



**KINGDOM OF CAMBODIA
NATIONAL RELIGION KING**

THE ARBITRATION COUNCIL

DEMAND FOR GOOD GOVERNANCE PROJECT
World Bank-IDA-Grant No H4410-KH

ANNUAL WORK PLAN 2011

Support to the Arbitration Council

1. SUMMARY

1.1 Key Activities

This chapter presents a summary of the activities scheduled under the component 1A (State Institution, Support to the Arbitration Council) of the Demand for Good Governance (DFGG) project in 2011. The activities discussed below will continue to support the Arbitration Council (AC) *in pursuit of its development objective under the DFGG project, namely to contribute to an effective governance environment for private sector development by enhancing the extent to which a well functioning labour arbitration system builds workers' and employers' confidence that labour disputes will be resolved effectively and fairly.* Based on recommendations of the Mid-term Review (MTR), the Arbitration Council Foundation (ACF) work during the second half of the DFGG project will address the related challenges of: (i) addressing issues of financial and institutional sustainability; (ii) enhancing the quality and credibility of the core dispute resolution services the AC offers; and (iii) building durable relationships with its key government and non-government partners (unions and employer organizations). This does not entail a major restructure of the ACF's sub-component of the DFGG project, but rather what the MTR describes as a focus on 'core business'.

Work will be undertaken under the four components as described below:

Component 1: Institutional Integrity and Sustainability: Independence, Credibility, Sustainability

Key Activity 1: *Selection/ recruitment of arbitrators:* formulate procedure for selection/recruitment of arbitrators.

Key Activity 2: *Arbitration Council governance:* maintain and strengthen appropriate governance structures including the ACF Board of Directors, Representatives of the Arbitration Council, Regular Arbitrator Meetings, Arbitrators' Retreat and Arbitrator Working Groups.

Key Activity 3: *Sustainability:* develop and implement strategies that will help to ensure the AC's institutional and financial sustainability in the long term.

Component 2: Labour Dispute Resolution

Key Activity 1: *Resolution of Labour Dispute Cases:* continue the AC/Fs core work of conciliating and arbitrating labour disputes.

Key Activity 2: *Capacity Building of AC/F and SAC:* undertake training and other activities to develop the legal and administrative capacity of Arbitrators, ACF and SAC staff.

Key Activity 3: *Expansion of Arbitration Council Services:* aim to expand AC's dispute resolution services throughout the country and into a broader range of industrial sectors.

Component 3: Partnerships and Stakeholder Outreach and Training

Key Activity 1: *Establishing and maintaining partnerships:* develop and maintain

relationships with key partners as well as with other relevant organizations and institutions

Key Activity 2: *Dissemination of publications and other information to raise stakeholder awareness:* produce, publish and disseminate arbitral awards and other relevant information in order to raise stakeholder awareness and ensure transparency.

Key Activity 3: *Media relations and promotion:* use media tools to promote AC/F to a wider audience

Key Activity 4: *Stakeholder training:* continue to run training for relevant stakeholders to promote awareness of the AC and the labour dispute resolution process.

Key Activity 5: *Enhancing the Enabling Environment for Implementation of the Memorandum of Understanding on Improving Industrial Relations in the Garment Industry:* works with partners to facilitate the implementation of the MoU signed by Garment Manufacturers Association of Cambodia (GMAC) and six major union federations and confederations, in which parties and their members agree to binding arbitration by the Arbitration Council for labour rights disputes.

Component 4: General Operation and Project Management

Key Activity 1: *Equipment & occupancy:* AC/F will purchase additional equipment and furniture and relocate to a larger space to accommodate the expansion in activities and increased staffing levels under DFGG. ACF will continue to provide managerial, technical and financial support to the Council.

Key Activity 2: *Monitoring and evaluation:* ACF will maintain M&E system; procure and coordinate with consultant/NGO/firm to conduct studies.

1.2 Partnership Development

In order to promote demand for good governance, ACF will establish and maintain its partners in order to expand the awareness of AC to its key stakeholders such as the Ministry of Labour and Vocational Training (MoLVT), employers, unions, International Labour Organisation (ILO) and other relevant organizations through component 3: partnerships and stakeholder outreach and training. Please see the summary table as below:

No	Component/ Key Activities	Proposed Partners	Expected Partnering Activities	Type of Partnership	Timeframe
Component 3: <i>Partnerships and Stakeholder Outreach and Training</i>					
1	Key Activity 1: <i>Establishing and maintaining partnerships</i>	PCC, SAG, and key industrial relations tripartite stakeholders (MOLVT, employers, unions), ILO, etc.	Maintain the role of SAG (Stakeholder Advisory Group); sharing experiences and lessons;	Complementary/ Cooperative	Per project activities in the detailed workplan above
2	Key Activity 2: <i>Stakeholder training</i>	Key industrial relations tripartite and other local stakeholders	Organise training	Complementary/ Cooperative	Various training scheduled
3	Key Activity 3: <i>Raising awareness of, and interest in, AC</i>	The Asia Foundation (TAF)	Cooperation on awareness raising	Collaborative	Grant recipient – Integrate Human to Quality (IHQ) from TAF, to work with ACF, under partnership grants, if GMAC awards such grant.
4	Key Activity 4: <i>Dissemination of publications and other information</i>	One Window Service (OWS)	Cooperation on awareness raising and educating stakeholders about labour dispute resolution and AC role therein through dissemination of AC publications, at OWSO's community information centers	Collaborative	Ongoing
5	Key Activity 5: <i>Media relations and promotion</i>	Key media agencies in Cambodia	Industrial Relations reporters and	Collaborative/ Complementary	Ongoing

		including Reaksmeay Kampuchea, Koh Santepheap, <i>The Cambodia Daily</i> , The Phnom Penh Post, Women Media Center (WMC)	Communications Officer and/or Manager of ACF keep each other informed of events concerning industrial relations in Cambodia		
--	--	--	---	--	--

1.3 Gender

In implementation of DFGG project, gender mainstreaming is also included in some various activities such as training, and labour dispute resolutions. The purpose of gender mainstreaming is to promote the gender equality and encourage the females' participation in for every decision making. For its key activities, please see the summary in the table below:

No	Key Activities	Proposed Gender Mainstreaming	Expected Output	Resource Required	Timeframe
1	Recruitment of ACF staff	ACF encourages female candidates to apply for positions with ACF	50% of staff are females	Budget for relevant ACF staff positions	Jan – Dec. 2011
2	Selection of ACF interns	ACF encourages female candidates to apply for its internship programmes	At least one female intern will be selected	\$40 per month internship allowance	Jan-Dec 2011
3	<i>Capacity Building of AC/F and SAC</i>	ACF includes female staff in its capacity building programmes	At least one female will be included in each capacity building programme	Existing resources for capacity building programmes of ACF/SAC	Jan – Dec 2011
4	<i>Gender focal person</i>	ACF nominates female staff member to take the role as gender focal person	One female staff nominated as gender focal person at ACF ToR for the gender focal person developed	Existing budget for the salary of the staff	Jan – Dec 2011 ToR developed and used by April 2011
5	<i>ACF in-house training</i>	ACF trains on gender equality	At least one training will be delivered to staff on the topic of gender equality and benefits of promoting gender equality	Existing ACF in-house training programme	April 2011
6	Hearing at the Arbitration Council	ACF track the number of female parties to a dispute at AC hearing	Actual number of female employers workers/union members	Existing resources for labour dispute resolution and hearing	Jan – Dec. 2011

			participating in the hearing process (ACF has no control of whether the parties to dispute parties and their advocates will be male or female.)		
7	<i>Stakeholder training and Conference, and meets and greets events</i>	ACF encourages female candidates to participate	35% of females(both from employers and workers/unions will attend in the training and Conference organised by ACF	Existing budget for training conference, meets and greets	Jan-Dec 2011 (based on the actual schedule of training, IR conference, and meets and greets)
8	<i>AC awareness raising tools</i>	ACF includes women actresses for starring in the production of TV PSA, training video, and soap opera	About 30% - 50% of women actresses will be included in the TV PSA, training video, and soap operas	Existing budget for production of TV PSA, training video, and soap opera	Jan – Dec 2011 (based on the actual schedules for production of the TV PSA, and training video)

1.4 Learning Activities and other cross-project support

Under DFGG Component 3B: Coordination and Learning, ACF proposes two training topics: 1) conciliation skills for commune council conciliators from all over Cambodia and 2) police participation in labour dispute resolution for police/ local authorities in command of public protests. Please see the summary as below:

(I) Effective Conciliation Skills: Lessons Learned from the Arbitration Council

- *Problem definition:* In commune councils, there are members in charge of conciliating not only all sorts of domestic disputes but also labour disputes between workers and employers based within their locality. Those members use traditional ways of conciliating disputes. With one third of the cases registered at the AC being successfully conciliated and several exchanges with international experts since the establishment in May 2003, arbitrators of the Arbitration Council has gained a great deal of universally-accepted techniques and skills and hands-on experience in conciliation which are worth sharing with commune council members who are charged with conciliating disputes. Knowledge sharing between these two players will contribute to enhancing their conciliation capacity and therefore to promoting demand for such public services.

- *Objectives:*
 1. To promote awareness of the Arbitration Council's work on labour dispute resolution
 2. To familiarise universally-accepted principles in effective conciliation
- *Target audience:* Members of commune councils responsible for conciliating disputes, from all over Cambodia.
- *Outline of the training:* There will be two sessions as follows:
 1. Labour Dispute Resolution and the AC
 2. Effective Conciliation Skills: Lessons Learned from the Arbitration Council
- *Methodology:* The training methodology consists of presentations, case studies and Q&As. A user-satisfaction questionnaire will be distributed in order to evaluate the results and its success among trainees.
- *Project Implementation:* ACF will work in partnership with the MOI-PCO to gather commune council members for the training.

(II) Police Participation in Labour Dispute Resolution

- *Problem definition:* Industrial actions such as strikes and lockouts sometimes are inevitable. Police and local authority play a very important role in maintaining public order in such situations while ensuring that industrial actions are staged in accordance with the law. Chapter XIII of the 1997 Labour Law sets forth the requirements and procedures for taking industrial actions. It is vitally important that police and local authority are accustomed to these requirements and procedures and share their lessons learned in their participation in this area of labour dispute resolution.
- *Objectives:*
 1. To promote awareness of the Arbitration Council's work on labour dispute resolution
 2. To discuss the role of police and local authority in labour dispute resolution and situations that involve industrial actions
- *Target audience:* Police and local authorities that deal with strikes and other forms of industrial relations
- *Outline of the training:* There will be two sessions as follows:
 1. Labour Dispute Resolution and the AC
 2. Legal requirements and procedures for taking industrial actions and role of police and local authorities in such situations
- *Methodology:* The training methodology consists of presentations, case studies and Q&As. A user-satisfaction questionnaire will be distributed in order to evaluate the results and its success among trainees.
- *Project Implementation:* ACF will work in partnership with the MOI-PCO to gather police and local authorities for the training.

1.5 Project Staffing

The chapter presents the summary of the overall project staffing of the Arbitration Council Foundation (ACF) and Secretariat of Arbitration Council (SAC). Currently, there are twenty (20) ACF staff and three (3) SAC staff. Due to the expansion of project activities, ACF plans to recruit for the other two staff in the position of Deputy Executive Director and Capacity Development and Outreach Consultant. Please see the table as below:

	Unit	Position	2011	Gender
ACF	Executive Management	Executive Director	1	Male
		Deputy Executive Director	1	n/a
	Legal Services Department (LSD)	Director of Legal Services	1	Female
		Senior Legal Officers	2	Female (two)
		Legal Officers	3	Two female, one male
		International Legal Advisor	1	one female
		Legal Education & Translation Officer	1	Male
		Training & Communications Department (TCD)	Manager of Training & Comm.	1
	Training & Communications Department (TCD)	Capacity Development and Outreach Consultant	1	n/a
		Communications Officer	1	Male
		Training Coordination Officer	1	Female
		Monitoring & Evaluation	M&E Coordinator	1
	Finance & Administration Department (FAD)	Manager of Finance & Admin.	1	Female
		Finance & Admin. Officer	1	Female
		Senior Procurement Officer	1	Female
		Driver/ Messenger	1	Male
		Housekeeper	2	Two female
		Receptionist	1	Female
		TOTAL	22	
	SAC	Management	Head of the Secretariat	1
Secretariat		Officers	2	Two male
TOTAL		3		

1.6 Legal Covenants

Activity	Responsible Agency	Expected Outputs	Expected Delivery	Result	Others
Submit to World Bank / MEF financial auditors' reports 2011	ACF	Financial auditor's reports 2011	30 June 2011	Complete	
Submit 1 st quarterly report 2011 to World Bank	ACF through PCO	1 st quarterly report 2011	21 April 2011	Complete	
Submit 2 nd quarterly report 2011 to World Bank	ACF through PCO	2 nd quarterly report 2011	21 July 2011	Complete	
Submit 3 rd quarterly report 2011 to World Bank	ACF through PCO	3 rd quarterly report 2011	21 October 2011		
Submit annual report 2011 to World Bank	ACF through PCO	Annual report 2011	15 February 2012		
Convene meeting of Stakeholder Advisory Group (SAG) in first half 2011	ACF	SAG meeting in first half 2011	15 February 2011	Complete	
Convene meeting of SAG in second half 2011	ACF	SAG meeting in second half of 2011	28 October 2011		
Make best effort to seek funds from private and public sources, including trade unions and employers associations	ACF	Financial contribution for 10% in 2011	30 December 2011 as last day in 2011		

2. PROJECT IMPLEMENTATION PLAN (PIP)

No.	Key Activities	Description of Activity	Key person/unit responsible	Plan 2011												Remarks	Budget		
				Month															
				1	2	3	4	5	6	7	8	9	10	11	12				
Component 1: Institutional Integrity and Sustainability																			
1.1	<i>Selection/ recruitment of arbitrators</i>	Formulate a procedure for selection/recruitment of arbitrators												X	X	X	X		
1.2	<i>Arbitration Council governance</i>	Convene ACF Board of Directors meeting			X			X						X			X		
		Organise ,meetings of Representatives of the AC	X		X							X					X		
		Convene Regular Arbitrator Meetings			X	X								X				X	
		Organise Arbitrator Retreat																X	
		Organise Arbitrator Working Group			X	X									X	X			
1.3	Sustainability	Procure and conduct the Study to quantify the AC value	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	The study is extended due to the need for higher qualified research NGO. This study is expected to be completed in 1 st quarter 2012.	US\$27,050 (the estimated contract is US\$54,100
		Procure and produce draft sustainability strategy with Phase 1 on preparing preliminary note on										X	X	X	X	X			

	sustainability issues and options and Phase 2 on finalising the strategy based on further information from the Study to Quantify AC value																		
	Conduct in-house strategic planning exercise and generate updated strategy from the exercise and a note on sustainability issues.			x	x														
	Procure a Sustainability & Fundraising consultant (procure the consultant and the consultant raises funds.)										x	x	x	x	x				15,000
	Engage in partnership with University of Michigan Ross School of Business to conduct study on demand for individual labour dispute resolution				x	x													
	Procure and conduct the soil survey and formulate building design for AC facilities ¹										x	x	x	x	x				8,000

¹Construction and ownership of AC building: Sustainability is an important issue for the Arbitration Council in ensuring ability to continue promoting, mediating, responding, and monitoring the demand of clients for its labour dispute resolution services beyond the DFGG Project. To address the

		Sell the AC/F publications (AA compilations,) and acquire the rights to sell “Getting to Yes” book in Khmer		X	X	X	X	X	X	X	X	X	X	X	X		
Component 2: Labour Dispute Resolution																	
2.1	<i>Resolution of Labour Dispute Cases</i>	Resolve labour dispute by mediation and arbitration		X	X	X	X	X	X	X	X	X	X	X	X		72,000
		SAC provides administrative support to AP		X	X	X	X	X	X	X	X	X	X	X	X		17,568
		LSD provides legal support to AP		X	X	X	X	X	X	X	X	X	X	X	X		108,270
2.2	<i>Capacity Building of AC/F and SAC</i>	Develop legal tools (benchbook)		X	X	X	X	X	X	X	X	X	X	X	X		
		Deliver continued professional education: international trainers and external training abroad		X			X	X		X	X						12,065
		Deliver continuing professional education: In-house training for staff and Arbitrators		X	X	X	X	X	X				X	X	X		
		Organise exchange visits		X	X		X						X	X	X		

challenge of long-term sustainability, the Arbitration Council plans to develop a Sustainability Strategy. The Strategy will examine various models for its institutional and financial sustainability, including best practice in respect of institutional models that ensure AC’s independence, credibility, and effectiveness; strategic partnership; strategies for guaranteeing quality of AC dispute resolution services; and various models for funding the AC. AC also plans to have the Strategy enhanced in order to examine how the AC services are cost-effective, by ensuring that recurrent costs such as for office lease can be avoided by constructing and owning a permanent AC building. An additional amount of US\$100,000 will be requested for the development of the sustainability strategy and other sustainability-related initiatives. The AC plans to procure consultant and firms to deliver relevant outputs in connection with the Sustainability Strategy and other sustainability-related initiatives.

		& international conferences																
		Support AC, SAC and ACF capacity building		x	x	x	x	x	x	x	x	x	x	x	x			21,600
		Organise ACF-SAC retreat														x		
2.3	<i>Expansion of AC services</i>	Mobile teams at regional, provincial level (partnership, outreach and training, mobile hearing, etc)		x	x	x	x	x	x	x	x	x	x	x	x		Depending on demand.	
		Organise training for provincial labour officers ²						x	x	x								
Component 3: Partnerships and Stakeholder Outreach and Training																		
3.1	Support to AC outreach training			x	x	x	x	x	x	x	x	x	x	x	x			27,182
3.2	<i>Establishing and maintaining partnerships</i>	Organise meetings of DFGG Project Collaboration Committee			x								x					
		Organise meetings of Stakeholder Advisory Groups				x								x				
		Organise meet & greet between arbitrators, ACF, SAC and							x	x								

² This activity is also reflected under Component 3 on Partnership and Stakeholders Training and Outreach

		employee/employer															
		Maintain membership in professional bodies		x	x	x	x	x	x	x	x	x	x	x			
		Establish and maintain institutional relation with other dispute resolution bodies and other organisations, including MoLVT		x	x	x	x	x	x	x	x	x	x	x			
		Liase with OWSO, including availing to citizens the information about AC and labour dispute resolution procedures at OWSO community information centers									x	x	x	x	x		
3.2	<i>Disseminate publications and other information to raise stakeholder awareness</i>	Maintain and improve website and database		x	x	x	x	x	x	x	x	x	x	x		ACF plans to further upgrade its database and website in the second half of 2011	
		Disseminate publications and other information about the AC through AC website and within AC premise		x	x	x	x	x	x	x	x	x	x	x			
		Circulate via e-mails the announcements of settlement agreements and arbitral awards and AC electronic newsletters stakeholders		x	x	x	x	x	x	x	x	x	x	x			
		Disseminate information and activities about the AC through Facebook						x	x	x	x	x	x	x			

		and twitter accounts																							
		Publish compilations of arbitral awards								x	x	x	x						Compilation of arbitral awards vol. 16 in KH covering Jan – Jun 2011 period will be published in August – September 2011						
		Develop and publish other tools			x	x	x	x	x	x	x	x	x	x	x	x			Bluebook (Khmer and English) Q&A (Khmer and English) Annual Report (Khmer and English) Prakas compilation, information materials for dispute parties, AC Bulletin, T-shirts, Pens, Cups, Etc.	12,850					
		Manage AC library and open it to the public			x	x	x	x	x	x	x	x	x	x	x										
3.3	<i>Media relations and promotion</i>	Training videos																	x	x	x	x		The budget for the production of training videos is to be reallocated from the recruitment of Media & Communications Consultant and the production of the 2 nd PSA and soap operas, organisation of media briefings and campaign and other applicable budget lines.	21,000

		Broadcast AC PSA over radio and TV, viewable to employers and workers in various industrial provinces of Cambodia									X	X						
		Radio and TV Talk Shows						X										
		Media briefing, when necessary.			X													
		Monitor media reporting on industrial relations and AC	X	X	X	X	X	X	X	X	X	X	X	X	X			
3.4	<i>Stakeholder training (including training on binding arbitration)</i>	Employees/employers	X	X	X	X		X		X		X						
		MoLVT and provincial labour officers and conciliators					X	X	X									
		Members of commune councils and One Window Service District Ombudsmen										X						
		Court clerks												X				
		Judges (student or sitting judges)	X															
		Advocates				X												
		Lawyer students	X															
		Law student at universities									X							
3.5	<i>Partnership with Integrating Human to Quality (IHQ) under</i>	Under DFGG NSAC grants, IHQ to work with ACF to promote binding arbitration throughout activities conducted under the grant.			X	X	X	X	X	X	X	X	X	X	X		Currently, the focus of IHQ is on training to employers and unions to promote good workplace cooperation, including the substance	

		in MTR report and mid-term review AM																
		Coordinate with PCO in conducting evaluation studies of outcome indicators (i.e., institutional capacity, staff capacity building, number of partnership formed, etc.)		x	x	x	x	x	x	x	x	x	x	x	x			
		Implement and update GGF and RMM		x	x	x	x	x	x	x	x	x	x	x	x		GGF & RRM are updated on a quarterly basis; the implementation thereof is ongoing.	
	Total	Civil Works	8,000															
		Goods and Equipment	21,155															
		Consultant Services	119,002															
		Training and Workshops	94,808															
		Incremental Operating	196,928															
		IOC	177,935															
		Grand Total	617,829															

3. SUMMARY ANNUAL BUDGET AND DISBURSEMENT

Table 3.1: Summary Estimate Budget for Project Implementation by Categories (US\$)

Package No.	Description of Package	Total Estimated Cost (USD)	Procurement Method	Domestic Preference (for ICB)	WB Review Prio/ Post	Procuring Agency	Estimated Date of Invitation for Bids	Estimated Contract Signing Date	Estimated Contract End Date	Current Status
1	2	3	4	5	6	7	8	9	10	11
ACF/DFGG/NS-01/11	Office Equipment Lot 1. (Desktop Computer & Fax machine) Lot 2. Audio Visual Equipment	\$ 7,500.00	SH		Post	ACF	19-Apr-11	27-May-11	24-Jun-11	Contract signed for Lot 1
ACF/DFGG/NS-02/11	Audio Visual Equipment	\$ 6,000.00	SH		Post	ACF	20-Jun-11	15-Jul-11	14-Aug-11	Contract signed
ACF-G-3	Office Equipment Lot 1: Photocopy Machine & Conference Phone. Lot 2: Digital Camera	\$ 12,000.00	SH		Post	ACF	17-Oct-11	8-Nov-11	29-Nov-11	New item

II. Consulting Services- Firm/NGO

Package No.	Description of Package	Total Estimated Cost (USD)	Procurement Method	Domestic Preference (for ICB)	WB Review Prio/ Post	Procuring Agency	Estimated Date of Invitation for Bids	Estimated Contract Signing Date	Estimated Contract End Date	Current Status
1	2	3	4	5	6	7	8	9	10	11
DFGG-CKP-ACF-CQS-S005	Study to quantify the value of AC service	\$ 53,319.00	CQS		Post	IPA	15-Jun-10	3-Oct-11	28-Feb-12	ACF is reviewing the minute of recap meetings and will comment back on 21 Sept. CDRI accepted to extend the validity of the proposal further for 30 days until 26th October 2011
ACF/DFGG/CQS-03/10	Media Production for (1) one public service announcement (2) training Video	\$ 45,000.00	CQS		Post	ACF	12-Jul-10	14-Dec-10	30-Apr-11	Contract signed with WMC for produce one PSA and one training video
ACF-CS-5	Media Production for (1) one public service announcement/develop spot (2) two episodes of soap opera	\$ 25,712.00	SSS		Prior	ACF	6-May-11	5-Aug-11	14-Feb-12	
ACF/DFGG/SSS-02/11	Financial Audit	\$ 8,000.00	SSS		Prior	ACF		1-Mar-11	1-Jun-12	The contract signed for two years assignment in 2010 & 2011.
ACF-CS-8	Enhancing the enabling environment for implementation of binding arbitration by AC	\$ 200,000.00	SSS		Prior	ACF	20-Dec-10	30-Sep-11	16-Sep-12	The process is pending due to no hear back from ILO
ACF-CS-13	Mid-term Follow-up Study	\$ 20,000.00	SSS		Prior	ACF	11-Oct-11	9-Dec-11	1-Jul-12	New item
ACF-CS-14	Soil Investigation and Building Drawing	\$ 11,000.00	CQS		Post	ACF	18-Oct-11	5-Dec-11	31-Dec-11	New item


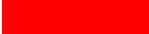

III. National Individual Consultant

Package No.	Description of Package	Total Estimated Cost (USD)	Procurement Method	Domestic Preference (for ICB)	WB Review Prio/ Post	Procuring Agency	Estimated Date of Invitation for Bids	Estimated Contract Signing Date	Estimated Contract End Date	Current Status
1	2	3	4	5	6	7	8	9	10	11
ACF-CS-10	NTA-Legal Officer	\$ 7,800.00	IC		Prior	ACF	27-Jun-11	19-Oct-11	18-Oct-12	ACF requested bank's NOL for contract negotiation with first ranked candidate, will hear back from the bank side on week 3 of Sept.
ACF-CS-11	NTA- Legal Officer	\$ 7,800.00	IC		Prior	ACF	27-Oct-11	9-Jan-12	31-Jan-13	New item
ACF-CS-6	NTA-Media and Communication Consultant for development, production and strategic use of the media tools	\$ 17,000.00	IC		Post	ACF	10-Oct-11	28-Nov-11	28-Feb-12	New item
ACF-CS-9	Deputy Executive Director	\$ 20,000.00	IC		Post	ACF	14-Jun-11	1-Aug-11	30-Jul-12	Extend this package to procure in year 2012

IV. International Individual Consultant

Package No.	Description of Package	Total Estimated Cost (USD)	Procurement Method	Domestic Preference (for ICB)	WB Review Prio/ Post	Procuring Agency	Estimated Date of Invitation for Bids	Estimated Contract Signing Date	Estimated Contract End Date	Current Status
1	2	3	4	5	6	7	8	9	10	11
ACF-CS-1	ITA-Sustainability strategy	\$ 80,000.00	IC		Post	ACF	24-Sep-11	10-Nov-11	30-May-12	
ACF-CS-2	ITA-Fund raising consultant	\$ 50,000.00	IC		Post	ACF	24-Sep-11	10-Nov-11	30-May-12	
ACF-CS-12	ITA-Senior Legal Advisor	\$ 60,000.00	SSS		Prior	ACF	10-Oct-11	22-Dec-11	30-Mar-13	New item
ACF-CS-3	ITA-Pre-listed consultants for Labour Dispute (short term expert) - 3 short term legal experts each estimated to cost USD4,000	\$ 12,000.00	IC		Prior	ACF	24-Aug-11	10-Oct-11	30-Apr-12	Expert on a short notice for emergency/urgent labor disputed

Note:

-  New Items
-  Dropped out item
-  Item to be produced next year

5: RISK MANAGEMENT MATRIX

Risk Description	Impact	Risk Score ³ without Mitigation ⁴	Revised risk after MTR	Mitigation Strategy
Strain on the collaborative and interdependent relationship between the AC/F and the Ministry.	Loss of harmonious and collaborative relationship necessary to support the Arbitration Council in its DFGG activities.	Consequence: 5 Likelihood: 4 Risk Score: 20 H	Consequence: 5 Likelihood: 3 Risk Score: 15 H	<ol style="list-style-type: none"> 1. Maintain existing institutional framework wherein ACF provides managerial, financial, and technical support to Arbitration Council, and SAC provides clerical and registry functions for the Council. 2. Hold regular meetings and other activities between the ACF staff and SAC staff pursuant to the <i>Agreement Between Department of Labour Disputes and Arbitration Council Foundation</i>, including monitoring and revision (as needed) of the working relationship between ACF and SAC and therefore, of the Agreement as well. 3. Transform the DFGG Project's Technical Working Group (currently composed of arbitrators, representatives from the Ministry, including SAC, and representatives from the ACF) into a DFGG Project Collaboration Committee to facilitate information sharing, consult with stakeholders and coordinate joint activities. 4. Hold regular meetings between arbitrators, the ACF staff, and SAC staff. 5. Hold regular meetings between arbitrators and Ministry conciliators, in Phnom Penh and elsewhere, which will be designed to share expertise in labour dispute resolution and develop capacity and professional relationships. It is expected that such meetings will also promote shared understanding and an appreciation of the work of each institution's labour dispute resolution professionals. 6. Continue joint training and outreach activities both by and for arbitrators, the ACF, and the Ministry. 7. Hold regular domestic and international training sessions organised by ACF that are tailored for the benefit of arbitrators and Ministry officials.

3

Formula for Risk Score: Magnitude = Impact x Likelihood³.

Consequence: 5=very serious, 4=serious, 3=moderate, 2=minor, 1=insignificant

Likelihood: 5=very high, 4=high, 3=medium, 2=low, 1=very low

Magnitude Rating: 6 or less is low risk (L), 8 – 12 is moderate risk (M) and 14 – 20 is high risk (H), and any score above 20 is a top risk (T) requiring immediate attention.

⁴ The intended purpose of presenting risk scores before and after the mitigation measures is to enable the project designers and implementers to assess the effectiveness of the proposed mitigation measures in reducing anticipated risks; and in case that the projected mitigation measures are insufficient, to propose additional strategies.

Risk Description	Impact	Risk Score ³ without Mitigation ⁴	Revised risk after MTR	Mitigation Strategy
<p>Illegal strikes, in which workers contravene the procedures laid out in the law and have gone on strike during the arbitral process.</p>	<p>The credibility and effectiveness of the Arbitration Council are undermined.</p>	<p>Consequence: 4 Likelihood: 4 Risk Score: 16 H</p>	<p>Consequence: 4 Likelihood: 3 Risk Score: 12 M</p>	<ol style="list-style-type: none"> 1. Cooperate with social partners in promotion of CBAs with non-strike clause and binding arbitration in exchange for the unions' agreement to give up their right to strike for a certain period of time, or at least to eliminate the practice of illegal strikes. 2. Ministry and other social partners to engage employers and unions in promotion of workplace cooperation schemes and collective bargaining agreements. 3. Ministry and ACF to expand training to stakeholders (including unions) regarding the labour dispute resolution process. 4. Ministry and ACF work together to increase the visibility of dispute resolution mechanisms so workers know the alternatives to a strike. 5. The Arbitration Council will continue to issue Return-to-Work orders when the case forwarded to AC is confirmed with strike. 6. Preliminary proposals regarding direct access of parties to the Arbitration Council have been raised by stakeholders as a means to reduce the length of illegal strikes. 7. DFGG funds to be provided under the Non-State Actor window in order to build capacity of unions to conduct industrial relations in the framework of the law (with limited recourse to strikes). Support also to be provided to ensure that as unions move into new sectors or areas, they organise workers in an appropriate and responsible fashion.
<p>Improper influence exerted on the AC, especially in the selection, appointment, removal of arbitrators or in the decision-making process of arbitration panels on specific labour dispute cases.</p>	<p>Loss of reputation – independence, integrity and impartiality.</p>	<p>Consequence: 5 Likelihood: 3 Risk Score: 15 H</p>	<p>Consequence: 5 Likelihood: 2 Risk Score: 10 M</p>	<ol style="list-style-type: none"> 1. Using the process of the DFGG Project preparation to engage arbitrators, the ACF, and the Ministry, as well as unions and employer associations to set further rules to safeguard the independence and impartiality of the Council. 2. ILO's to continue its facilitating role in selection of arbitrators. 3. Development of procedures to ensure that arbitrators are not influenced by stakeholders or vested interests, including finalisation of the statement of ethical conduct for arbitrators, tentatively titled <i>Professional Guidelines for Arbitrators</i>. 4. Arbitral awards and the legal reasoning behind them to be continued being published and widely disseminated. 5. Measures to institutionalise and expand AC's partnership with other industrial relations institutions and stakeholders as listed in Section 9 on <i>Participation and Partnerships Plan</i> to ensure countervailing forces and

Risk Description	Impact	Risk Score ³ without Mitigation ⁴	Revised risk after MTR	Mitigation Strategy
				interests prevent improper influence by particular interests. 6. Measures to raise awareness and visibility of the Arbitration Council as listed in Section 12 on <i>Communication Strategy</i> .
Non-implementation of awards	Credibility and sustainability of the Arbitration Council are undermined.	Consequence: 3 Likelihood: 3 Risk Score: 9 M	Consequence: 3 Likelihood: 3 Risk Score: 9 M	<ol style="list-style-type: none"> 1. AC to cooperate with social partners in promotion of CBAs with non-strike clause and binding arbitration. 2. Conciliators to communicate advantages of binding arbitration (which provides a final resolution and closure to a dispute) to parties at the conciliation stage before the case is referred to the Arbitration Council. 3. Arbitrators to communicate with parties to explain the advantages of binding awards. 4. Educate parties in the understanding of arbitral awards. The Ministry, the AC and ACF may conduct co-training for potential parties and parties in dispute on binding awards, legal strikes, and how to read and understand the arbitral awards. 5. MOLVT and the AC to engage with other social partners and stakeholders to help train stakeholders in labour dispute resolution, and other appropriate topics. 6. The Arbitration Council to continue to publish the arbitral awards on its website, which enables third parties such as MOLVT, ILO's <i>Better Factories Cambodia</i> to monitor compliance with the awards. Efforts by Non-State Actors should be supported to "name and shame" enterprises / unions which do not comply with arbitral awards.
Disproportionate reliance on Arbitration Council to resolve collective disputes.	Bottlenecks in resolving disputes. Backlog results.	Consequence: 3 Likelihood: 3 Risk Score: 9 M	Consequence: 3 Likelihood: 2 Risk Score: 6 L	<ol style="list-style-type: none"> 1. MOLVT to build its capacity to improve labour inspection and conciliation functions, including development of guidelines and procedures manuals for conciliation. 2. Employers and unions to build their capacity in workplace cooperation, with a view to improve their ability to prevent labour disputes. 3. The ACF will cooperate with social partners in the provision of capacity building for employers and unions in collective bargaining with a view to concluding more CBAs that provide for grievance procedures at enterprise level
Capacity of Ministry at national and	Access of stakeholders outside of Phnom Penh to Arbitration Council's	Consequence: 3 Likelihood: 3 Risk Score: 9 M	Consequence: 3 Likelihood: 2 Risk Score: 6 L	1. Strengthen the capacity of conciliators in Phnom Penh and Provincial Labour Offices, including joint training and outreach provided by Ministry, Arbitration Council and ACF to conciliators on labour dispute resolution,

Risk Description	Impact	Risk Score ³ without Mitigation ⁴	Revised risk after MTR	Mitigation Strategy
provincial levels, in forwarding cases to the Arbitration Council	services is limited or undermined.			<p>arbitration process and conciliation.</p> <p>2. Ministry and ACF will continue to cooperate to build close relations and good understanding of their respective roles, the role of the Arbitration Council and their mutual obligations to parties, through joint events, workshops, etc.</p> <p>3. Ministry conciliators to hand out information to parties regarding the arbitration process and arbitrators (including location of the Arbitration Council, what a hearing is, how to select arbitrators, where the arbitrator biography can be found, etc.)</p>
Creation of a Labour Court ⁵	A nascent Labour Court may have inadequate understanding and appreciation for arbitration and ADR frameworks. Rulings might undermine the AC awards and the body of jurisprudence that has developed.	Consequence: 4 Likelihood: 2 Risk Score: 8 M	Consequence: 4 Likelihood: 2 Risk Score: 8 M	<p>1. Advocate for the incorporation of provisions similar to Articles 349 – 353 of the Code of Civil Procedure and Article 47 of the Prakas on the AC into the law and regulations governing the Labour Court to recognise the AC and the enforceability of AC’s awards.</p> <p>2. Ensure that structure and proceedings of the Labour Court are in accordance with international labour standards and consistent with national labour law and regulations. In particular, using input and technical advice of the International Labour Organization when preparing regulations for the Labour Court.</p> <p>3. Train Labour Court judges in cooperation with social partners regarding the legal and jurisdictional issues at the intersection of alternative labour dispute resolution and the judicial authority.</p>
Non-enforcement of final and binding arbitral awards by Courts	A nascent court may not have adequate understanding and appreciation for arbitration and ADR framework, especially the statutory role of the court relative to that of arbitration.	Consequence: 4 Likelihood: 3 Risk: 12 M	Consequence: 4 Likelihood: 2 Risk: 8 M	<p>1. Conduct training/seminar for judges and students judges on the role of court and arbitration, especially provisions similar to Articles 349 – 353 of the Code of Civil Procedure and Article 47 of the Prakas on the AC into the law and regulations governing the Labour Court to recognise the AC and the enforceability of AC’s awards.</p> <p>2. Train employers and employees on the effects and benefits of binding arbitration and enforcement of arbitral awards</p> <p>3. Inform members of the ACF Stakeholders Advisory Group on the effect of binding arbitration and relevant enforcement provisions for binding arbitral awards</p>

⁵ The risks associated with the establishment of a Labour Court are currently remote, and strategically aggressive actions to contribute to the establishment of the Labour Court may be inappropriate at this time. ACF continues to observe initiatives in respect of the Court closely and intends to execute strategic actions when appropriate.

Risk Description	Impact	Risk Score ³ without Mitigation ⁴	Revised risk after MTR	Mitigation Strategy
Lack of understanding among concerned employers and employees/unions on the substance and impacts of binding arbitration, arising from the Memorandum on Improving Industrial Relations in the Garment Industry, reached between relevant parties on 30 September 2010	Credibility and sustainability of AC undermined.	Consequence: 4 Likelihood: 4 Risk: 16 H	Consequence: 4 Likelihood: 3 Risk: 12 M	<ol style="list-style-type: none"> 1. Train concerned stakeholders about the substance and effect of binding arbitration in the MoU. 2. Raise awareness of the effect and substance of the binding arbitration MoU through media campaign, information materials, and other stakeholders engagement activities. 3. Share with ACF Stakeholders Advisory Group the effect and substance of the binding arbitration MoU for their information and further dissemination. 4. Reinforce the impact and substance of the binding arbitration MoU at Meets & Greets events with employers and unions. 5. Collaborate with MOLVT conciliators in raising awareness of effect and substance of binding arbitration MOU among disputing parties in conciliation process
Improper expectations of the AC's dispute resolution and related services	Credibility and sustainability of AC undermined	Consequence: 2 Likelihood: 4 Risk: 8 M	Consequence: 2 Likelihood: 3 Risk: 6 L	<ol style="list-style-type: none"> 1. Continue to disclose the Complaints and Remedies Mechanism applicable to ACF 2. Update and execute the Complaints and Remedies Mechanism, to consider and respond to feedbacks about the Arbitration Council and its services 3. Create proper channelling of complaints through setting up a suggestion box and e-mail account 4. Clarify expectations at Meets & Greets sessions with stakeholders

6. RESULTS FRAMEWORK

Project Development Objective (PDO): The development objective of the proposed project is to enhance the demand for good governance (DFGG) in priority reform areas by strengthening institutions, supporting partnerships, and sharing lessons (**Unchanged**).

Indicators	Baseline[Year]	Cumulative Target Values and Actual Values (underline)				Data Collection and Reporting		
		2009	2010	2011	2012 / Endline	Data Collection Instruments	Responsibility for Data Collection	Comment
PDO LEVEL INDICATORS								
1. Promoting DFGG in priority reform areas.								
1.1: % of union and employer organization leaders and representatives aware of the Arbitration Council and labor arbitration process arbitration process	41% [2010]	N/A	<u>41%</u>	N/A	10% increase	AC Enterprise/Unions survey: Baseline (mid 2010),	ACF through EIC	
2. Mediating DFGG in priority reform areas.								
2.1: Number of labor dispute cases handled by Arbitration Council	148 [2008]	180	325	Actual value	Actual value	AC records (reported in QPR)	ACF	ACF has no legitimate interest in increasing case load. Yearly variations a weak indicator of performance. (revise/drop targets)
... of which percentage resolved.	68% [2008]	<u>69%</u>	<u>70%</u>	Actual value	Actual value	AC records (reported in QPR)	ACF	
2.2: % of union and employer group representatives and other stakeholders that report a high confidence in the independence, credibility and effectiveness of the AC.	72% [2010]	N/A	<u>72%</u>	Actual value	76%	AC Enterprise/Unions survey: Baseline (mid 2010), Midline (early 2012)	ACF	(EIC) (revise targets) (elevated to PDO level)
4. Monitoring to inform DFGG in priority reform areas:								
4.3: Percentage of AC clients who report paying unofficial fees to arbitrators, SAC or ACF staff for resolving their labour disputes.	N/A	N/A	N/A	N/A	Nil	AC Enterprise /Unions survey	ACF	New indicator. Include in 2011/2 AC Enterprise survey (IEC)
INTERMEDIATE OUTCOME INDICATORS								

Component 1: Support to State Institutions								
IO1.1: % of Arbitration Council awards considered to be of satisfactory quality or better.	N/A	N/A	N/A	Baseline	TBD	AC expert audit (dates /2011-2013)	ACF	Bi-annual; audit by experts for a sample of AC awards. Annual Report. Delayed, scheduled for 2011.
IO1.2: Revenue generated through tri-partite contributions by AC as % of operating costs	0	2.5%	5%	10%	15%	ACF records (reported in QPR)	ACF	Annual; recorded in Annual Report and audited accounts
AC Specific Indicators for ACF Management Use								
1.1 Value of donor commitments that will permit the AC to operate past the end of the DFGG Project period	0	n/a	n/a	n/a	Full funding committed for ongoing donor support	Reports of initial consultations with donors and progress of proposal development etc.	Donor funding agreement and commitments	ACF
1.2 Percentage of cases where AC issues an award within the 15-day period mandated by law, or within the extended deadline, if an extension has been authorized by the parties	94%	100%	100% [target 95%]	-	96%	Quarterly collection and reporting	ACF/SAC files/database	ACF/SAC
1.3 Value of donor commitments that will permit the AC to operate past the end of the DFGG Project period	0	n/a	n/a	n/a	Full funding committed for ongoing donor support	Reports of initial consultations with donors and progress of proposal development etc. Annual summary included in ACF Annual Report to DFGG Project Coordinator	Donor funding agreement and commitments	ACF
1.4 ACF undertakes independent monitoring through NSAs	Yes	Yes	Yes	Yes	Yes	Annual Working Plans	Track in progress reports	ACF

1.5 ACF uses information from independent monitoring through NSAs to take management and/or corrective actions	Yes	Yes	Yes	Yes	Yes	Annual; record in Annual Report	Tracked/explained in progress reports	ACF
1.6 AC/ACF: (i) express interest, (ii) makes a concrete plan, and (iii) takes the first steps to undertake new or continue existing DFGG activities beyond the life of project	To be calculated in YR 4	n/a	n/a	n/a	Yes	One-off; record in Final Completion Report for project	End term survey, FGDs and KIs, of SI and NSA management and leadership; IAs progress report showing objective data	PCO in MOI through contracted research agency in consultation with ACF

7. GOOD GOVERNANCE FRAMEWORK

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
9	Element 9: ACF Specific Issues							
9a	<u>Procurement</u> Responsibilities of ACF	Unless otherwise agreed between the RGC and the IDA, ACF will be responsible for the complete procurement cycle for: (1) vehicles under component 4 of its Project Proposal to be procured from UNOPS; (2) consultants for components 3 and 4 of its Project Proposal recruited through single source selection (SSS)	ACF will perform its procurement responsibility in according to ACF's approved guidelines and procedures, as well as other procedures and policy of RGC or IDA.	IDA to monitor through prior or post reviews.	<ul style="list-style-type: none"> • Procurement packages had been completed. Procurement of Goods: <ul style="list-style-type: none"> - Narita Distribution: Office Equipment - Yamaha Motor: Motorcycle - Sunsimeco: Audio Visual Equipment - LEECO: Office Furniture Lot 3 & 4 - MFC: Office Furniture Lot 1 & 2 - Procurement of vehicle has been completed, ACF has coordinated with PCO for procurement by PCO/IPA 	<ul style="list-style-type: none"> • Procure the remaining packages under procurement are reflected in the revised ACF Procurement Plan, as part of AWP 2011. • Sr. Procurement Officer to continue her procurement responsibilities • Continue procuring 		

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
		<p>procedures; (3) any direct contracting that has received prior approval of the IDA; and (4) such other procurement consistent with agreements and policies of RGC or IDA, including as specified in Letter of the Ministry of Economy and Finance, No. 6721 SHV.VS, dated 15 December 2008, re “Measures to be taken in the future in relation to the use of independent procurement mechanism under the World Bank’s grant project.” In such cases, procurement shall be undertaken in accordance with the Bank’s Guidelines and the procedures</p>			<ul style="list-style-type: none"> - Te Aik Hong: Office Equipment lot 1 - AnAnA Computer: Server Equipment Lot 1 - Te Aik Hong: Server Software Lot 2 - S.I: Desktops and Fax machine <p>The procurement of Service:</p> <ul style="list-style-type: none"> - Tep Chenda: Senior Procurement Officer (commenced work on 01 August 2009) - Juanita L.Rice: Int’l Technical Advisor - EIC: Baseline Study - Chum Charya: Senior Legal Officer (commenced work on 11 November 2009) - Vandeth Dararoath: Communication Officer (commenced work on 05 January 2010) - EIC: Study on Demand for AC services - Thong Sopymakara: Legal Education and Translation Officer (commenced work 	<p>goods and services pursuant to relevant procurement rules of the RGC and WB and ACF procurement rules.</p>		

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
		<p>specified with SOP/PM, as mandated by MEF Sub-Decree No. 14 dated February 26, 2007.</p> <p>The recruitment and hiring of short-term emergency labour arbitration experts and independent external financial auditors selected by ACF Board of Directors are not subject to IPA or other procurement guidelines or procedures.</p>			<p>on 05 July 2010)</p> <ul style="list-style-type: none"> - KPMG: Auditing Financial Statement 2009 of ACF - Bun Vuthy: Monitoring and Evaluation Coordinator (commenced work on 22 October 2010) - Chhen Vanny: Senior Procurement Officer (commenced work on 08 December 2010) - Heng Kanitha: Finance and Administration Officer (commenced work on 13 June 2011) <p>• Procurement packages had been signed contract and ongoing:</p> <p>Service package</p> <ul style="list-style-type: none"> - WMC: Production of Broadcast Media and Tools: ACF is waiting the WMC to send the final report then prepare the final payment for 			

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
					them. KPMG: Auditing Financial Statement 2010 & 2011 of ACF (KPMG has completed its auditory assignment of ACF financial statements 2010.)			
9b	<u>Procurement</u> Need to strengthen procurement capacity.	ACF's procurements are complied with the procurement procedure of WB and MEF specified in item 9a.	ACF via procedures consistent with SOP/PM.	<ul style="list-style-type: none"> The Procurement Officer with ACF resigned in June 2010. ACF is recruiting his replacement. Finance and Administration Officer will be held Sr. Procurement Officer 	<ul style="list-style-type: none"> Implementation of procurement follows World Bank and the RGC (SOP/PM) guideline. Senior Procurement Officer has attended the training organized by PCO and conducted by the International Procurement Consultant for two months at PCO in late 2010 Senior Procurement Officer has attended the procurement training organized by WB and MEF in March at Siem Reap. Sr. Procurement Officer receives on- 	<ul style="list-style-type: none"> Sr. Procurement Officer to receive ongoing on-the-job training from the International Procurement Consultant engaged by PCO. Sr. Procurement Officer to continue consulting the procurement specialists of the Ministry of Economy and Finance and the 	<ul style="list-style-type: none"> On-going On-going 	

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
					<p>the-job training from International Procurement Consultant engaged by PCO</p> <ul style="list-style-type: none"> Sr. Procurement Officer engages in on-the-job consultation on procurement procedures and matters with the Ministry of Economy and Finance the World Bank procurement specialists. 	World Bank on emerging procurement matters.		
9c	<u>Financial Management</u> Responsibilities of ACF	<p>ACF will be responsible for its FM function, accounting and management of fund flows, designating a Project Accountant and one accounting officer to support project accounting work.</p> <p>ACF is not required to install the accounting</p>	ACF with PCO oversight.	Finance and Admin. Department is in charge of FM management	<ul style="list-style-type: none"> ACF has designated Manager of Finance & Administration and Finance Officer responsible for FM function, accounting and management of fund flows. Executive Director is responsible for oversight. Financial auditor has completed its field work in auditing financial management for 	<ul style="list-style-type: none"> ACF Manager of Finance & Administration continues to be responsible for FM function, accounting and management of fund flows. The Executive Director continues to 	<ul style="list-style-type: none"> On-going 	

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
		<p>software package referenced in item 2c; ACF will continue to utilize its existing accounting system and software package.</p> <p>ACF will continue its own practice of an annual external audit conducted by independent auditors selected by the ACF Board of Directors, as mandated by the ACF Statute and agreed with RGC and IDA.</p>			<p>fiscal year 2009, the final reports to be shared with relevant agencies once available.</p> <ul style="list-style-type: none"> External Auditor (KPMG) has conducted its field work for the fiscal year 2010. The audit report has been shared with the donors. External Auditor E&Y has completed its field auditory work and is expected to share its reports with PCO and ACF in due course. 	<p>be responsible for oversight.</p> <ul style="list-style-type: none"> ACF has engaged KPMG to audit ACF financial statements for the financial year ended December 2011. ACF continues to use Sun System for its accounting software and continues to maintain and update it as necessary 	<ul style="list-style-type: none"> Field work of auditory assignment to commence in early 2012 	
9d	<u>Financial Management</u> Financial independence and sustainability.	ACF will prepare an Action Plan for its progressive financial independence and sustainability.	ACF	ACF to draft strategy by DFGG Mid-term Review, Action Plan to be finalized and adopted by end of year 3 of DFGG. PCO to monitor	ACF will draft the long-term sustainability after the completion of: (i) Study to Quantify the Values of AC Service; (ii) Sustainability Study; and (iii) Fundraising Consultant; which are the series studies.	<ul style="list-style-type: none"> ACF to produce it as part of the Sustainability Strategy of the Arbitration Council 	<ul style="list-style-type: none"> December 2011 	

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
				progress. IDA to review during Mid-term Review and end year 3.	By now, the procurement of the first study commenced in late March 10; Independent Procurement Agency is handling the procurement and study is to commence following completion of the procurement.			
9e	<u>Financial Management</u> Clarification of items 2g and 2h	Petty cash transactions during overseas travel which cannot be carried out by check or transfer to bank accounts shall not be limited to US\$500; ACF will continue to retain evidence of any such transactions for audit and IDA supervision missions. Subject to confirmation by MEF that ACF is not bound by Anukret 10 of April 2004 and Decision Letter	ACF	ACF will follow MEF's DSA rate	ACF has followed MEF's DSA rate. Adjustment made to the rate with non-IDA funds to allow implementability of relevant ACF activities and to meet essential operational needs of ACF.	<ul style="list-style-type: none"> No additional actions required 	<ul style="list-style-type: none"> N/A 	

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
		2000 of April 2007, ACF may pay DSA to its project staff in accordance with its established rates and procedures.						
9f	<u>Disclosure</u> Lack of transparency of information on AC procedures and decisions	In addition to disclosure requirements under item 3b, ACF will continue to disclose on its website and by dissemination of hard copies, including new formats such as CD-ROM, full information on the arbitration process and procedures and all arbitral decisions.	ACF will be responsible for information disclosure to stakeholders and publics via website, hard copies, and soft copies Full disclosure of Project information under item 3b to commence in 2009 when DFGG effective and AC website upgrading is completed.	Regular updating of website to continue during Project implementation. PCO to monitor and IDA to verify during supervision missions.	Legal database and website improvement was completed in 2009; and ACF regularly updates website. ACF has fully disclosed Project information under item 3b at both ACF premise and AC website ACF disclosed Professional Guidelines of the Arbitration Council and Complaints Handling Mechanism in ACF premises and AC website. ACF disseminates information on AC procedures and decisions in hardcopies to stakeholders.	<ul style="list-style-type: none"> Continue disclosing relevant information, based on disclosure list provided by PCO 	On-going basis. <ul style="list-style-type: none"> GGF and RMM were updated and upload on AC website in every quarter. Furthermore, they were translated into Khmer. 	
9g	<u>Civil Society Role</u> Low turnout of civil society representatives at relevant ACF activities and meetings.	In addition to implementing its Partnership Plans described in the	ACF in accordance with the TOR given in the approved	SAG established and functional by 12 month after effectiveness	SAG was established in June 2010, its first meeting was held on 25 June 2010	<ul style="list-style-type: none"> Organise the next SAG meeting 	<ul style="list-style-type: none"> September 2011 	

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
		PIM (item 4a), ACF will establish a tripartite Stakeholder Advisory Group (SAG) as an important platform for stakeholder consultation.	Project Proposal.		SAG meeting organized in March 2011 and invited civil society organisations in labour areas like ACILS and CLEC to observe and input at SAG meetings.			
9h	<u>Complaints and Remedies Mechanism</u> Complaints relating to arbitral decisions.	The Complaints and Remedies Mechanism does not apply to the labour dispute activities of the Arbitration Council; in particular, any complaint or related question regarding a labour dispute case registered with the Arbitration Council will continue to be handled by the standard procedures and guidelines of the Arbitration	ACF ensures that complaints and remedies mechanism is functioning during the project life	During DFGG pre-implementation stage, PCO and IDA to agree final complaints and remedies mechanism with provision for ACF to deal with complaints on arbitral decisions.	ACF has provided provisions regarding complaints to PCO. ACF has provided PCO necessary revisions to PIM related to, <i>inter alia</i> , Complaints and Remedies Mechanism consistent with actions to mitigate risk. ACF posts Complaints-Handling Mechanisms on AC website and within AC premise. ACF has created a suggestion box, suggestion form and instruction (Khmer and English version) to be filled for any complaints	<ul style="list-style-type: none"> Update Complaints & Remedies Mechanism to reflect the latest development as a result of the MoU on binding arbitration 	<ul style="list-style-type: none"> To be determined, if the environment around the complaints have evolved. 	

	Issues	Action to Mitigate Risk	Responsibility	Target/Monitoring	Implementation Status as of 30 July 2011	Action Plan	Revised Target Date	Any Resources Required
	1	2	3	4	5	6	7	8
		Council, the Secretariat of the Arbitration Council and/or ACF, including via the procedures provided in the Labour Law (1997), Prakas 99 MOSALVY, dated 21 April 2004, on the Arbitration Council, and related laws and regulations.			Complaint-handling mechanism (English and Khmer version) was updated on AC website since 1st quarter 2011. Complaints and Suggestion Box made available at AC premise – 1st quarter 2011			
9i	<u>Professional Guidelines</u> Need to raise awareness of Professional Guidelines for Arbitrators	See item 6a. ACF has facilitated completion and agreement on the Professional Guidelines for Arbitrators, which ACF will display publicly at the AC chambers and on the website, and furnish a copy to the PCO and IDA.	ACF will publish on its website when agreed	Complete, adopt, publish and furnish copies to IDA during DFGG pre-implementation stage. PCO to monitor adoption. IDA to verify adoption during supervision missions.	ACF coordinated completion, adoption and furnished copy to IDA as required. ACF displays publicly at AC chambers in English and Khmer. ACF has published copy on new website.	Complete. No further actions required at this point.		