be able to perform duties. These can be granted at the discretion of the management.

### **7.6- Insurances**

All employees (except piece workers) are insured for bodily or material damage they cause to a third party while being on duty. This means they can't be sued by a third party on personal level provided the damage was not caused willfully or by negligence.

All employees are also insured for medical treatment as a result of an accident being on duty and the employee always has to wear a helmet while driving or co-driving a motor cycle while being on duty.

## **8- GENERAL POLICY GUIDELINES**

### **8.1- Identity cards**

All employees are provided with identity cards, except piece workers. Those on temporary appointment get temporary documents, while those on permanent appointment will acquire sealed identity cards. These remain the property of the organization and must be returned on termination of appointment before terminal benefits are paid.

### **8.2- Personal files**

For each employee (temporary or permanent) a personal file is prepared. The Admin Manager is responsible for maintenance of the personal files. He/she will ensure that the employee files are kept up to date with maximum safety and confidentiality in controlling the files on a regular basis, remaining finally responsible person for the accuracy of these files. The following persons can access the personal files:

- Executive Director (without permission)
- Assistant Admin Manager (without permission)

➤ Other members of the management team (with permission of the ED).

The employee will access his/her personal file if seeking for some specific document. This is done in the presence of the Admin Manager after permission of the ED. If necessary parts of the file can be kept secret for the employee.

### **8.3- Politics and religion**

The organization is a local non-governmental organization which exists to facilitate the empowerment of the socially and economically disadvantaged (regardless of tribe, or political color), in order that they may access opportunities for sustained improvement in their lives. Therefore, the organization has no political affiliation. The properties and facilities of the organization shall not be used for any political purpose. Employees should express their personal political/religious beliefs without in any way involving the organization directly or indirectly. If the organization feels that religious or political involvement is conflicting the interests of the organization, the employee can be disciplined.

### **8.4- Loss or damage of organization property**

Employee on permanent or temporary terms and conditions of service will be personally responsible for the organization's property, which is within his/her control either at work or home. Loss of such property, which cannot be adequately accounted for or explained shall be treated as theft and if such case occurs it could lead to summary dismissal. If the employee loses organization's tools or equipment which is in the employee's possession he/she will have to pay the costs for replacement.

### **8.5- Working hours or days**

The employee will be expected to work a 40-hour week (unless stated otherwise in the contract). All employees will be expected to report on duty as follows:

- Monday-Friday
- Morning hours: 7:30 to 11:30 a.m.
- Afternoon hours: 1:30 to 5:30 p.m.

There is no overtime allowance for additional hours worked unless if employee is requested by the management to work on a weekend or after normal working hours. The rates used for overtime allowance will comply with the labor laws of the country. No field allowances are given for normal duty assigned or any travel expenses are reimbursed or paid other than approved of.

### **9.6- Expense claim policy and procedure**

Expenses incurred by employees in the course of duties on the behalf of the organization will be reimbursed only if the ED has given prior approval. Expenses are not part of salary but direct reimbursement of expenditure.

Claims for reimbursement must be made on the appropriate form, signed by individual and authorized by Section Head with approval of ED prior to submission to the Admin Manager. As a general rule all claims must be supported by receipts, if possible VAT receipts. However, it is recognized that certain items of expenditure e.g. some public transport fares cannot be supported by documentary evidence. In such cases the claim form must include details of the reason of expenditure.

Receipts or invoices that are not agreed on by the organization cannot be sent directly to the organization for payments and cannot be claimed afterwards.

cc:

- Board of Directors
- MT members
- All OEC staff

**"For comprehensive implementation"**

