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Ministry of Public Works and Transport

**Royal Government of Cambodia
Ministry of Public Works and Transport**

**Road Asset Management Project
Priority Operating Costs**

Code of Ethics for Staff

DRAFT

OBLIGATIONS AS CIVIL SERVANTS

All staff must abide by the following obligations as Civil Servants

extract from:

**HANDBOOK FOR CIVIL SERVANTS
COUNCIL FOR ADMINISTRATIVE REFORM
JUNE 2010**

CHAPTER 8: CONDUCT AND DISCIPLINE

Policy: Each civil servant is obligated to respect the law, regulations and instructions of his/her superior and is personally responsible for his/her actions.

Legal basis:

- Kram NS-RKM-1094-006 on the Common Statute of Civil Servants, dated October 30, 1994;
- Sub-Decree no. 10 on Establishing Procedures for Imposing Disciplinary Sanctions on Civil Servants, dated January 28, 1997;
- Sub-Decree no. 116 on the Legal Framework of Leave Without Pay, dated October 19, 1995.

Summary of regulations: Violation of duties may lead to the application of disciplinary sanctions whereas the use of rights (for example art. 6 of the Common Statute) does not justify personal or legal consequences.

Civil Servants duties

The violation of the following duties may result in disciplinary actions:

- The civil servant has to carry out orders that he/she is given.
- When exercising his/her function any civil servant has to be neutral and is not allowed to use his/her position and the State facilities to work for or against a political candidate or a political party.
- The civil servant is obligated to perform the service during the stipulated working hours. He/she can only cease his/her service for legitimate reasons (in accordance with the rules and regulations on leave) and after preliminary obtaining the authorization of a qualified authority.

According to art. 35 of the Common Statute it is strictly forbidden for civil servants to:

- undertake work for personal purposes during the hours of service,
- use the prerogatives and authority of their position for personal profits or threaten or violate the rights of citizens,
- undertake an activity that undermines the honor and integrity of their position,
- be a member of a board of directors or to manage directly or indirectly a private company or enterprise,
- publish or disseminate, without the prior authorization of the head of institution, information related to their position or the functioning of the institution or to
- exercise at the same time a profession forbidden by the particular statute of their body.

POC CONTRACT CONDITIONS

All staff appointed to POC positions must abide by the following POC Contract Conditions:

4. Conditions of Appointment:

The appointee will abide by all terms and conditions of their employment with the Royal Government of Cambodia and with the following conditions of appointment:

4.1 Hours of Work:

The appointee's is required to work the normal government hours of work from Monday to Friday, except for official government holidays. The appointee will be required to work any reasonable additional hours which are necessary to perform his/her duties and the appointee shall not be entitled to any additional payment for hours worked in excess of the normal hours of work.

4.2 Absence:

Any planned absence will be with the express written permission of the Program Director or Supervisor. Any unplanned absence for sickness or other reasons must be communicated to the Supervisor as soon as possible.

4.3 Other Payments:

The appointee shall not accept any other POC scheme payment during the term of this contract. The appointee shall not accept any gifts or other inducements offered in connection with their appointment in the POC scheme. The appointee may however receive payments as per Sub-Decree No 10 ANKR.BK dated 12 April 2004 on Daily Subsidy Allowance for Mission Within and Outside Country, and any other payments that are legally regulated by the RGC.

4.4 Conflict of Interest:

The appointee declares that, in accepting this personal service contract, they do not create a conflict of interest with any existing appointments, roles or activities, and that during the term of their appointment the appointee will not accept any appointment or role or engage in any activity that creates a conflict of interest with their responsibilities.

The appointee shall notify the Program Director immediately of any actual or potential conflict of interest and shall address the conflict of interest so as to be able to satisfactorily demonstrate to the Program Director that the conflict of interest has been removed.

4.5 Performance Management and Accountability:

The appointee shall participate in progress reviews and performance appraisals as part of the Performance Management and Accountability System as detailed in section 5 of the management contract.

4.6 Corrective Action:

If the appointee does not abide by the terms and conditions of their employment with the Ministry or of this contract, or does not achieve the expected results agreed in the attached performance agreement, they may be subjected to corrective action as set out in the management contract.

RAMP-SPECIFIC CONDITIONS

RAMP Staff must also abide by the following RAMP-specific obligations:

Financial Management

Undertake all RAMP financial management in accordance with the:

- MEF Financial Management Manual
- MEF Standard Operating Procedures
- RAMP Supplementary Financial Management Manual

Procurement

Undertake all RAMP procurement in accordance with the:

- MEF Procurement Manual

Safeguards

Undertake all RAMP safeguards in accordance with the:

- RAMP safeguards policies

DISCIPLINE

Any staff found to contravene this Code of Ethics will be subject to the discipline procedures included in:

1. Handbook for Civil Servants, Chapter 8
 2. RAMP POC Personal Service Contract / RAMP POC Management Contract
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extract from:

**HANDBOOK FOR CIVIL SERVANTS
COUNCIL FOR ADMINISTRATIVE REFORM
JUNE 2010**

CHAPTER 8: CONDUCT AND DISCIPLINE

Disciplinary Sanctions

Disciplinary sanctions divide into two categories:

a. First-degree sanctions:

- Reprimand,
- Censure recorded in the file,
- Automatic position change,
- Removal from the promotion list.

b. Second-degree sanctions:

- Severe censure with removal from the promotion list, in case of placement on the promotion list, or postponement of promotion through selection or seniority for a prescribed period of time not to exceed 2 years,
- Automatic placement on leave without pay/suspension for a duration not to exceed 1 year,
- Downgrade to one or several lower grades or steps,
- Automatic retirement or dismissal,
- Removal.

Disciplinary Proceedings

a. First Degree Sanctions

Disciplinary proceedings are ordered by the authority having the power of nomination, upon a detailed report by the chief of the unit or head of the institution.

Each civil servant has the right to personal correspondence and confidential access to all records and other documents existing in his/her file, before becoming subject to a disciplinary measure (art. 6 of the Common Statute).

Having seen explanations given by the civil servant or in the absence of a response by the civil servant during the period described above, the head of the institution may alternately decide to:

- dismiss the affair without further action,
- impose a reprimand, or
- impose other disciplinary sanctions of the first degree.

b. Second Degree Sanctions

Disciplinary actions of the second degree are used for misconduct considered severe enough, but must be preceded by a disciplinary inquiry. The maximum duration of the inquiry shall be 2 months.

The file concerning the inquiry shall be transferred to the head of the institution who, after examination, shall decide whether:

- to bring the civil servant before the disciplinary council,
- dismiss the affair without further action, or
- impose a sanction of the first degree.

If the Minister concerned decides to continue the inquiry, the file shall be transferred to a formally appointed disciplinary council. In that case the charged civil servant has to be informed that he/she has the following rights:

- The right to review his/her personal file,
- The right to call witnesses,
- The right to choose a defender,
- The right to give written or verbal explanations.

The charged civil servant is also entitled to examine all personnel documents in the file and ask to provide the list of witnesses as well as the name of his/her defender.

The disciplinary council shall vote by secret ballot by descending order of the disciplinary sanctions. In case of a refusal by the civil servant, the disciplinary council shall forward the entire file to the Minister concerned.

The authority having the competence for imposing the sanction may not conform to the opinion expressed by the disciplinary council. In that case it may, with a written argument, lighten a sanction of the second degree proposed by the disciplinary council.

The final sanction shall be imposed by Royal Decree, Sub decree or Decision.

Right to Appeal Against the Disciplinary Sanction

Civil servants who are subject to disciplinary sanctions have the right under art. 6 of the Common Statute of Civil Servants to access their personnel file. In this case they have the following rights:

- Right to call a witness;
- Right to choose a lawyer;
- Right to explain their view in writing or verbally;
- A civil servant is also provided with the right to access his/her own personnel file in this case and the right to request a list with the names of witnesses and lawyers.

The request for checking the personnel file has to be done within 15 days after receiving the official invitation to review the file from the head of his organization/ institution. He can claim and write a letter to the head of his institution within 15 days after receiving the case. The duration of investigation must be no longer than two months. The last sanction is conducted by Royal Decree, Sub-Decree or Decision.

Extract from:

RAMP POC MANAGEMENT CONTRACT

REMOVAL FROM THE POC SCHEME

A participant ceases to be part of the POC scheme where:

- The official has two consecutive performance/attendance assessments which are lower than the minimum requirement of the program; or
- There has been a serious abuse of these arrangements (such as falsification of attendance records or receiving all or part of POC that is meant to be paid to another person);
- Supplementation payments are received from another development partner (including an NGO) and
- The official ceases, to perform the duties of the RAMP Project post.

GRIEVANCE PROCEDURE

If any staff member feels he/she has been unduly disadvantaged during the process of "Assessment of Performance" he/she will have the right of appeal. He/She will make a detailed submission of appeal to the Minister of MPWT giving reasons for appeal. The Minister will set up an independent committee to hear the appeal and make recommendations. The process should be completed within two months from receiving the appeal submission.