



2019

ANNUAL REPORT

Investing in the Future: the Arbitration Council's Commitment to Sustainable and Harmonious Industrial Relations.

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ACF Board of Directors Chairman's Message

Dear readers:

In 2019, the Arbitration Council Foundation (ACF) made extra efforts to support the Arbitration Council's (AC) focus on institutional strengthening and development, capacity building, and institutional sustainability. ACF's core supports, which include financial, technical, and legal services as well as general administration, have gained another year of improvement and experience.

In order to improve overall labour dispute resolution and to continue to contribute to stability in the entire labour sector, ACF's capacity-strengthening and development involved the human resources of a number of institutions and enterprises.

These include the Arbitrators, ACF and Secretariat staff, the officials, workers and employers of concerned ministries, and relevant stakeholders in the labour sector.

With regard to the efforts of AC institutional sustainability, the ACF staff and Arbitrators are delighted that 2019 has proved to be critical: it is the reporting period when ACF received further funding from the Royal Government of Cambodia through the Ministry of Labour and Vocational Training (MoLVT), from USAID in partnership with the Solidarity Centre, from the Embassy of Sweden, and from other development partners.

These financial supports are crucial in building the foundation of AC and ACF's financial sustainability in order to achieve a self-sustaining dispute resolution system in Cambodia.

In order to assure continued good governance, rule of law, transparency, and professionalism, the ACF Board of Directors will continue play its important role in policy-making, strategic planning, and future directions for the Foundation.



On behalf of the Board of Directors and all ACF staff, I wish to thank the Ministry of Labour and Vocational Training for its technical cooperation and financial support. The seventeen-year MoLVT-ACF partnership has achieved remarkable credibility and trust from all partners, service users, beneficiaries, and stakeholders.

I also wish to thank our development partners who have provided financial support since before 2019, including the Embassy of Sweden, USAID, the Levi Strauss Foundation, and Gap Inc. as well as VF and H&M which began their financial support of ACF in 2019.

A handwritten signature in blue ink, appearing to read 'AN Nan', with a long horizontal line extending to the right.

Arbitrator AN Nan
Chairman of the ACF Board of Directors

Overview



The Arbitration Council Foundation (ACF) continues to receive strong financial support and cooperation from Royal Government of Cambodia (RGC) through the Ministry of Labour and Vocational Training (MoLVT) and development partners.

The Arbitration Council (AC) continues to gain trust and confidence for its provision of independent and professional dispute resolution services to all beneficiaries in the labour sector.

In 2019, ACF has warmly welcomed a significant funding increase from US\$100,000 to US\$300,000 per year from the RGC through the MoLVT.

In this reporting period, USAID, in partnership with the Solidarity Center, also resumed a five-year funding commitment, and the Embassy of Sweden made a two-year funding commitment. A combined agreement-signing ceremony was held on 27 February 2020. The two partners' financial contributions amount to about US\$420,000 per year.

With these valuable financial contributions, strong supports and excellent cooperation from all partners and beneficiaries, AC members and ACF staff have been very proud and confident in continuing to thrive in achieving their annual objectives.

Achievements in 2019

To briefly mention the achievements of the AC and ACF, the following sections cover three main specific objectives:

Labour Dispute Resolution

Specific objective 1: increased the AC's capacity and effectiveness to resolve labour disputes across Cambodia. A total of 117 labour disputes were handled by the AC in 2019.

The success rate of the resolution increased from 74% to 75% while the services covered 41,906 beneficiaries, approximately 80% of whom are women.

Of the 117 cases, 61 were registered from outside greater Phnom Penh.

Of the 117 cases in 2019, 22 involved strike actions for which the AC issued 11 Return-to-Work orders. 63.63% complied with the orders which allowed the AC to resume its process and to issue arbitral awards.

Moreover, all the registered cases were resolved within the 15-day legal timeframe or within an agreed-upon extended timeframe. As a result, workers' and employers' rights have been upheld because their rights-related claims were properly addressed.

By stopping the strike actions, the AC not only helps the parties to resolve their disputes by peaceful means, but also to avoid potential disruption and loss of income.

The above achievements are owed to AC members and ACF staff who not only worked hard, but also participated actively on many occasions in capacity-building activities such as technical meetings with concerned ministries on the implications of labour regulations, conciliation and arbitration, industrial relations, institutional development, and many other practical aspects.

Partnerships, Stakeholder Outreach, and Training

Specific objective 2: increased capacity of industrial relations stakeholders to participate in processes to address their disputes effectively.

The ACF conducted training in Phnom Penh and the provinces and reached out to factory sites to raise awareness of labor dispute resolution processes and the AC. Stakeholders' capacity in case preparation was one of the many targets.

The Foundation also provided training to relevant parties including employers' representatives, workers, lawyers, government officials and students.

Institutional Integrity and Sustainability

Specific objective 3: strengthened institutional integrity, sustainability, and quality services. Further institutional development of the AC and ACF have been assured as the Council and Foundation continue with strong technical supports from several of their professional teams under their national and international boards.

These professional supporters are skilled staff members who provide expertise in law and procedures, training and communications, monitoring and evaluation, policy and integrity, and general administration and finance.

Their professional commitment and quality services have been recognized and further supported by diverse funding sources.

With these generous financial contributions, the AC and ACF can be expected to function at least until the end of 2021 with full funding. From 2022 onward, ACF may still well be fully funded.

Year 2019 has proved to be a great period of learning, coping with challenges, improving, and furthering the labour community as it continues to stand as one of the most important back bones of the country's economy.

These opportunities and achievements cannot happen without the valuable cooperation between the Royal Government of Cambodia through MoLVT, AC members, ACF Board of Directors, ACF International Advisory Board, ACF staff, the AC Secretariat, development partners, workers, employers, and labor stakeholders.

I am deeply grateful for the continued support and cooperation from all our colleagues and friends.



MEN Nimmith
Executive Director
Arbitration Council Foundation



AC VISION

A just and economically vibrant Cambodia renowned for industrial peace.

AC MISSION

Provide effective labour dispute resolution services that both workers and employers can trust.



Resolving Labour Disputes by Arbitration Council

Since its inception in 2003, the Arbitration Council (AC) has heard cases from a range of industries across Cambodia, including garment and footwear, hospitality, construction, transportation, food and services, and agriculture sectors.

These labour disputes have been directly addressed in a timely and transparent manner, by hearing disputes and issuing balanced and just arbitral decisions.

As of 2019, the AC has handled a total of 2,882 cases affecting more than 1.11 million workers; its process is efficient and cost-free.

Registered Case Trend

The below figure shows number of cases registered at the Arbitration Council from January 2018 to December 2019.

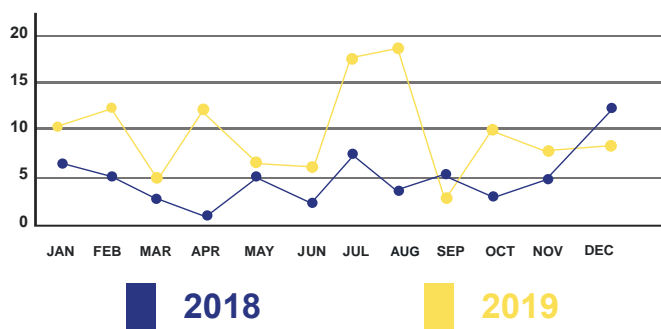


Figure 1 indicates a significant change in the trend of collective labour dispute cases registered at the AC from 2018 to 2019. In 2018, 59 cases were filed at the AC, and about double that number in 2019, a total of 117 cases.

The above Figure shows that the number of cases registered in July and August jumped from 6 in June to 18 and 19, then dropped to 4 in September.

When analysing the issues in dispute referred during these two months, a majority of the cases involved termination, reinstatement, and disciplinary actions.

These three issues are among the top 5 issues brought to the AC in 2019.

Twenty-two cases in that year involved strikes; the AC issued eleven Return-to-Work Orders.

Reaching Agreement versus Arbitral Awards

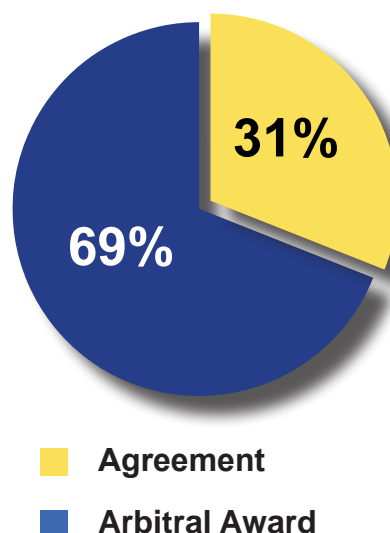
A collective labour dispute referred to the AC can be resolved either by an agreement between the parties or by an arbitral award.

Agreement is reached through conciliation/mediation by the Arbitral Panel; if no agreement can be reached, an Arbitral Award is issued.

Preparing an arbitral award after the hearing requires additional time for comprehensive research, law analysis, and award writing.

In 2019 the average time for resolving a dispute at the AC is 22 days, which is similar to 2018.

Below Figure 2 shows the rate of resolution of registered cases in 2019.

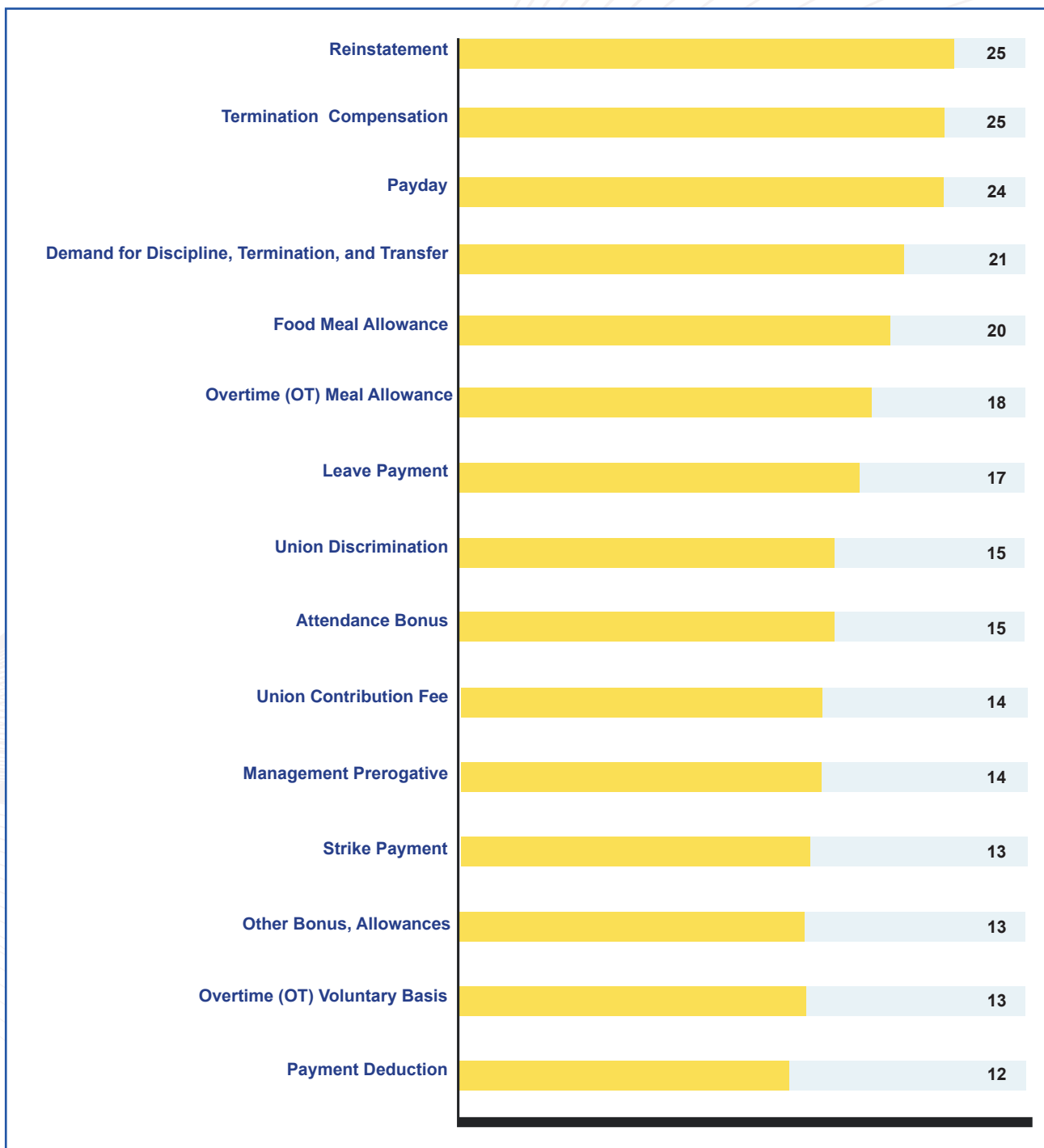


Types of dispute Issues forwarded to the AC

The AC plays a role in solving collective labour disputes, only, as specified in the non-conciliation report, which is referred by a conciliator designated by the Ministry of Labour and Vocational Training (Article 312 of the Labour Law, 1997).

One labour dispute can have more than one issue and of various kinds. There were a range of issues being settled at the Arbitration Council in 2019, and the below table shows the top fifteen types of issues.

Figure 3. Top Fifteen Types of Issues Brought to AC in 2019



Exercise of Management Rights Versus Workers Safety

Case 093/19 – Can Sports Shoes

This case, claimants ('the Worker') brought a claim against Can Sports Shoes Co., Ltd ('the Employer'). The Employer entity is in Kampong Chhnang province and involved mainly in the footwear industry. At the time of the dispute, approximately 10,000 workers were employed. The case was heard before the Arbitration Council on 14 October 2019, and the arbitral award was issued on 15 November 2019.

The key issue in this case is that the Worker demanded the Employer open an entrance of S3 Building, allowing about 1,600 workers to access it.

In the hearing, both parties agreed that S3 is a new company building which has an entrance. Since September 2019, the Employer has never opened that entrance in the morning, but only after the overtime work, at 6 pm. Thus, the workers are required to walk about 500 to 800 meters from the main entrance to the S3 Building.

In the hearing, the Employer stated that every morning there are approximately 170 trucks transporting workers to the company; therefore, the Employer closes that entrance to avoid traffic congestion from the National Road No. 5 to the company's main entrance.



Employer's representative and Arbitrator look at the factory's entrance.

The Workers claimed that they want the Employer to open the entrance [of the S3 Building] for three reasons.

Firstly, the entrance is closer to the S3 Building than the main entrance. Secondly, the current practice has posed some difficulties, especially to pregnant workers and workers with disabilities, who must spend about 20 minutes to walk from the main gate to the S3 Building.

As a result, they need to rush to work which has caused some accidents on company property. Some workers have fallen and gotten slightly injured while a female worker had reported a miscarriage.

Thirdly, the workers will be able to access the entrance in case of emergency, such as fire. The Arbitral Panel ('AP') examines four articles in the Labour Law 1997 below.

Article 2 of the Labour Law 1997

Paragraph 2 of article 2 of the Labour Law 1997 stipulates that "every enterprise may consist of several establishments, each employing a group of people working together in a defined place such as in factory, workshop, work site, etc., under the supervision and direction of the employer."

Article 248 of the Labour Law 1997

Paragraph 1 of article 248 of the Labour Law 1997 stipulates that "an accident is considered to be work related, regardless of the cause, if it happens to a worker working or during the working hours, whether or not the worker was at fault; it is the accident inflicted on the body of the worker or on an apprentice with or without wage, who is working in whatever capacity or whatever place for an employer or a manager of an enterprise."

Article 249 of the Labour Law 1997

Paragraph 1 of article 249 of the Labour Law 1997 states that “managers of enterprise are liable for all work-related accidents stipulated in the Article above regardless of the personal status of each worker.”

Article 250 of the Labour Law 1997

Article 250 of the Labour Law 1997 states that “every manager of enterprise shall manage or have someone take all appropriate measures to prevent work-related accidents.”

Articles 2, 248 to 250 of the Labour Law 1997

According to articles 2, 248 to 250 of the Labour Law 1997, the AP determines that the Employer can exercise their management rights if it is lawful and reasonable.

More importantly, it must not cause any harm to the workers.

Visiting the Can Sports Shoes factory on 21 October 2019, the AP observed that the exercise of the prerogative right of the Employer in term of instructing all trucks



Arbitrator and employees discuss about the issues at the factory.

to drop the workers at a stop organised by the Employer is reasonable, and it can prevent traffic jam.

In addition, the distance from the main entrance to the S3 Building is unlikely to cause any trouble to healthy workers.

Despite that, the AP noted that, to some degree, the exercise on prerogative right of the Employer in this case also poses some difficulties to pregnant workers and workers with disabilities.

This results from an insufficient protection mechanism for those vulnerable company workers.

For example, the Employer merely allows them to leave the workplace 15 minutes early.

The AP decided that the Employer must open the entrance of the S3 Building for the pregnant workers and the workers with disabilities to access in the morning.

During the site visit, the AP observed that the road has enough space to allow the trucks to stop on the right lane close to the gate of the S3 Building to drop the pregnant workers and the workers with disabilities after dropping other workers at the main stop.

Alternatively, the Employer can provide another means of transport for vulnerable workers from the main entrance to the S3 Building.

This case highlights two significant points. First with respect to the exercise of management rights, the Employer needs to comply with the law and the safety of the workers.

Second, the Arbitration Council can, whenever necessary, exercise its mandate for site visits to ensure evidence is collected and considered.

Principle of Good Faith in Negotiating Collective Bargaining Agreement

**This legal brief is extracted from Case 116/19—Cambodia Cultural Village heard by a panel of three arbitrators: Pen Bunchhea, Tuon Siphann and Seng Vuochhun. This arbitral award became binding on 29 January 2020.*

Cultural Village Resort (Cultural Village Cambodia), which employed about 300 workers at the time the dispute happened, operates a man-made cultural site in Siem Reap Province. In the company, “Employees of Tourism Sector Trade Union” was legally certified with the most representative status on 15 March 2019.

On 18 June 2019, the Trade Union’s representatives submitted a request to start negotiating the collective bargaining agreement (‘CBA’) with the employer and to schedule the negotiation in 3 stages:

- (1) Trade Union to submit documents for CBA negotiation to the employer in August 2019,
- (2) Start the negotiation on CBA in September 2019, and
- (3) Final negotiation in October 2019. Regarding the negotiation schedule, the employer responded that it would inform Trade Union at an appropriate time.

On 23 August 2019, Trade Union’s representatives submitted drafted ground rules for negotiating CBA] (‘ground rules’) and drafted a CBA which it sent to the employer.

In a monthly meeting between the employer and the Trade Union on 6 September 2019, the employer informed the Trade Union that the drafted ground rules were being sent to Mega Asset Management Co., Ltd. for discussion and approval. On 20 September 2019, the Employer requested the Trade Union to reconsider the conditions on the drafted CBA and to postpone the negotiation until the employer can make profit again.

On 2 October 2019, Trade Union representatives requested a negotiation on CBA, but the employer did not respond. On 18 October 2019, in a monthly meeting between the employers and Trade Union, the employer announced that the employer could not set the date for the negotiation yet, because they needed more time to get the approval from Mega Asset Management Co., Ltd.



SAC Official presents lists of arbitrators’ biographies to employees for their hearing panel.



Employers and Employees attend the hearing at the Arbitration Council Foundation (ACF)

On 1 November 2019, the employer requested another deferment without setting a fixed date for negotiation and said it would inform the Trade Union again after Water Festival. On 19 November 2019, the Trade Union filed a complaint with the Department of Labour and Vocational Training of Siem Reap.

In a letter that the employer wrote to the Trade Union dated 21 November 2019, deferment of the negotiation of ground rules and CBA happened again due to the arrangement of the National Career and Productivity Fair 2019, the wrap-up of work activities 2019, and the preparation of plans and direction for 2020.

During the conciliation on 9 December 2019, the employer ('Respondent') pledged to inform the Trade Union ('Claimant') of the appropriate date for the negotiation of ground rules and CBA within the end of 2019.

On 25 December 2019, the employer sent a letter setting 23 March 2020 as a date for negotiating ground rules. However, the Trade Union rejected the letter. The dispute remained unresolved.

Upon the request by parties, the Arbitration Council ('AC') conducted a mobile hearing at a hotel in Siem Reap province on 10 January 2020.

In this case, the AC's decision deals with one important issue: the principle of good faith in negotiating the CBA.

In the present case, the Claimant argued that Article 96 of Labour Law and Prakas No. 303 issued by the Ministry of Labour and Vocational Training gave rights to the Claimant to initiate the CBA negotiation and obliged the Respondent to engage in the negotiation.

The Claimant further alleged that the Respondent violated Article 69 and 63(g) of Trade Union Law ('TUL') by not setting a fixed schedule for the negotiation and continuously requesting the deferment of the negotiation without providing valid reasons. Such actions demonstrate the Respondent's bad faith refusal to negotiate.

On the other hand, the Respondent submitted that they intended to negotiate the CBA as soon as possible.

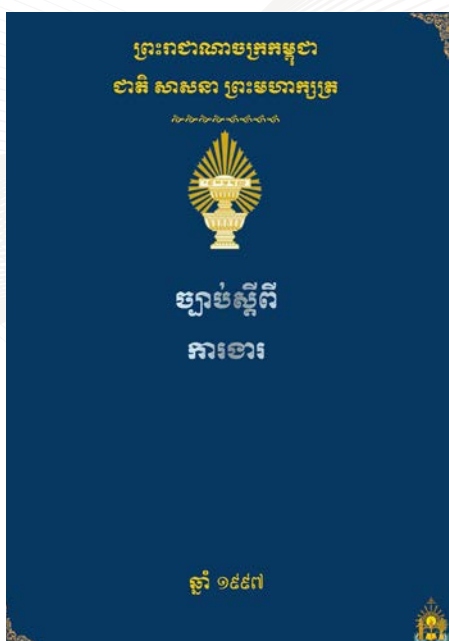


Furthermore, the Respondent claimed that they put effort by meeting with the Claimant and explaining certain rationales for the deferment of the negotiation.

Additionally, the Respondent was suffering a net loss due to the decrease of tourists. Most importantly, top management needed more time to consider the increase of wages and fringe benefits as an extra expense. As a practice in the company, the Respondent stated that it usually takes two to four months for the Respondent to decide on any expense. For these reasons, the Respondent had made a request to the Claimant to negotiate and finalize the ground rules on 23 March 2020. After finalizing the ground rules, the Respondent also intended to negotiate the CBA afterwards.

Article 54 (1) of the TUL

Article 54 (1) of the TUL stipulates that, “The most representative status of a worker union is recognized within the framework of the enterprise or establishment. For the purpose of the collective bargaining or collective labour dispute resolution, the most representative status union has the exclusive rights.”



Article 53 (2,3) of the TUL

Article 53 (2,3) of the TUL specifies the principle of integrity and good faith as, “This duty of good faith includes the duties to engage with the worker union which has been certified as the most representative status, to meet and to convene the meetings timely and promptly for the purposes of negotiating a collective bargaining agreement with respect to the terms and working conditions in accordance with the provisions of this law, as well as considering any requests for resolving the grievances or questions arising from such agreement.

This duty goes beyond the ordinary meeting and consultation, by including in these arrangements an offer to the most representative status union the facilities to carry out negotiations to get information on negotiation proposals proposed by the union, and implementation of any written contract or memorandum of understanding if there is any request by either party; however, it does not oblige the employer or employer association to agree to any specific proposal put forward by the union.

Both negotiating parties shall respect the principles of integrity and good faith.”

Article 71 of the TUL

Article 71 of the TUL states that, “Parties to collective bargaining shall be given full rights by their members through an authorisation as prescribed in this law to conduct and conclude bargaining.

An interference, incitement, and interruption from any person who is not involved in the collective bargaining agreement shall be prohibited.”

Article 69 (3) of the TUL

Article 69 (3) of the TUL provides that, “The provisions of a collective bargaining agreement may be more favourable [than the provisions of the laws and regulations in force to] personnel working in air and maritime transportation, and workers ... All demands made by employers, personnel, or workers for rights, benefits, and working conditions which deviate from the laws, regulations, and internal rules of the enterprises or establishments shall be settled through an orderly collective bargaining process.”



Officer at the Secretariat of the Arbitration Council provides information about the hearing.

Article 53, 54, 69, and 71 of the TUL

Based on Article 53, 54, 69, and 71 of the TUL, the AC interpreted that the most representative status union has the right to initiate the negotiation of CBA with the employer. The employer must participate in the CBA negotiation with the trade union, and both parties must adhere to the principle of good faith during the negotiation.

The term “good faith” includes recognizing the rights of trade union with the most representative status, meeting and convening timely, making every effort to reach an agreement, avoiding unjustified delays,

and conducting genuine negotiation for the collective interests.

The AC observed that the Respondent had an intent to negotiate the CBA, because the Respondent provided some response and meeting with the Claimant and provided reasons for the delay. Furthermore, the Respondent had set 23 March 2020 as the date for negotiating and finalizing the ground rules and subsequently negotiating CBA. However, the Claimant did not agree with the proposed date, because it was such a long delay. In this case, the Claimant submitted a request for CBA negotiation, drafted ground rules, and drafted CBA to the Respondent on 23 August 2019. Until the hearing date, it was about six months and the parties had not met for negotiating and finalizing ground rules and CBA. For this reason, the Respondent has the duty to engage and schedule the negotiation as soon as possible.

In the case at bar, for the negotiation to be in good faith, the Respondent must engage in the negotiation with the Claimant and set the duration of negotiation and finalization of CBA within six months. The duration of six months is a reasonable period of time for the whole process of negotiation and finalization due to the fact that the Respondent usually spends from two to four months to decide on any expenses.

Notably, Article 34 of Prakas No. 099 on the Arbitration Council provided as follows: “...Within the limitations of Labour Law and this Prakas, it has the power and authority to provide any civil remedy or relief which it deems just and fair, including:

...

E. orders to bargain...”

In conclusion, based on Article 34 of Prakas No. 099 above, the AC ordered the Respondent to engage in the negotiation and ensure that the negotiation ends in six months when this arbitral award becomes final and binding.

Services & Outreach Activities

The Arbitration Council Foundation (ACF) has worked intensively to disseminate information about the Arbitration Council's (AC) services; it has also conducted various training activities.

The purpose of this work is to increase the public's general knowledge about the AC's role and its mandate to provide labour dispute resolution in Cambodia for the benefit of employers and employees in various sectors. In 2019, services & outreach activities were conducted for groups at both universities and enterprises.

As a result, those partnerships have been strengthened for future collaboration to promote AC's labour dispute resolution services in Cambodia.

During 2019, the ACF carried out a total of fourteen outreach activities, targeting key stakeholders in both the public and private sectors. These included workers, employers, unions, lawyers, students, civil servants, and employees of civil society organisations.

The fourteen services & outreach activities included:



Factory Representatives and Garment Workers attend the training at the Arbitration Council Foundation (AC/F)

3

Three public training courses were held on “**Labour Dispute Resolution Process & Arbitration Council Process & Case Preparation**”, which were attended by representatives from the state sector, the private sector, and the civil society sector.

3

Three seminars on “**Labour Dispute Resolution Process & Arbitration Council Process**” were held for university students in partnership with the National University of Management, the Build Bright University and the Royal University of Law and Economics.

2

Two mobile video trainings were held on “**Labour Dispute Resolution Process & Arbitration Process**” in partnership with two garment factories: The Top Summit (Sabrina 2) and the Zhen Tai Garment Factory. These included sharing sessions with garment workers.

2

Two **Study Tour Visits** were held for students from the Education and Research Centre for Japanese Law, and from the Human Rights Masters Programme at Peking University. The study tour visits were done in partnership with the Royal University of Law and Economics in Phnom Penh and Peking University.

1

One **Hearing Observation** was organised for five lawyer trainees, in partnership with the Lawyer Training Centre.

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One training on **Conciliation Skills** was organised for conciliators from 25 provinces and municipalities. This training was done in partnership with the Ministry of Labour and Vocational Training.

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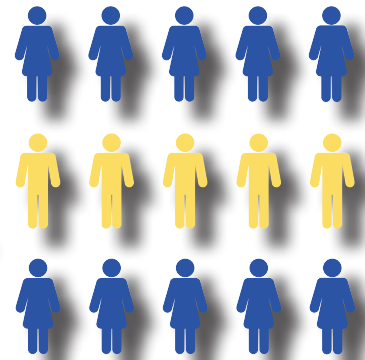
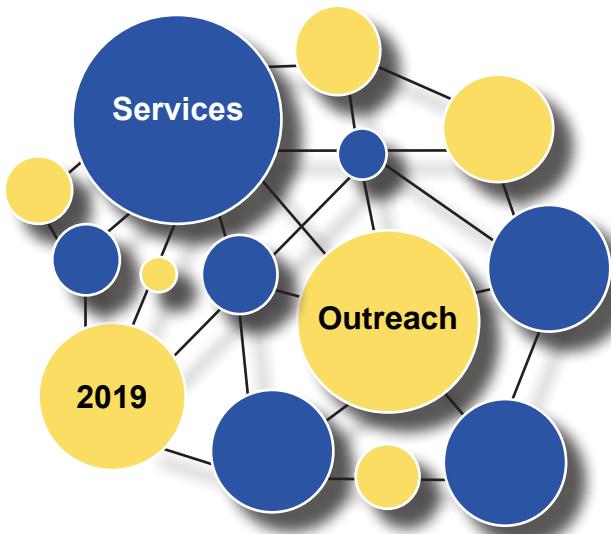
Two three-day training module series - “**Workplace Dispute Prevention & Resolution Programme**” - were presented.

The training comprised three modules with the following topics:

- Module I: Employment Relationship Building
- Module II: Workplace Cooperation Mechanism
- Module III: Communication for Negotiation

These were organised for management, workers, and union representatives at two factories: The Regence Footwear Cambodia and the Top Summit (Sabrina).

With the fourteen services & outreach activities conducted in 2019, the ACF in total reached approximately 800 direct beneficiaries, nearly half of whom were women.



Approximately
800 Direct Beneficiaries

ACF's Compilation of Labour Regulations

The 5th edition of ACF's Compilation of Labour Regulations includes regulations in the labour sector sourced from the Ministry of Labour and Vocational Training and other relevant ministries.

It contains Royal Decrees (Preah Reach Kret), Sub Decrees (Anu-Kret), Proclamations (Prakas), Circulars (Sarachor), Notifications and Guidelines about the use and implementation of the Labour Law.

The purpose of the Compilation of Labour Regulations is to provide better access and usage of relevant labour regulations, especially for employees and employers, enterprises, and for educational institutions. The publication can also be used as a legal resource and reference for researchers, for procedures needed to comply with the Labour Law.

The Compilation of Labour Regulations is available in hardcopy at the AC office.



Professional Development

Ongoing professional development for arbitrators and staff is a priority, in order to strengthen their competence in arbitration techniques and legal skills. During 2019, the Arbitration Council Foundation (ACF) organised various continuing professional development sessions with external speakers. These sessions were attended by members from the Arbitration Council (AC), the Secretariat of Arbitration Council (SAC), and the ACF.

During these professional development sessions, attendees learned about arbitration models from other countries such as Myanmar, Vietnam, China, and the United States. This knowledge is valuable for reviewing the Cambodian arbitration model and for identifying strengths and possibilities for improvement.

Currently, AC services include hearings and issuing arbitration awards on collective labour disputes. In the future, however, individual labour disputes may be included in the AC services. Hence, Commissioner Michael Gay from Australia, who is also a member of the ACF's International Advisory Board, shared information about individual dispute resolution in Australia. He also provided training on Award Writing and Conciliation Skills.

Besides those in-house training sessions, two Continued Legal Education (CLE) sessions were held on the following topics:

Technical discussion on the interpretation and implication of recently issued legal regulations.

Those regulations relate to the issues of the union and workers' representative status in collective bargaining and in the settlement of collective labour disputes and seniority payments.

The CLE was organised and conducted jointly by the Ministry of Labour and Vocational Training (MoLVT) and the ACF with participants from both parties.



Commissioner Michael Gay provides training session to the Arbitrators and ACF's personnels.

Sharing experience on topics of discipline and contract disputes and employment discrimination under collective bargaining agreements.

The session was conducted by two distinguished guests: Prof. Richard D. Fincher, Attorney at Law, Labour Mediator/Arbitrator and Instructor on Asian Studies and Dispute Resolution at Cornell University and H.E. Say Bory, PhD in Administrative Law from France. Participants were from the AC, the ACF and the SAC.

In 2019, ACF was invited to attend two international workshops. Each workshop was attended by an ACF representative with the purpose to share about the AC and the Foundation, to learn from Arbitrations in other countries, to network, and to bring new knowledge back to Cambodia.

Those workshops were:

Training of Trainers for Insider Mediators held by the United Nations Development Programme (UNDP) & the Clingendael, Netherlands Institute of International Relations.

Participants from sixteen countries were mediators and practitioners in alternative disputes resolution.

Experts' workshop on **Strengthening Labour Dispute Resolution Systems in South Asia** held by the International Labour Organisation (ILO) Office in Dhaka, Bangladesh.

Participants from more than ten countries joined, and the ACF Executive Director shared the AC' experience responding to the challenges of enhancing transparency in Cambodia.

The various professional development sessions conducted for arbitrators and staff in 2019 have provided participants with new knowledge, techniques, and skills that enable them to stay up-to-date on such items as amendments made to existing laws and regulations.

This is very important for their daily operation in labour dispute resolution. Other types of training have empowered arbitrators and staff to be prepared for new trends and needs.



Mr. Men Nimmith, ACF Executive Director, shares experience of the Arbitration Council responding to the challenge of enhancing transparency. Participants, from more than ten countries, joined the Experts' Workshop on "Strengthening Labour Dispute Resolution Systems in South Asia".

Arbitration Council Foundation

Statement of Financial Position

As at December 31, 2019

	Y2019 (US\$)	Y2018 (US\$)
ASSETS		
Cash on Hand	\$ 1,318	\$ 1,456
Cash in Bank	\$ 247,963	\$ 284,891
Security Deposit	\$ 8,709	\$ 8,709
	\$ 257,990	\$ 295,056

LIABILITIES		
Withholding Tax Payables	\$ 2,404	\$ 2,471
Salary Tax Payables	\$ 1,095	\$ 2,780
Retention on Contract	\$ 330	\$ 21,563
	\$ 3,829	\$ 26,814

TOTAL NET ASSETS	\$ 254,161	\$ 268,242
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FUND BALANCE		
Swedish International Development Cooperation Agency (SIDA)	\$ 2,404	\$ 2,471
US Agency for International Development (USAID)	\$ 1,095	\$ 2,780
Levi Strauss Foundation (LEVI)	\$ 330	\$ 21,563
Gap Inc. (GAP)	\$ 3,829	\$ 26,814
Royal Government of Cambodia Ministry of Labor and Vocational Training (RGC)	\$ 56,412	\$ 88,354
International Labor Organization (ILO)	-	-
H&M Hennes&Mauritz AB (Group)	\$ 34,998	-
Solidarity Center (SC)	-	(\$ 1,048)
VF Asia Sourcing Limited	\$ 94	-
Reserve Fund	\$ 59,180	\$ 53,810
TOTAL FUND BALANCE	\$ 254,161	\$ 268,242

Arbitration Council Foundation

Income and Expenditure Report

January - December / 2019

INCOME	2019	2018
Donor Fund Support/Grant Income	\$ 524,083	\$ 462,255
Training Fee	\$ 9,976	\$ 7,888
TOTAL INCOME	\$ 534,059	\$ 470,143

EXPENSES	2019	2018
Labour Dispute Resolution	\$ 253,762	\$ 302,794
Resolution of labour dispute	\$ 50,799	\$ 21,272
Access to Arbitration Information	\$ 21	\$ 53,348
Capacity Building of AC/F and SAC	\$ 5,052	\$ 34,327
Support to Labor Dispute Resolution	\$ 147,830	\$ 103,836
Share to Organization Support	\$ 50,060	\$ 90,011

Partnership and Stakeholder Outreach and Training	\$ 171,470	\$ 238,674
Training for stakeholders on AC's process and case preparation	\$ 3,436	\$ 18,377
Stakeholder Training on Labour Dispute Prevention and Social Dialogue	\$ 1,278	-
Development and Dissemination of AC's Publication	\$ 667	\$ 14,803
Media and Public relation	\$ 1,396	\$ 47,449
Establishing and maintaining partnership	\$ 653	\$ 1,580
ACF Support to AC outreach and training	\$ 114,067	\$ 66,453
Share to Organization Support	\$ 49,974	\$ 90,011

Arbitration Council Foundation (Continue)

Income and Expenditure Report

January - December / 2019

Institutional Integrity and Sustainability	\$ 103,456	\$ 182,276
Selection/Recruitment of arbitrator	-	-
Arbitration Council/Foundation Government	\$ 8,485	\$ 11,748
Staff Capacity Development	\$ 771	\$ 5,710
Security Sustainability	\$ 384	\$ 32,228
Effective Monitoring and Evaluation	-	\$ 29,479
Support staff for Institutional Integrity and Sustainability	\$67,184	\$ 58,106
Share to Organization Support	\$ 26,631	\$ 45,005
VAT REFUND	-	\$ (1,765)

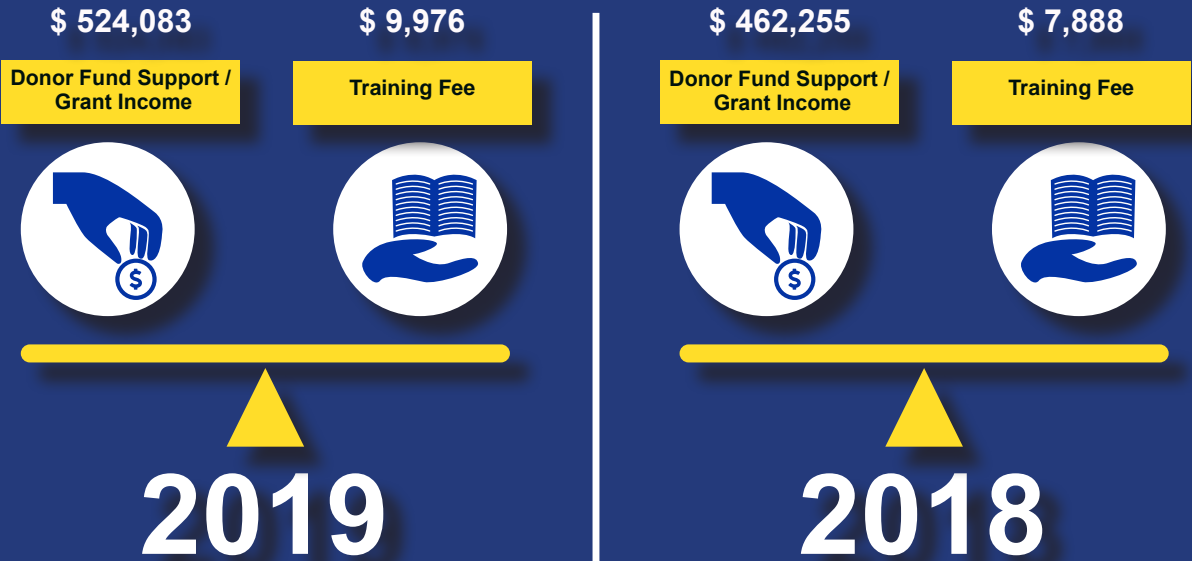
TOTAL EXPENSE	\$ 528,688	\$ 721,979
DEFICIT / SURPLUS	\$ 5,371	\$ (251,836)

FUND ACCOUNT as at 1 January 2019	\$ 53,810	\$ 305,646
FUND ACCOUNT as at 31 December 2019	\$ 59,180	\$ 53,810

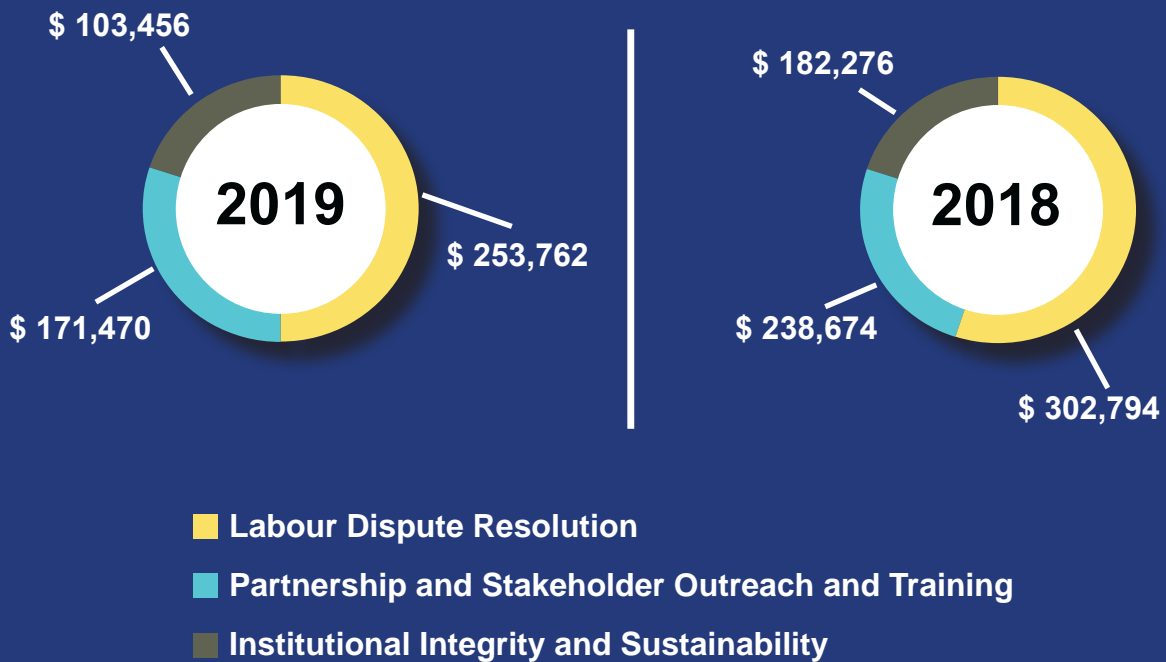
Income and Expenditure Report

January - December / 2019

INCOME



EXPENSE



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