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## ARBITRATION COUNCIL FOUNDATION

ACF No: 008/11.....

Revised 13 January 2011

### THE ARBITRATION COUNCIL FOUNDATION

#### COMPLAINTS-HANDLING MECHANISM

This Complaints-Handling Mechanism sets out the requirements for a complaint and provides for a mechanism to process a complaint received by the Arbitration Council Foundation. This complaints-handling mechanism is put in place in order address complaints that may arise in the course of ACF's activity implementation. Under this mechanism, the ACF is committed to addressing complaints and concerns it receives in an independent, transparent, and timely manner. Unless an aggrieved party agrees otherwise, a complaint received by the ACF will be treated as confidential.

#### ELEMENTS FOR A COMPLAINT

In principle, complaints lodged to the Arbitration Council Foundation must be made in writing. The ACF will be able to consider the complaint when it contains the following:

- Contact information (telephone number and/or e-mail address) of the aggrieved party (required) for verification purpose,
- Name of the aggrieved party and his/her institutional affiliation (optional).
- Clarity and specificity of complaint: the aggrieved party should state clearly and specifically what the complaint is about, the reasons for which s/he is aggrieved, and remedial actions being sought (required)

The ACF may request the aggrieved party to submit evidence to substantiate the complaint in the event that it determines such evidence is important for it to proceed with investigation into the complaint.

#### DIFFERENT TYPES OF COMPLAINTS FOLLOW DIFFERENT MECHANISMS

Generally, complaints to the Arbitration Council Foundation can be of four types:

- Complaints regarding the labour dispute resolution process
- Complaints regarding staff, and
- Complaints regarding procurement
- Other complaints

#### Point 1: Complaints regarding the labour dispute resolution process

These complaints will be addressed by law. A summary of the process is attached as Annex 1 on the *“Procedures for Complaints and Opposition to Labour Dispute Resolution Work of Arbitration Council”*.

Complaints received under this category will be processed through the Secretariat of the Arbitration Council as established by law.

### **Point 2: Complaints regarding Arbitration Council Foundation staff**

These complaints will be handled by ACF separately in accordance with laws of the Kingdom of Cambodia and the ACF Workplace Manual, pertaining to roles, duties, and conducts of employees.

### **Point 3: Complaints regarding procurement**

In the course of its activity implementation, the ACF procure goods and services to meet the needs of its institutional operations. In performing the procurement, ACF follows relevant procurement rules of the Royal Government of Cambodia and the World Bank, among others. Complaints may arise in the course of the procurement that ACF undertakes, e.g. process of procurement, decision-making in procurement, etc.

To address the complaints under this category, the steps below shall be followed:

- 1) The aggrieved party can file or report a complaint in writing to the Manager of Finance & Administration of the ACF. The complaint may be dropped in the Suggestion Box within the premise of ACF or via e-mail to [info@arbitrationcouncil.org](mailto:info@arbitrationcouncil.org).
- 2) The Manager of Finance & Administration will acknowledge receipt of the complaint by letter within five working days, outlining that an investigation will be conducted within four weeks after receipt of the complaint has been acknowledged.
- 3) In consultation with the Executive Director, the Manager of Finance & Administration will form an independent Working Group to address the complaint, as necessary and appropriate.
- 4) In principle, the Working Group will consist of the Manager of Finance & Administration, the Director of Legal Services, and one or two members of staff, depending on the needs of the investigation.
- 5) The Working Group will investigate and report back to the Executive Director the outcome of the investigation, including recommendations on remedial actions, if any.
- 6) On behalf of the Working Group and in consultation with the Executive Director, the Manager of Finance & Administration will make best attempt to inform the aggrieved party in writing on the result of the investigation, including further actions, if any, within four weeks after receipt of the complaint has been acknowledged. In the event that more than the four weeks is required to conclude the investigation properly, the Manager of Finance & Administration will

communicate in writing to the aggrieved party, setting out the status of the investigation and the new timeline to release the result of the investigation.

- 7) Following the investigation, ACF will take remedial actions, if any, as necessary and appropriate.

The diagram for this mechanism is set out in Annex 2.

Complaints received under this category and their corresponding result of investigations will be recorded in a confidential Register of Complaints.

#### **Point 4: Other complaints**

Complaints that do not fall under Points 1, 2, or 3 will fall under this category of complaints. This includes complaints and suggestions relating to services of the Arbitration Council, the Secretariat of the Arbitration Council, and ACF that do not fall under Points 1, 2, or 3 above. Mechanism set out in Point 3 above will be followed in addressing this type of complaints.

#### **COMPLAINTS BEYOND ACF'S SCOPE OF AUTHORITY**

Complaints that ACF deems are beyond the scope of ACF's authority may be referred by ACF, as appropriate, to the "Demand for Good Governance" Project Coordination Office of the Ministry of Interior for further action.

This Complaints-Handling Mechanism becomes effective immediately.