

Terms of Reference (ToR)

Legal Advice on Labour Law & Taxation Law - Cambodia

August 2024

ORGANISATION: Humanity & Inclusion (HI) (Legal Name Handicap International)

TERM OF REFERENCE: Legal Advice – on Labor Law & Taxation Law Human Resources - Cambodia

CONTRACT TYPE: Service

1. BACKGROUND - ABOUT HUMANITY & INCLUSION

Handicap International, is a non-profit association organized in compliance with French law of July 1, 1901, domiciled at 138 Avenue des Frères Lumière 69008 Lyon, France ", registered in Cambodia and domiciled in the following address GIA Tower, G17 Floor (G1711-13A), Sopheak Mongkul Street, Koh Pich City, Tonle Bassac, Chamkarmon 120101, Phnom Penh. Operating under the name of "Humanity & Inclusion" and represented by **Mr. Rajib DAKUA, Country Manager**, authorized by its chairman.

"Outraged by the injustice faced by people with disabilities and vulnerable populations, we aspire to a world of solidarity and inclusion, enriched by our differences, where everyone can live in dignity"

For further information about the association: www.hi.org

2. OBJECTIVE OF THE CONSULTANCY

The objective of this request for legal services is to provide HI (Cambodia) with expert advisory service, knowledge, strategy and improvement on the respective legal framework for HI (Cambodia).

Hence, HI (**Cambodia**) is seeking for proposals from attorney Service who are interested to provide legal advisory services regularly required by HI (**Cambodia**) as set in the scope of work below. The legal service will be consumed with hourly rate case by case.

3. SCOPE OF WORK

The Attorney Firm shall instruct and confirm to the Client the Services which it requires Human Resources in relation to Cambodia labour laws and taxation law, the following:

- Review employees' service rule and service conditions to confirm with Labour Act of Cambodia.
- The attorney shall advice HI on legal issues including taxation, repatriation, employment of international employees based in Cambodia, Safe Working Cycle and other related government requirements.
- Shall remain in regular communication and shall response at the earliest on the HI's queries, mails and shall maintain regular correspondences.
- The attorney shall perform legal advice on analysing the applicability of the legal framework of the country and the labour code and global frameworks into HI Cambodia policies and assist the HR department to update its policies in line with legal requirements.
- The attorney should provide legal advice on the impact of implementing on terms & conditions for employee's contracts and potentially impact on update in line with legal requirements.

- The attorney shall provide regular information regarding to the change of laws, rules and regulations, directives related to HI's activities and the potential impacts and opportunities of such changes within HR frameworks of HI.
- The attorney shall provide legal advice on the matters relating to labour law, reviewing employment agreement, contractual changes, roles and impact on salary positioning changes and other labour law related documents pursuant to Cambodia Laws and taxation law upon the request of HI.
- The attorney shall work as a mediator in the labour issues, represent HI in collective bargaining negotiation. Shall advice on employment issues like redundancy, termination of employees if required.

4. Fees and Charges

- (a) Legal services shall provide the quotation rate as per hour including 10% or 15% withholding tax.
- (b) The contract period should be 3 years. BUT the fee will be charged whenever HI has the case.
- (c) HI will not cover any additional payment that are not included in the proposal.

5. DELIVERABLES

HI would seek:

- draft response to questions from the legal advisor maximum within 1 week upon legal service is requested
- HI would provide request for clarifications (if any needed) within 1 week of receiving the draft response
- Legal advisor submits final answers maximum within 1 week of receiving the HI request for clarification

6. PROFILE OF THE LEGAL ADVISOR

Minimum profile

- At least 10 years' experience in the field of contractual law and labour law in Cambodia.
- At least 10 years' experience in the field of taxation law in Cambodia.
- Minimum 3 years of working experience in providing support to similar type of organization
- Good knowledge of legal procedures as governed by Cambodia
- Fluency (spoken and written) in English and Cambodia

Preferred:

- Applicants with knowledge / expertise on law affecting International NGOs
- Applicants with experience providing legal advice or representation to International NGOs on labour / employment matters

7. APPLICATION & FORMALITIES

PROPOSALS FROM INTERESTED LEGAL ADVISORS SHOULD INCLUDE:

- Curriculum vitae of legal advisor (or team of legal advisors) proposed
- Presentation of the Legal advisor's firm

- Barrister certification (authorization to practice the law in the country)
- Legal Registration (as per consultant’s country of registration/incorporation)
- A financial proposal, inclusive of all costs and applicable taxes
- A proposed schedule
- 3 client references

Humanity & Inclusion encourages qualified people with disabilities or chronic illness and women to apply.

EVALUATION OF THE APPLICATIONS WILL BE MADE THROUGH A SELECTION COMMITTEE IN 2 PHASES:

- Administrative compliance:
 - o Completeness of application.
 - o Minimum profile criteria are met
- Bid Evaluation, as per weighted criteria below:
 - o Prior relevant experience Labor / employment & Tax legal advice or representation (30%)
 - o Prior relevance experience of legal advice to International NGO (30%)
 - o Relevance of means and schedule to ToR (10%)
 - o Financial offer (30%)

Only candidates who passed the administrative selection will be taken into consideration for the bid evaluation. Bidders may be invited for a (MS Teams/skype) interview. HI reserves the right to contact the applicants for further information before the final selection of the selection committee.

“**Humanity & Inclusion** is committed to protect the rights of the children and opposes to all forms of child exploitation and child abuse. HI contractors must commit to protect children against exploitation and abuse”.

THE DEADLINE FOR SUBMISSION OF PROPOSAL is 16 September 2024, 5:00 PM local time

PROPOSALS SHOULD BE SUBMITTED TO:

For Legal Advice on Cambodia law & taxation law: procurement@cambodia.hi.org

The subject of the email must be “**Legal advice – on labour law & taxation law**”


Requested by



Cambodia HRM

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Approved by



SEA Regional HRM

Phimmasone BOUNNALAD