

NS/RKM/1119/018

ROYAL KRAM

We
Preah Karuna Preah Bat Samdech Preah Borom Neath NORODOM SIHAMONI,
Samanaphum Cheat Sasnare Rakhatakhatteya KhemarathRreastr
Puthiktrea Tha Rea Khemara Reachanea Samohopheasak
Kampuchea Ekreach Rath Boranak Sante Sopheak
Mangkolea Sereivibolea Khemara Srey Pi Reastr
Preah Chau Krong Kampuchea Thipadey

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kret No. NS/RKT/0918/925, dated 06 September 2018, concerning the Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. NS/RKM/0618/012, dated 28 June 2018, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0105/003, dated 17 January 2005, promulgating the Law on the Establishment of Ministry of Labour and Vocational Training;
- Having seen the proposal of **Samdech Akka Moha Sena Padei Techo Hun Sen**, Prime Minister of the Kingdom of Cambodia.

PROMULGATE

Law on Social Security Schemes was adopted on 08 October 2019 by the National Assembly in the Third Plenary Session of the Sixth Legislature; and forms and essence of this law was fully reviewed and approved on 18 October 2019 by the Senate in the Extraordinary Session of the Fourth Legislature. The entire essence of this law is as follows:

LAW

ON

SOCIAL SECURITY SCHEMES

CHAPTER I
GENERAL PROVISIONS

Article 1.- Purpose

This law aims to establish social security schemes of the Kingdom of Cambodia with a view to ensuring equity and social solidarity and promoting the welfare and livelihood of all citizens.

Article 2.- Objective

This law has objectives to define common principles, procedures, mechanisms and administration system of social security schemes of the Kingdom of Cambodia such as Pension, Health Care, Occupational Risk and Unemployment Schemes.

Article 3.- Scope

This law covers the defined persons as follows:

1. Persons under public sector consist of:
   - Civil servants in civil services serving in ministries, national and sub-national institutions under the provisions of the Law on Common Statutes for Civil Servants of the Kingdom of Cambodia;
   - Civil servants under the Statutes of Civil Servants of Legislative Group with the exception of pension scheme;
   - Civil servants serving in Judicial Institutions;
   - National police officers and prison wardens receiving only medical care services of Health Care Scheme;
   - Officials working for the National Election Committee;
   - Civil servants working for the National Audit Authority;
   - Former civil servants and veterans;
   - Contract officials performing duties for ministries and national and sub-national institutions recognized by Ministry of Civil Services;
   - Persons in other public sectors regulated by Sub-Decree.
2. Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers.
3. The self-employed.

This law shall not cover the Royal Cambodian Armed Forces defined by the separate legal instruments.

Article 4.- Definition

Key terminology used in this law is defined in the appendix.

CHAPTER II
COMMON PRINCIPLES OF SOCIAL SECURITY SCHEMES

Article 5.- Pension Scheme

Social Security Scheme on Pension for Persons under Public Sector shall be a mandatory contribution that State and persons in public sector shall have a compulsory to pay contributions together.

Social Security Scheme on Pension for Persons Defined the Provisions of the Labour Law including personnel serving in the air and maritime transportation as well as domestic workers shall be a compulsory contribution that employer and persons defined by the provisions of the Labour Law including personnel serving in the air and maritime transportation as well as domestic workers shall have a compulsory to pay contributions together.

Social Security Scheme on Pension for the self-employed shall be regulated by Sub-Decree.

Article 6.– Health Care Scheme

Social Security Scheme on Health Care for Persons under Public Sector shall be a compulsory contribution that State and persons in public sector, former civil servants and veterans shall have a compulsory to pay contributions together.

Social Security Scheme on Health Care for Persons Defined by the Provisions of the Labour Law including personnel serving in the air and maritime transportation as well as domestic workers shall be a compulsory contribution that employer and persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation as well as domestic workers shall have a compulsory to pay contributions together.

Social Security Scheme on Health Care for the self-employed is regulated by Sub-Decree.

Article 7.– Occupational Risk Scheme

Social Security Scheme on Occupational Risk for Persons under Public Sector shall be a compulsory contribution that State shall solely pay contributions of Occupational Risk.

Social Security Scheme on Occupational Risk for Persons Defined by the Provisions of the Labour Law including personnel serving in the air and maritime transportation as well as domestic workers shall be a compulsory contribution that employers shall have a compulsory to pay contributions of Occupational Risk.

Article 8.– Unemployment Scheme

Social Security Scheme on Unemployment shall be a compulsory contribution that employers and workers shall have a compulsory to pay contributions together.

Article 9.– Share of Contribution for Compulsory Contribution

Share of contribution of persons under public sector and persons defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers for compulsory contributions of Pension, Health Care and Unemployment Schemes shall not exceed 50 (fifty) percent of the total contributions.

Contributory salary or wage is regulated by Sub-Decree.

CHAPTER III
COMPETENT INSTITUTION

Article 10.– National Social Protection Council

All operations of social security schemes shall be coordinated, monitored and oriented in line with policy levels and strategies of the National Social Protection Council.

Organization and functioning of the National Social Protection Council shall be regulated by Royal Kret.

Article11.– Social Security Regulator

Social Security Regulator is established to:

1. Determine the precautious regulations, standard operating procedures, necessary measures and guidelines on Investment of Social Security Funds.
2. Monitor the financial status of Social Security Operator.
3. Establish the preventive mechanisms for members and conciliate the dispute as occurring.
4. Monitor the compliance to ensure that the social security service provision is performed with transparency, accountability and financial sustainability.

Organization and functioning of Social Security Regulator is regulated by Sub-Decree.

Article 12.– National Social Security Fund

"NSSF" is an acronym for the National Social Security Fund that is a unique operator in charge of implementing social security schemes as stipulated in the provisions of this law.

NSSF is a public administrative institution formulated by Royal Kret under the technical tutelage of the Ministry in charge of social security schemes and the financial tutelage of the Ministry of Economy and Finance.

Article 13.– Duties of National Social Security Fund

NSSF shall have the following duties to:

1. Administrate the implementation of social security schemes in accordance with this law.
2. Ensure the benefit provision of social security schemes to the NSSF members in a bid to alleviate the hardship of their livelihood when encountering the contingent risks—old age, invalidity, death, occupational risk, unemployment, maternity, illness or injury and other contingencies.
3. Collect and administrate contributions of each social security scheme and other incomes.
4. Register and manage the identity code of the NSSF member.
5. Monitor the implementation of enterprises/establishments or relevant institutions under the competency of NSSF in relation to the provisions of this law.
6. Educate, disseminate and monitor the implementation of actions to be taken for occupational risk and health prevention for the NSSF member.
7. Study, research and investigate work injury.
8. Study, research and prepare the legal instruments about the determination of occupational disease types.
9. Sign the agreement and monitor the agreement implementation of the contracted health facilities.
10. Study, analyse and conduct the actuarial valuation of each social security scheme.
11. Implement the activities in relation to health and society involved with the benefits of the NSSF member.
12. Administrate the investment of social security funds.

Article 14.– Governing Body of National Social Security Fund

NSSF shall be led by a Governing Body whose compositions are as follows:

- Minister of the Ministry in charge of Social Security Schemes		President
- Representative of Ministry of Economy and Finance	01	Member
- Representative of Ministry of Civil Service	01	Member
- Representative of Ministry of Health	01	Member
- Representative of Ministry of Social Affairs, Veterans and Youth Rehabilitation	01	Member
- Representative of the Office of Council of Ministers	01	Member
- Representatives of Employers	02	Member
- Representatives of the NSSF member	02	Member
- Director General of NSSF	Permanent	Member

Article 15.– Executive Institution of National Social Security Fund

NSSF is administrated daily works by one Director General nominated by Royal Kret and some Deputy Directors General as assistants in compliance with the legal instruments coming into force.

Monitoring the regulation enforcement under the authority of NSSF as stipulated in this law is authorized to the social security inspectors. Nomination and duties of social security inspectors are regulated by Sub-Decree.

The NSSF personnel shall be the civil servant in civil services who are transferred or newly recruited in line with the proposal of the NSSF Director General and the contract staff under the provisions of the internal regulations and personnel statutes of NSSF as stipulated in the Labour Law.

Article 16.– Management of Social Security Funds

Management of each social security fund is under the Social Security Trustee Council of NSSF. The Social Security Trustee Council of NSSF shall prepare principles of fund management, investment management, investment plan and investment package for the NSSF Governing Body to check and decide in compliance with guidelines on Investment of Social Security Regulator with the aim of proposing the final decision from the Ministry of Economy and Finance.

The Social Security Trustee Council of NSSF shall have duties to make the report on maintenance and management of each social security fund to be submitted regularly to the NSSF Governing Body, Social Security Regulator and the NSSF Director General.

Composition, qualification, organization and functioning of the Social Security Trustee Council are regulated by Sub-Decree.

CHAPTER IV
SOCIAL SECURITY SCHEME ON PENSION
SECTION I
COMMON PRINCIPLES

Article 17.– Insured Persons

Persons insured in Pension Scheme are as follows:

1- Persons under public sector

2- Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers

3- The self-employed.

Article 18.– Pension Benefits

Mandatory pension benefits include old-age pension, invalidity pension, survivors' pension and funerary grant.

Voluntary pension benefits are regulated by Sub-Decree.

Article 19.– Pension Contribution

Contribution rate of Pension Scheme for Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers is regulated by Sub-Decree.

Contribution rate of Pension Scheme for the self-employed is regulated by Sub-Decree.

Contribution rate of Pension Scheme shall be raised up by the scaled premium method or the suitable method approved by the National Social Protection Council.

Article 20.– Beneficiaries of Survivors' Pension

Beneficiaries of survivors' pension, including spouse and child under the dependent of person concerned, shall fulfil the following conditions:

1. Beneficiaries do not have job with earnings above the poverty line.
2. Spouse shall hold legal marriage certificate before the date that person concerned fall into sickness or other contingencies leading to death.
3. Child shall have the following criteria:
   - Single
   - Not more than the age of 18 (eighteen)

Child with disability or chronic diseases and without job with earnings shall be provided the survivors' pension until death. Situation of disability or chronic disease shall be certified by the professional medical doctor and approved by the Social Security Medical Council. The Social Security Medical Council shall renew the evaluation of disability and chronic disease where necessary.

Entitlement to survivors' pension shall be expired in the following cases:

- Beneficiary passes away
- Spouse remarries in compliance with the law coming into force. In such case, the person concerned shall inform NSSF no later than 30 (thirty) days following the date of new marriage.

Article 21.– Sources of Pension Fund

Sources of pension fund are as follows:

- Contribution payment of State, employers and the NSSF members
- Return on investment
- Other donations or legacies and other legal sources.

Article 22.– Actuarial Valuation on Pension Scheme

Actuarial valuation of Pension Scheme shall be monitored and analysed every 5 (five) years.

Article 23.– Revision of Pension Benefits

Pension benefits shall be revised in accordance with consumer price index.

Article 24.- Reserve Fund of Pension Scheme

Reserve fund of Pension Scheme shall be equivalent to the benefit expenditure of Pension Scheme within the last 3 (three) years.

Article 25.- Determination of Invalidity Status

Invalidity status is determined by the decision of the Social Security Medical Council. The invalidity status shall be renewed evaluation every year. The invalidity pension shall be suspended in case the person concerned is absent from health check-up as stipulated.

SECTION II
MANDATORY PENSION SCHEME
SUP-SECTION I
MANDATORY PENSION SCHEME FOR PERSONS IN PUBLIC SECTOR

Article 26.- Old-Age Pension

The NSSF members who are persons in public sector, both sexes, shall be retired restrictively at the age of 60 (sixty) and have entitlement to enjoy old-age pension only if the person concerned fulfils the following conditions:

1. Have registered in Pension Scheme
2. Have paid contributions of Pension Scheme for at least 12 (twelve) months.

The NSSF members who do not fulfil the condition as set forth in point 2 of paragraph 1 above shall receive old-age allowance.

The retirement age of persons in public sector, both sexes, shall be amended by Royal Kret according to the life expectancy trend and the actual socio-economic situation.

Article 27.- Invalidity Pension

The NSSF members as persons in public sector fall into the invalidity shall be entitled to enjoy the invalidity pension only if the persons concerned fulfil the following conditions:

1. Have registered in Pension Scheme
2. Have paid contributions of Pension Scheme for at least 60 (sixty) months before the date of incurring the invalidity.

Article 28.- Survivors' Pension

Beneficiaries of survivors' pension shall be entitled to enjoy survivors' pension only if the persons concerned who are old-age pensioners, invalidity pensioners or the NSSF members have paid contributions of Pension Scheme for at least 60 (sixty) months before death.

The minimum rate of survivors' pension shall be equivalent to 45 (forty-five) percent of old-age pensions or invalidity pensions of the person concerned.

Survivors' pension is divided as follows:

- Spouse: 50 (fifty) percent
- Child : 50 (fifty) percent
- In case the beneficiary is only spouse or child shall be entitled to enjoy 100 (one hundred) percent.

Article 29.- Funerary Grant

Beneficiaries of survivors' pension are entitled to enjoy funerary grant only if old-age pensioner or invalidity pensioner concerned passes away. In case the beneficiaries of survivors'

pension are not responsible for holding the funeral, the funerary grant shall be provided to any person who takes responsibility for holding the funeral of person concerned.

Article 30.- Conditions, Formalities and Procedures of Implementation

Conditions, formalities and procedures of the implementation of Pension Scheme for persons in public sector are regulated by Royal Kret.

SUB-SECTION II
MANDATORY PENSION SCHEME FOR PERSONS DEFINED BY THE PROVISIONS OF THE LABOUR LAW INCLUDING PERSONNEL SERVING IN AIR AND MARITIME TRANSPORTATION AS WELL AS DOMESTIC WORKERS

Article 31.- Old-Age Pension

The NSSF members as persons defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers at the age of at least 60 (sixty) shall have entitlement to enjoy old-age pension only if the persons concerned fulfil the following conditions:

1. Have registered in Pension Scheme
2. Have paid contributions of Pension Scheme for at least 60 (sixty) months before the date of incurring the invalidity.

The NSSF members who do not fulfil the condition as set forth in point 2 of paragraph 1 above shall receive old-age allowance regulated by Sub-Decree.

The maximum accrual rate of old-age pension is equivalent to 1.75 (one point seventy-five) percent per years of contribution. This accrual rate of old age pension is regulated by Sub-Decree.

The old-age pension is the function of contributory wage of person concerned.

Article 32.- Invalidity Pension

The NSSF members as persons defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers who fall into the invalidity shall have entitlement to enjoy old-age pension only if the persons concerned fulfil the following conditions:

1. Have registered in Pension Scheme
2. Have paid contribution of Pension Scheme for at least 60 (sixty) months before the date of incurring the invalidity.

The maximum accrual rate of old-age pension is equivalent to 1.75 (one point seventy-five) percent per years of contribution. The minimum rate of invalidity pension is equivalent to 45% (forty-five) percent of the contributory wage of the person concerned. This accrual rate of invalidity pension is regulated by Sub-Decree.

Invalidity Pension is the function of contributory wage of person concerned.

Article 33.- Survivors' Pension

Beneficiaries of survivors' pension shall be entitled to enjoy survivors' pension only if the persons concerned who are old-age pensioner, invalidity pensioner or the NSSF members have paid contributions of Pension Scheme for at least 60 (sixty) months before death.

The minimum rate of Survivors' Pension shall be equivalent to 45 (forty-five) percent of old-age pensions or invalidity pensions of the person concerned.

Survivors' Pension is divided as follows:

- Spouse: 50 (fifty) percent
- Child : 50 (fifty) percent

- In case the beneficiary is only spouse or children shall be entitled to enjoy 100 (one hundred) percent.

Article 34.- Funerary Grant

Beneficiaries of survivors' pension are entitled to enjoy funerary grant only if old-age pensioner or invalidity pensioner concerned passes away. In case the beneficiaries of survivors' pension are not responsible for holding the funeral, the funerary grant shall be provided to any person who takes responsibility for holding the funeral of person concerned.

Funerary grant shall be regulated by Prakas of the Minister of the Ministry in charge of social security schemes in compliance with the proposal of the NSSF Governing Body.

SECTION III
VOLUNTARY PENSION SCHEME
SUB-SECTION I
VOLUNTARY PENSION SCHEME FOR PERSONS DEFINED BY THE PROVISIONS OF THE LABOUR LAW INCLUDING PERSONNEL SERVING IN AIR AND MARITIME TRANSPORTATION AS WELL AS DOMESTIC WORKERS

Article 35.- Eligibilities for Voluntary Pension Scheme

Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers can be eligible for voluntary pension scheme by complying with the following conditions:

- Lose job with earnings before the age of 60 (sixty).
- Have possibility to pay contributions.

Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers who are at the age of 60 (sixty) and intend to continue the contribution payment with the aim of receiving higher old-age pension than the actual one that the person concerned shall receive from mandatory pension scheme can be eligible for the voluntary pension scheme. In such case, the old-age pension shall be provided by the actual date when the person concerned has no possibility to pay contributions.

Person Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers who have higher income than the ceiling wage that the persons concerned who pay contributions of mandatory pension can contribute to Voluntary Pension Scheme. This contribution payment shall be implemented only to the wage higher than the ceiling wage by full funding system.

The contribution payment of Voluntary Pension Scheme shall be borne by the person concerned.

Conditions, formalities and procedures of the implementation of Voluntary Pension Scheme for Person Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers shall be regulated by Sub-Decree.

SUB-SECTION II
PENSION SCHEME FOR THE SELF-EMPLOYED

Article 36.- Conditions, Formalities and Procedure of Implementation

The self-employed can contribute to Pension Scheme regulated by Sub-Decree.

Conditions, formalities and procedures of the contribution of the self-employed are regulated by Sub-Decree.

SECTION III
VOLUNTARY PENSION SCHEME FOR PERSONS IN PUBLIC SECTOR

Article 37.– Conditions, Formalities, and Procedures of Implementation

Persons in public sector can contribute to Voluntary Pension Scheme.

Mechanism for determining contribution rate of Voluntary Pension Scheme is applied the same as the one of Mandatory Pension Scheme.

Conditions, formalities and procedures of the voluntary contribution of persons in public sector are regulated by Sub-Decree.

CHAPTER V
SOCIAL SECURITY SCHEME ON HEALTH CARE
SECTION I
COMMON PRINCIPLES

Article 38.– Insured Persons

Insured persons in Health Care Scheme are as follows:

1. Persons under public sector
2. Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers
3. The self-employed.

Article 39.– Health Care Benefits

Health care benefits include:

- Medical care
- Daily allowance for hospitalization
- Maternity allowance
- Funerary grant.

Article 40.– Contributions of Health Care

Contribution rate of Health Care Scheme is regulated by Sub-Decree.

Article 41.– Sources of Health Care Fund

Sources of health care fund are as follows:

- Contribution payment of State, employers and the NSSF members
- Return on investment
- Other donations or legacies and other legal sources.

Article 42.– Actuarial Valuation

Actuarial valuation of Health Care Scheme shall be monitored and analysed every year.

Article 43.– Revision of Health Care Benefits

Health care benefits shall be revised based on the actual health situation.

Provider payment methods shall be in compliance with case-based mechanism and/or fee-for-service mechanism. The revision of provider payment methods for Health Care Scheme by other methods shall be regulated by Sub-Decree.

Article 44.– Reserve Fund of Health Care Scheme

Minimum reserve fund of Health Care Scheme shall be equivalent to the benefit expenditure of Health Care Scheme for the last 1 (one) year.

Article 45.– Health Facility Recognition

Medical care service shall be provided by the health facilities recognized by Ministry of Health and signed the agreement with NSSF.

Article 46.– Service Quality Monitoring of Health Facility

Medical care quality recognition shall be complied with the legal instruments issued by Ministry of Health.

Article 47.– Social Security Medical Council

Social Security Medical Council shall have duties to monitor the agreement implementation of health facilities signed the agreement with NSSF.

Organization and functioning of the Social Security Medical Council shall be regulated by Sub-Decree.

SECTION II
MANDATORY HEALTH CARE SCHEME
SUB-SECTION I
HEALTH CARE SCHEME FOR PERSONS UNDER PUBLIC SECTOR

Article 48.– Medical Care Services

Persons under public sector shall be entitled to enjoy medical care services only if they have registered and paid contributions of Health Care Scheme.

Medical care services are as follows:

1. Inpatient department includes:
   - Treatment and care services with medical professional technics
   - Diagnosis, laboratory and other medical screening services
   - Surgical apparatus and other medical equipment in the need of treatment
   - Prescribed medicine
   - Inpatient room.
2. Outpatient department includes:
   - Treatment and care services with medical professional technics
   - Diagnosis, laboratory and other medical screening services
   - Surgical apparatus and other medical equipment in the need of treatment
   - Prescribed medicine.
3. Delivery and prenatal-and-postnatal services
4. Physiotherapy and kinesitherapy services or other medical rehabilitation services
5. Emergency service: in the case of emergency, victim can access medical care services at the nearest health facility. If such health facility does not have the agreement with NSSF, person concerned or representative of victim shall inform NSSF promptly.
6. Health prevention services.
7. Patient or victim referral services and corpse transportation.

   Patient or victim referral services shall be provided in the case of emergency by the ambulance of health facility only.

   Hopeless patient or corpse transportation shall be provided based on the price of health facilities recognized by NSSF.
8. Medical rehabilitation services

   Medical rehabilitation services for supporting the medical care or helping alleviate patient or victim during treatment.

Medical care services as stipulated in points 1, 2, 3 and 4 above shall be provided in the health facilities signed the agreement with NSSF only. Service access in other health facilities shall not be provided except for the emergency.

Conditions, formalities and procedures of providing medical care services, rehabilitation services, determination of services or excluded medical care services, health prevention services and determination of chronic disease list shall be regulated by Prakas of the Minister of the Ministry in charge of social security schemes.

Article 49.- Daily Allowance for Sick Leave

During sick leave, person under public sector shall get salary as usual.

Article 50.- Maternity Allowance

Persons in public sector shall have entitlement to enjoy the full salary during the maternity leave or the prenatal-and-postnatal care as stipulated in the legal instruments coming into force.

Article 51.- Funerary Grant

Funerary grant shall be provided to the survivor of the deceased NSSF member due to non-work-related sickness or contingent accidents.

Funerary grant shall be regulated by Prakas of the Minister in charge of social security schemes in accordance with the proposal of the NSSF Governing Body.

Article 52.- Eligibility for Health Care Services

Eligibility for health care services for persons under public sector shall be regulated by Sub-Decree.

SUB-SECTION II
HEALTH CARE SCHEME FOR PERSONS DEFINED BY THE PROVISIONS OF THE LABOUR LAW INCLUDING PERSONNEL SERVING IN AIR AND MARITIME TRANSPORTATION AS WELL AS DOMESTIC WORKERS

Article 53.- Medical Care Services

Medical care services for the NSSF members who are defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers shall be applicable the same as the one for persons under public sector as set forth in article 48 of this law.

Article 54.- Daily Allowance for Sick Leave

The NSSF members who are defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers shall have entitlement to enjoy daily allowance for sick leave only if they:

- Registered in Health Care Scheme
- Paid contributions in a qualifying period of 2 (two) consecutive months or 6 (six) months within a period of the last 12 (twelve) months.
- Hospitalized in the health facility from 8 (eight) days or more.

Daily allowance shall be provided as from the first day of the abstention from work because of the hospitalization in the health facilities.

Daily allowance shall be equivalent to 70% (seventy) percent of daily average wage for contribution payment in a qualifying period of not exceeding 6 (six) months before encountering health problems.

Conditions, formalities and procedures of providing daily allowance for sick leave shall be regulated by Prakas of Minister of the Ministry in charge of social security schemes in compliance with the proposal of the NSSF Governing Body.

Article 55.- Maternity Allowance

The NSSF members who are defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers shall be entitled to enjoy the maternity allowance only if they:

- Registered in Health Care Scheme
- Paid contributions for at least 9 (nine) months within the last 12 (twelve) months until the date of delivery.

The maternity allowance shall be equivalent to 70% (seventy) percent of contributory wage in a qualifying period of not exceeding 6 (six) months before the delivery month for 90-day maternity leave.

Conditions, formalities and procedures of providing maternity allowance are regulated by Prakas of Minister of the Ministry in charge of social security schemes in compliance with the proposal of the NSSF Governing Body.

SECTION III
VOLUNTARY HEALTH CARE SCHEME

Article 56.- Conditions, Formalities and Procedures of Implementation

The self-employed can contribute to Voluntary Health Care Scheme.

Conditions, formalities and procedures of the implementation of Voluntary Health Care Scheme as stipulated in this article shall be regulated by Sub-Decree.

CHAPTER VI
SOCIAL SECURITY SCHEME ON OCCUPATIONAL RISK
SECTION I
COMMON PRINCIPLES

Article 57.- Insured Persons

Insured persons in Occupational Risk Scheme are as follows:

1. Persons in public sector
2. Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers.

Article 58.- Occupational Risk Benefits

Occupational risk benefits consist of medical care benefit, daily allowance for temporary disability, pension for permanent disability, allowance for permanent disability, survivors' pension, funerary grant and rehabilitation services.

For the intentionally caused accident, the victim shall not have entitlement to enjoy occupational risk benefits.

Article 59.- Contributions of Occupational Risk

Contribution rate of Occupational Risk Scheme shall be regulated by Sub-Decree.

Article 60.- Sources of Occupational Risk Fund

Sources of occupational risk fund are as follows:

- Contribution payment of State and employers
- Return on investment
- Other donations or legacies and other legal sources.

Article 61.- Actuarial Valuation

Actuarial valuation on Occupational Risk shall be renewed the monitoring and analysis no later than every 3 (three) years.

Article 62.- Revision of Occupational Risk Benefits

Occupational risk benefits are pensions that shall be monitored and revised in accordance with consumer price index.

Provider payment methods of Occupational Risk shall be in accordance with fee-for-service. Revision of the provider payment methods of Occupational Risk shall be regulated by Sub-Decree.

Article 63.- Reserve Fund of Occupational Risk

Minimum reserve fund of Occupational Risk shall be equivalent to the expenditure of already-provided pension plus 50 (fifty) percent of other benefit expenditure out of pension within the last 2 (two) years.

Article 64.- Health Facility Recognition

Medical care services of Occupational Risk shall be provided by health facility recognized by Ministry of Health and signed the agreement with NSSF.

Article 65.- Service Quality Monitoring of Health Facility

Recognition of medical care service quality shall be compiled with the legal instruments issued by Ministry of Health. The service quality of health facility signed the agreement with NSSF shall be monitored and evaluated by the Social Security Medical Council.

Article 66.- Obligation of Informing Occupational Risk

Victim who sustained workplace accident, commuting accident or occupational diseases or victim representative shall inform promptly the National Social Security Fund, employer or employer representative about the occupational risk incurred except for force majeure.

With formalities of informing and investigating the occupational risk and monitoring the compliance of employers and health facilities, the victim resulting from workplace accident, commuting accident or occupational diseases shall be regulated by Prakas of Minister of the Ministry in charge of social security schemes in accordance with the proposal of the NSSF Governing Body.

Occupational disease list is regulated by Sub-Decree.

Article 67.- Occupational Risk Prevention Programs

NSSF shall prepare occupational risk prevention programs to ensure occupational safety and health including the commuting accident prevention program for the NSSF member.

Article 68.- Beneficiaries of Survivors' Pension

Beneficiaries of Survivors' pension including spouse and child, parents or the elderly who are under the direct charge of person concerned before death shall have the following conditions:

1. Spouse of victim has a legitimate marriage certificate before the victim suffers from work injury or death resulting from work injury.
2. Child shall have the following conditions:
   - Single
   - Biological child.
   - In case of divorce or death of spouse, the child of the new spouse under the direct charge of victim also receives the same survivors' pension as the child of the first spouse.
   - Adopted child of the person concerned is requested legally in accordance with the regulations coming into force or orphan under the direct charge of the person concerned.
   - Not exceed 21(twenty-one) years old.

Child with disability or chronic disease who cannot have job with earnings shall be provided survivors' pension for a whole life time. The determination of disability or chronic disease status shall be certified by specialized doctors and approved by the Social Security Medical Council.

3. Parents or the elderly are under the direct charge of victim and aged at least 60 (sixty) by the date of victim's death and do not have jobs with earnings or old-age pension. In case the parents or the elderly contain incurable chronic disease or invalidity and do not have jobs with earnings or old-age pension, the age shall not be determined.
4. Entitlement to survivors' pension shall be terminated in the following cases:
   - When the person concerned passed away.
   - Spouse remarries in pursuance of legal procedures coming into force. In such case, the person concerned shall inform NSSF not later than 30 (thirty) days following the date of remarriage.

SECTION II
OCCUPATIONAL RISK SCHEME FOR PERSONS IN PUBLIC SECTOR

Article 69.- Medical Care Services

Medical care services of Occupational Risk Scheme for persons under public sector shall be as follows:

- Treatment and care of wound or disease resulting from occupational risk in line with the medical profession technics until recovery despite of hospitalization or non-hospitalization;
- Emergency service;
- Supply of medicines and other medical materials for treatment;
- Victim referral service or corpse transportation in the case of emergency;
- Daily allowance provision for caretaker during the treatment in case the victim concerned cannot serve himself.

Article 70.- Daily Allowance for Temporary Disability

In the period of treating any injuries or diseases resulting from occupational risk in the health facilities and the convalescent care prescribed by the medical doctor or physician recognized by NSSF, the salary of the victim concerned shall be provided as usual.

Article 71.- Pension for Permanent Disability

The NSSF members as persons in public sector who sustain occupational risk leading to permanent disability from 20 (twenty) percent or more shall have entitlement to enjoy pension for permanent disability. Formalities and procedures of pension calculation, determination of permanent disability degree and pension provision shall be regulated by Sub-Decree.

The NSSF members as persons in public sector who are getting the partial permanent disability pension but sustain the new occupational risk shall receive pension by the total degrees of permanent disability pension. The total degrees of total permanent disability shall be equivalent to the first permanent disability plus the degree of continual permanent disability of other organs but not exceed 100 (one hundred) percent.

Pension for permanent disability shall be considered as a forever temporary pension. NSSF shall renew check-up and evaluation of the disability degree of victim regularly. In case disability degree of victim is found the change, the amount of given pension shall be renewed the evaluation.

Victim cannot oppose to the check-up as defined above. In case the victim concerned is absent from check-up, NSSF shall suspend the pension provision until the victim concerned have a check-up.

Article 72.- Allowance for Permanent Disability

The NSSF members as persons in public sector who sustain occupational risk leading to permanent disability less than 20 (twenty) percent shall have entitlement to receive allowance for permanent disability.

Allowance for permanent disability shall be given as lump sum.

Formalities and procedures of calculating the allowance for permanent disability shall regulated by Sub-Decree.

Article 73.- Funerary Grant and Survivors' Pension

The NSSF members as persons in public sector who sustain occupational risk leading to death, NSSF shall provide the funerary grant and survivors' pension.

Funerary grant shall be provided to the beneficiaries under direct charge of victim or any person who takes responsibility for holding the funeral. The amount of funerary grant shall be regulated by Prakas of the Minister of the Ministry in charge of social security schemes in compliance with the proposal of the NSSF Governing Body.

Survivors' pension shall be provided to the beneficiaries under the direct charge of victim. Calculation, formalities and procedures of providing the survivors' pension shall be regulated by Sub-Decree.

Article 74.- Rehabilitation Services

The NSSF member as persons in public sector who sustain occupational risk leading to permanent disability shall have entitlement to enjoy rehabilitation services including medical rehabilitation, vocational rehabilitation or social rehabilitation services.

Medical rehabilitation services shall be provided for supporting the medical care or helping alleviate victim with permanent disability.

Vocational rehabilitation services shall be provided to the NSSF member who becomes disabled due to occupational risk in a bid to have a chance to receive new job with earnings suitable with his physical situation.

People with disability due to occupational risk shall have entitlement to receive consultation, guidance, mental health education and other social services in the purpose of bettering social psychology and possessing ownership in line with the daily livelihood.

Conditions, formalities and procedures of providing rehabilitation service shall be regulated by Sub-Decree.

SECTION III
OCCUPATIONAL RISK SCHEME FOR PERSONS DEFINED BY THE PROVISIONS OF THE LABOUR LAW INCLUDING PERSONNEL SERVING IN AIR AND MARITIME TRANSPORTATION AS WELL AS DOMESTIC WORKERS

Article 75.- Medical Care Services

Medical care services of Occupational Risk for Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers shall be applicable for the same as the one for persons in public sector as stipulated in article 69 of this law.

Article 76.- Daily Allowance for Temporary Disability

In the period of treating any injuries or diseases resulting from occupational risk in the health facilities and the convalescent care prescribed by the medical doctor or physician recognized by NSSF, the victim concerned shall be entitled to enjoy the daily allowance for temporary disability.

Daily allowance for temporary disability shall be provided as from the second day when the person concerned sustained work injury or sickness until recovery or passed away plus the period of convalescent care prescribed by the medical doctor. The first-day wage of person concerned for abstention from work shall be borne by employer.

Daily allowance for temporary disability shall be equivalent to 70 (seventy) percent of daily average wage within the last 6 (six) months. In case the working period of person concerned is less than 6 (six) months, the daily average wage shall be calculated based on the actual situation.

Article 77.- Pension for Permanent Disability

Pension for permanent disability shall be complied as stipulated in article 71 of this law.

Article 78.- Allowance for Permanent Disability

Allowance for permanent disability shall be complied as stipulated in article 72 of this law.

Article 79.- Funerary Grant and Survivors' Pension

Funerary grant and survivors' pension shall be complied as stipulated in article 73 of this law.

Article 80.- Rehabilitation Services

Rehabilitation services shall be complied as stipulated in article 74 of this law

CHAPTER VII
SOCIAL SECURITY SCHEME ON UNEMPLOYMENT

Article 81.- Conditions, Formalities and Procedures of Implementation

Persons Defined by the Provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers shall have entitlement to enjoy unemployment benefits.

This provisions shall not be applied for the contract official working for ministries, institutions and organizations at the national and sub-national levels although they are recognized by Ministry of Civil Services.

Conditions, formalities and procedures of the implementation of Unemployment Scheme shall be regulated by Sub-Decree.

CHAPTER VIII
CO-REGULATIONS
SECTION I
OPERATIONAL RULES

Article 82.– Operational Rules

Employers shall have compulsories to register their enterprises/establishments and workers in NSSF, report the number of workers regularly and collect contributions of social security schemes, both contribution payment of themselves and workers, with a view to transferring contributions into the NSSF account by the deadline.

Formalities of employer's contribution, registration of enterprise/establishment, registration of workers, report of the number of workers and contribution payment that is borne by employers, persons in public sector and workers shall be regulated by Prakas of the Minister of the Ministry in charge of social security schemes.

Employers, persons in public sector and persons defined by the provision of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers shall have a compulsory to join the implementation of social security schemes in line with the provisions of this law.

The self-employed shall contribute voluntarily to Health Care and Pension Schemes.

Article 83.– Medical Care Document Provision of Health Facilities

Health facilities signed the agreement with NSSF shall provide medical care documents of the NSSF members or other necessary documents to NSSF when there is an official request or necessary requirement in order to keep these documents as data for researching, analysing and evaluating the agreement implementation of health facilities.

All the above-mentioned documents shall maintain confidentiality. Persons who participate in researching, analysing and evaluating this agreement implementation shall maintain confidentiality of professionals and personal privacy.

SECTION II
HEALTH ACTIVITIES AND SOCIAL AFFAIRS

Article 84.– Activities related to Health and Society

Activities related to health and society shall be established to complement each social security scheme as stipulated in this law.

Activities involved with health and society have sources of fund as follows:

- Fine on employers related to the failure or guilty of complying with the law and other orders.
- Budget proposed for the activities in relation to health and society in each social security scheme.

The fund of activities involved with health and society shall be allocated as follows:

- Health prevention
- Occupational risk prevention
- Study, research and statistical survey of social security
- Education, dissemination and training
- Financial support or contribution with public or private institutions associated with the health and social activities for the benefits of the NSSF member.

SECTION III
ELIGIBILITY AND ADDITIONAL BENEFITS

Article 85.‗ Period Considered as Contribution Payment Period of Pension Scheme

The period considered as the NSSF member paid contribution of Pension Scheme consists of the period of military service, sick leave, maternity leave and period of abstention from work due to occupational risk.

Article 86.‗ Provision of Disability Pension and Pension

Pension for permanent disability from 20 (twenty) percent or more and all kinds of pension shall be provided monthly.

Article 87.‗ Time Limit of Benefit Claim

Eligibility of claiming daily allowance for Occupational Risk Scheme, Health Care Scheme, funerary grant, maternity allowance and medical care reimbursement in case of emergency shall be null and void in a qualifying period of 1 (one) year.

Eligibility of claiming pension for permanent disability and survivors' pension shall be null and void in a qualifying period of 05 (five) years.

Eligibility of claiming old age, invalidity and survivors' pension shall pension shall be null and void in a qualifying period of 05 (five) years.

Article 88.‗ Entitlement to Caretaker

The NSSF member entitled to enjoy permanent disability pension or invalidity pension and required to have a caretaker shall have entitlement to enjoy caretaker allowance equal to 50 (fifty) percent of pension of person concerned.

The conditions or situations entitled to enjoy a caretaker shall be decided by the Social Security Medical Council.

Article 89.‗ Impossibility of Benefit Confiscation or Transfer

All benefits of social security schemes shall not be transferred or confiscated except that there is the approval of the beneficiary.

Article 90.‗ Duplication of Benefits

In case the benefits are duplicated although the benefit of mandatory pension or disability pension in compliance with the provisions of this law, person concerned shall have entitlement to enjoy the highest amount of pension.

SECTION IV
DISPUTE SETTLEMENT

Article 91.‗ Dispute Settlement

Dispute or complaint related to the implementation of other provisions of the social security scheme among the NSSF member, employer and NSSF shall be addressed by the Dispute

Settlement Committee of NSSF. In case the dispute or complaint cannot be settled, the NSSF member can be filed the lawsuit to the Social Security Regulator before filing the lawsuit to the Municipal/Provincial Court of First Instance where the NSSF member is working.

Organization and functioning of the Dispute Settlement Committee of NSSF shall be regulated by Prakas of the Minister of the Ministry in charge of social security schemes in compliance with the proposal of the NSSF Governing Body.

SECTION V
COORDINATION MECHANISM

Article 92.- Establishment of Coordination Mechanism

Coordination mechanism shall be established between each social security scheme for persons under public sector, persons defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers, the self-employed and persons who are not covered by this law.

NSSF shall sign the agreement with the social security institutions of the countries of destination with a view to establishing the protection mechanism of social security for migrant workers and in line with formalities and procedures coming into force.

Formalities of the above-mentioned coordination mechanism implementation shall be regulated by Sub-Decree.

SECTION VI
PREROGATIVE OF ASSET AND FINANCIAL MANAGEMENT

Article 93.- Tax Exemption

With its operation, NSSF shall not be liable to taxes and duties. In case the operation of this organization is for trade or profit, it shall be liable to taxes with accordance with laws and regulations on Taxation coming into force.

Article 94.- Prerogative of Collection of Contribution, Debt and Asset

NSSF shall have the prerogative of the public power for collecting contribution, having debt paid and protecting assets.

NSSF shall have the privilege of all assets of its debtors in the first order after the debt is paid to workers.

Procedures of the prerogative implementation and the debt collection of NSSF shall be regulated by Sub-Decree.

Article 95.- Administration of Social Security Funds

The social security funds shall be deposited in the legal banks in accordance with the decision of the NSSF Governing Body and the approval of the Minister of the Ministry of Economy and Finance.

The fund of social security shall be deposited in the respective bank accounts for each social security scheme.

The Social Security Trustee Council of NSSF is able to administrate the surplus of the reserve fund of each social security scheme for investment in compliance with the guidance of the Social Security Regulator in a bid to propose the final decision from the Ministry of Economy and Finance.

SECTION VII
MECHANISM FOR MONITORING NSSF IMPLEMENTATION

Article 96.- Monitoring and Auditing National Social Security Fund

NSSF shall be monitored and audited by the National Audit Authority. The Social Security Regulator or the NSSF Governing Body can propose to get audited by any independent audit institutions where necessary.

CHAPTER IX
PENALTIES

Article 97.- Administration Punishment and Penalties

Punishments in this chapter include transitional fine, fine or imprisonment.

Transitional fine is under the authority of the Director General of NSSF.

Payment of transitional fine shall lead to the extinction of legal action.

In case offender does not pay the transitional fine, the case shall be sent to the court with the aim of following the procedures.

Formalities and procedures of transitional fine shall be regulated by Prakas of the Minister of the Ministry in charge of social security schemes.

Article 98.- Objection to Contribution Payment

Employers of enterprises/establishments who do not comply with the contribution payment by the deadline or submit the incorrect number of workers as stipulated in article 82 of this law shall be liable to a fine of 10 (ten) to 30 (thirty) times of daily base wage. This fine shall be applied equivalent to the number of workers are employed in the conditions in contrary to the provisions of this law.

Article 99.- Contribution Deduction in incompliance with the Provisions of the Law

Any employer who has deducted the contributions of Occupational Risk from workers' wages or the contributions borne by himself by deducting from workers' wages for the contribution payment of Health Care, Pension or Unemployment Schemes shall be penalised for imprisonment of 1 (one) month to 1 (one) year and a fine of 120 (one hundred twenty) to 360 (three hundred sixty) times of daily base wage. This fine shall be applied equivalent to the number of workers from whom the employer has deducted contributions in the conditions in contrary to the provisions of this law.

Article 100.- Obstruction of Social Security Inspector

Any obstructions against the law enforcement of the social security inspector shall be penalised by article 503 (obstruction of public official) of Criminal Code.

Article 101.- Breach of Professional Secrecy

Any social security inspector or public employee who has disclosed the secrecy of production methods or medical documents shall be penalised by article 314 (breach of professional secrecy) of Criminal Code.

CHAPTER X
TRANSITIONAL PROVISIONS
SECTION I
MANDATORY PENSION SCHEME FOR PERSONS IN PUBLIC SECTOR

Article 102.- Early Retirement

The NSSF members as persons in public sector who have worked for at least 30 (thirty) years shall have entitlement to request for retirement before the retirement age of 60 (sixty) years by receiving pensions as regulated by Royal Kret.

Entitlement to the early retirement request shall be valid within 5 (five) years following the date of Royal Kret concerning Conditions, Formalities and Procedures of Launching Pension Scheme for Persons under public sector comes into force.

SECTION II
GRANDFATHERING PENSION

Article 103.- Grandfathering Pension

The NSSF members as persons defined by the provisions of the Labour Law including personnel serving in air and maritime transportation as well as domestic workers whose age are over 30 (thirty) years as from the date of launching Pension Scheme shall have entitlement to receive the Grandfathering Pension. The Grandfathering Pension shall be provided only if person concerned has paid contributions for at least 24 (twenty-four) months within 36 (thirty-six) months as from the date of launching Pension Scheme.

SECTION III
EXISTING SOCIAL SECURITY SCHEMES

Article 104.- Existing Occupational Risk, Health Care and Pension Schemes

State and employers shall continue to pay the contributions of Health Care until the renewed determination.

Every existing legal instrument of social security schemes on Occupational Risk and Health Care for Workers Defined by the Provisions of the Labour Law and on Health Care for Public Employees, Former Civil Servants and Veterans shall remain to implement until there are new legal instruments in accordance with this law.

Health care service provision through the Health Equity Fund System shall remain to implement until there are new legal instruments in accordance with this law. The sources of fund for this scheme shall be borne by State.

Every existing legal instrument of social security scheme on Pension for Public Employees, Former Civil Servants and Veterans shall to implement unit there are new legal instruments accordance with this law.

SECTION IV
INTEGRATION OF MANAGEMENT STRUCTURE

Article 105.- Integration of Management Structure for Pension Scheme

Integration of management structure for Pension Scheme for persons under public sector including civil servants, former civil servants and veterans into NSSF shall be regulated by Sub-Decree.

CHAPTER XI
FINAL PROVISIONS

Article 106.- Abrogation

Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law promulgated by Royal Kram NS/RKM/0902/018, dated 25 September 2002, and any provisions in contrary to this law shall be abrogated.

Article 107.- Prompt Promulgation

This law shall be promulgated promptly.

Royal Palace, Phnom Penh, 02 November 2019

RPN. 1911.1655

Have Proposed Signature to His Majesty

Norodom Sihamoni

Prime Minister

Samdech Akka Moha Sena Padei Techo Hun Sen

Been Copied Correctly from the Original

Permanent Deputy Prime Minister

Minister in charge of Office of the Council of Ministers

Kitti Niti Korsol Bandit Ben Chhin

Have Informed

Samdech Akka Moha Sena Padei Techo Prime Minister

Minister of Ministry of Labour and Vocational Training

Ith Samheng