

## **Royal Kram**

**We**

**Preah Karona Preah Bath Samdech Preah Boromneath NORODOM SIHAMONI Saman Phoum  
Cheat Sasna Rokhathiya Khmerarothsas Pouthitreathoramohakthat Khmereach Chorna  
Samohorpheas Kampuch Ekreach Roth Boronaksanthi Sophekolea Sereivibolea  
Khmerasreipireash Preahchau Krong Kampuchea Thip Padey**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. នស/រកត/0918/925, dated 06 September 2018 on the appointment of the Royal Government of Cambodia;
- Having seen Reach Kram No. នស/រកម/0618/012, dated 28 June 2018 on the promulgating the law on the organizing and functioning of the Council of Minister;
- Having seen Reach Kram No. នស/រកម/0105/003, dated 17 January 2005 promulgating the law on the establishment of the Ministry of Labor and Vocational Training;
- Having seen the notification from Samdech Prime Minister of the Royal Government of Cambodia.

## **Hereby Promulgate**

The law on the Social Security, which was adopted by the National Assembly on 8 October 2019 during the sixth session of its third legislature, and was completely approved without any revision by the Senate on 18 October 2019 during the fourth plenary session of its legislature, whose details are as follows:

**LAW  
ON  
SOCIAL SECURITY**

## CHAPTER 1

### GENERAL PROVISION

#### Article 1: Purpose

The purpose of this law is to establish the social security system of the kingdom of Cambodia based on the principle of social solidarity and promote welfare and living conditions of the citizens.

#### Article 2: Objectives

The objectives of this law is to define general principles, formalities, operational mechanism and management system of the social security schemes of the Kingdom of Cambodia including pension scheme, health insurance scheme, employment injury scheme and unemployment scheme.

#### Article 3: Scope

This law governs the following persons:

**1.** Persons under Public sector include:

- Civil Servants in public function who work for ministries, institutions, and public bodies of both the national and sub-national levels who are governed by the provisions of the Law on the General Statutes of Civil Servants of the Kingdom of Cambodia;
- Civil Servants governed by the Particular Statutes of Civil Servants working for the legislative branch;
- Civil Servants working for the judiciary;
- Police officers and prison officers for health care benefits only;
- Officers working for the National Election Committee;
- Former civil servants for the national audit authority;
- Former civil servants and veterans;
- Contractual workers working for ministries, institutions and public bodies of both the national and sub-national levels that are responsible by the Ministry of Public Services;
- Employees of other public sectors to be determined by Sub-decree.

**2.** Persons under the provision of the labour law including personnel serving in the air and maritime transportation and household servants.

**3.** Self-employed

This law does not govern soldiers of the royal Cambodian armed forces, who are governed by a separate statute.

#### Article 4: Definition

Key terms used in this law are defined in the annex attached to this law.

## **CHAPTER 2**

### **GENERAL PRINCIPLE OF SOCIAL SECURITY**

#### **Article 5: Pension Scheme**

The social security of pension scheme for public sector employees shall be a compulsory contribution in which the state and public sector employees have an obligation to co-contribute.

The social security of pension scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, and household servants shall be a compulsory contribution in which persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation shall have an obligation to co- contribute.

The social security of pension scheme for the self-employed shall be determined by the sub-decree.

#### **Article 6: Health Insurance Scheme**

The social security of health insurance scheme for public sector employees shall be a compulsory contribution in which the state and public sector employees, former civil servants and veterans have obligation to co-contribute.

The social security of health insurance scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, and household servants shall be a compulsory contribution in which all employers defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants have obligation to co-contribute.

The social security of health insurance scheme for the self-employed shall be determined by the sub-decree.

#### **Article 7: Employment Injury Scheme**

The social security of employment injury scheme for public sector employees shall be a compulsory contribution in which the state has obligation to contribute for its employees.

The social security of employment injury scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, and household servants shall be a compulsory contribution in which the employers have an obligation to contribute for its workers.

#### **Article 8: Unemployment Insurance Scheme**

The social security of unemployment insurance scheme is a compulsory contribution in which employers and workers have an obligation to co-contribute.

#### **Article 9: Share of the compulsory contribution scheme**

The share of the compulsory contribution of the public sector employees, and workers under compulsory contribution for pension scheme, health insurance scheme and unemployment insurance scheme shall not exceed 50% (fifty) of the total contribution.

Contribution wages or salary shall be determined by sub decree.

## CHAPTER 3

### Competent Authorities

#### Article 10: National Social Protection Council

All operations of social security shall be under the coordination, monitoring and direction by the National Social Protection Council at policies and strategic level.

#### Article 11.- Social Security Regulator

The social security regulator shall be established with the following roles and duties:

1. Determine cautious regulations, standards of operations, necessary rules and guidelines for investment of social security fund.
2. Monitor financial situation of a social security operator.
3. Create a mechanism to protect members and conciliate disputes where there is a conflict.
4. Inspect the compliance in order to guarantee the transparent, accountable, and sustainable of financial operation for provisions of social security services.

The organization and functioning of the social security regulator shall be determined by sub-decree.

#### Article 12.-National Social Security Fund

The National Social Security Fund has its acronym NSSF, is the sole public body, which is competent to operate social security schemes as defined in this law.

The National Social Security Fund is a public administrative establishment to be established by a Royal Decree with technical guardianship of the ministry in charge of social security and financial guardianship of the Ministry of Economy and Finance.

#### Article 13.- Tasks of the National Social Security Fund

The NSSF has the following tasks:

1. Manage and administer all social security schemes regulated by this law.
2. Ensure that social security benefits is granted to the NSSF members, for the purpose of relieving difficulties when encountering contingent risks such as old age, invalidity, death, employment injury, unemployment, maternity, diseases or accidents and other contingencies.
3. Collect and administer contribution of each social security scheme and other sources of income.
4. Register and manage the ID card of the NSSF member
5. Inspect the compliance of provisions of this law of enterprises, establishments or relevant entities under the jurisdiction of NSSF.
6. Educate, disseminate and supervision of the implementation of rules preventing the employment injury and preventive health for NSSF members.
7. Study, research and investigate of the employment injury.
8. Study, research and prepare legal instruments related to professional sickness
9. Sign and monitor the implementation of agreements with health facilities and assess the quality of services of health facilities.
10. Study, analyze and assess finance of each Social Security Scheme.
11. Implementation of health and social activities related to the benefits of NSSF members.

12. Direct and manage the investment of the Social Security Fund.

**Article 14: Board of Director of the National Social Security Fund**

The National Social Security Fund shall be led by a chairman of board of director composing of following members:

- |   |                  |
|---|------------------|
| - Minister In-charged of social security fund   | Chairman         |
| - 1 Representative of the Ministry of Economy and Finance                               | Member           |
| - 1 Representative of the Ministry of civil service                                     | Member           |
| - 1 Representative of the Ministry of health  | Member           |
| - 1 Representative of the Ministry of Social Affairs, Veterans and Youth Rehabilitation | Member           |
| - 1 Representative of the Office of the Council of Ministers                            | Member           |
| - 2 Representatives of Employer   | Member           |
| - 2 Representatives of the NSSF members   | Member           |
| - Director General of the NSSF  | Permanent Member |

**Article 15: Operational Structure of the National Social Security Fund**

The NSSF's daily operation shall be directed and managed by one (01) director general to be appointed by a Royal-Decree and a number of deputy-director generals as assistants in accordance to the applicable regulations.

The supervision of the implementation of legal provisions under the jurisdiction of NSSF determined by this law is the authority of the social security inspector. The appointment, roles and functions of the social security inspector shall be defined by Sub-decree.

Staffs of the NSSF are the civil servants under the cadre of public function who are transferred or newly recruited according to the request of the NSSF's director general and contracted staff shall be governed by internal regulations and staff statute of the NSSF in accordance with the provisions of Labour Law.

**Article 16: Management of Social Security Fund**

The fund from each social security scheme shall be managed by a social security trustee council of NSSF. The social security trustee council NSSF shall develop principles of fund management, investment management, investment planning, and investment package and submit to the board of director of NSSF for reviewing and approving in accordance with guidelines on investment of social security regulator for final endorsement by the Ministry of Economy and Finance.

In performing its duties, the social security trustee council of NSSF shall submit a regular report on the maintenance and management of fund from all social security schemes to the director general of NSSF, the board of director of the NSSF and the social security regulator.

The composition, qualifications, organization and functioning of the social security trustee council shall be determined by Sub-decree.

**CHAPTER 4**  
**PENSION SCHEME**

**Section 1**

**Common Principles Article 17: Persons under protection**

Persons under protection covered by pension scheme include:

1. Public sector employees
2. Persons are defined by the provisions of the labour law including personnel serving in the air and maritime transportation, and household servants
3. Self-employed

**Article 18: Pension scheme benefits**

The compulsory pension scheme benefits include old age pension, invalidity pension, survivors' pension and funeral grants.

The voluntary pension scheme shall be determined by a Sub-decree.

**Article 19: Contribution to Pension scheme**

The contribution rate of pension scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, and household servants shall be determined by a Sub-decree.

The contribution rate of the self-employed shall be determined by a Sub-decree.

The Contribution rate of pension scheme shall be increased based on a scaled premium method or reasonable /proper methods adopted by the national social protection council.

**Article 20: Beneficiaries of survivor's pension**

The beneficiaries of survivor's pension include spouse and children under direct dependency of the member who fulfills the following conditions:

1. Being unemployed or having income above the poverty line
2. Spouse shall have a marriage certificate registered before the date of member's sickness or an accident that causes to death.
3. Children shall be fulfilling the following criteria:
  - Being single
  - Below 18 (eighteen) years old

Children with disabilities or children with chronic diseases and cannot work or earned any income shall be given survivor's pension for the rest of his/her life. The determination of disability status or chronic diseases shall be certified by a specialized doctor and approved by a Medical Committee of the NSSF. The Medical Committee of NSSF shall reassess the status of disabilities or sickness if necessary.

Rights to receive survivor's pension shall be lapsed due to the following cases:

- Death of the beneficiaries
- Husband or wife re-marriage in accordance to the applicable legal procedure. In this case, the beneficiaries shall inform to the NSSF no later than 30 days (thirty) after the date of re-marriage.

**Article 21: Source of Pension Fund**

Pension Fund shall be financed from the following sources:

- Contribution from the state, employers and members of NSSF
- Return from investment
- Endowment or donation
- Other legal incomes

**Article 22: Actuarial study on Pension**

The actuarial study of financial risks of pension scheme shall be re-examined and analyzed at least every 5 (five) years.

**Article 23.-Adjustment of pension benefits**

Pension benefits shall be adjusted annually in according to the official consumer price index.

**Article 24.-Reserved Fund for Pension scheme**

Reserved Fund for Pension Scheme shall be determined to be equivalent to the expense for beneficiary used for pension scheme in the last 3 (three) years.

**Article 25.-Determination of invalidity**

The Status of invalidity shall be determined by a decision of a Medical Committee of the NSSF. The invalidity status shall be reviewed annually. The invalidity pension shall be suspended in case the invalidity pensioner does not presence at the determined date of health checkup.

**Section 2**

**Compulsory Pension Scheme**

**Sub-section 1**

**Compulsory Pension Scheme for Public Sector Employees**

**Article 26: Old Age Pension**

Member of NSSF who is public sector employee reaching the age of at least 60 years is entitled to an Old Age Pension, if he/she fulfill the following conditions:

1. Register as a member of Pension Scheme
2. Pay contribution for Pension Scheme for at least 12 (twelve) months.

The members of NSSF who do not fulfill conditions as specified in point (2) of paragraph 1 above shall receive old age allowance.

The retirement age of public sector employees may be adjusted by a Royal Decree based on the life expectancy, the actual economic and social conditions.

**Article 27.- Invalidity Pension**

Member of NSSF who is a public employee becoming invalid is entitled to an invalidity pension if he or she fulfills the following conditions:

1. Register as a member of pension scheme
2. Pay contribution for pension scheme for at least 60 (sixty) qualifying months prior the date of invalidity.

**Article 28.- Survivors' pension**

Beneficiaries of survivors' pension shall receive survivors' pension unless the death of old age pensioner or invalidity pensioner or NSSF member who has contributed to pension scheme for at least 60 months before the person decease.

The minimum replacement rate of survivors' pension shall be determined equivalent to 45% of the person's old age pension or invalid pension of the individual.

The share survivors' pension shall be divided as follows:

- Fifty percent (50%) for the spouse
- Fifty percent (50%) for children
- One hundred percent (100%) in case that the beneficiary has only a spouse or a child

**Article 29: Funeral grants**

Beneficiary of survivors' pension is entitled to a funeral grant when the old age pensioner or invalidity pensioner passes away. If such duties cannot be fulfilled by the beneficiary, the funeral grants can be provided to the person who is in charge of cremation of the dead person directly.

**Article 30: Conditions, Formalities and Procedures for Implementation**

Conditions, formalities and procedures for the implementation for pension scheme for public sector employees shall be determined by a Royal decree.

**Sub-Section 2**

**Compulsory Pension Scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, household servant**

**Article 31: Old Age Pension**

Member of NSSF who is worker having the age at least 60 (sixty) years is entitled to an old age pension if they are fulfilling the conditions as follow:

1. Registration under Pension Scheme
2. Payment of contribution for pension scheme at least 12 months

The NSSF member who does not fulfill the condition defined in point (2) of paragraph 1 above shall receive old age allowance to be determined by a Sub-decree.

The old age accrual rate is equivalent to 1.75 % (one point seventy five) of one year of contribution in maximum. The old age accrual rate shall be determined by a Sub-decree.

The old age pension shall be calculated based on the average contributed wage of individual.

**Article 32: Invalidity Pension**

Member of NSSF who is worker becoming invalid is entitled to invalidity pension if he/she fulfills the following conditions:

1. Registration under Pension Scheme
2. Paid contribution for pension scheme at least 60 (sixty) qualifying months prior the date of invalidity.

The invalidity accrual rate shall be determined equivalently to 1.75% (one point seventy five) of one year of contribution in maximum. The minimum invalidity pension's replacement rate shall be equivalent to 45% (forty five percent) of average contributed wage of the individual. The invalidity accrual rate shall be determined by a Sub-decree.

The invalidity pension shall be calculated based on the average contributed wage of individual.

**Article 33: Survivors' Pension**

Beneficiary of survivor pension shall receive survivor pension unless the death of old age pensioner or invalidity pensioner or NSSF member who has contributed to pension scheme for at least 60 months before the death.

The minimum replacement rate of survivors' pension shall be determined equivalent to 45% of the person's old age pension or invalid pension of the individual.

The share survivors' pension shall be divided as follows:

- Fifty percent (50%) for the spouse
- Fifty percent (50%) for children
- One hundred percent (100%) in case that the beneficiary has only a spouse or a child

**Article 34: Funeral grants**

Beneficiaries of survivor pension are entitled to funeral grant when the old age pensioner or invalidity pensioner passed away. If such duties cannot be fulfilled by the beneficiaries, the funeral grants can be provided to the person who is in charge of cremation of the dead person directly

The amount of funeral grants shall be determined by a Prakas of the minister in charge of social security based on the request of the board of director of the NSSF's decision.

**Section 3**

**Voluntary Pension Scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants**

**Sub-Sector 1**

**Voluntary Pension Scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants**

**Article 35: Conditions and entitlements to participate in voluntary pension scheme**

Persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants is entitled to participate in voluntary pension scheme based on the following conditions:

- Lost earning job before the age of 60 (sixty)
- Has capacity to continue the contribution

Persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants who reached 60 (sixty) years old and wish to continue the contribution in order to receive higher pension replacement rate compared to the actual compulsory pension which he/she would receive. In this case, the old age pension will be paid based on the actual date that the individual has no more capacity to contribute.

Persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants who earned more than ceiling salary of the compulsory contribution of the individual. This contribution shall be implemented for only the exceeded ceiling salary based on the fully funded system.

The contribution of the voluntary pension is solely obligation of the workers.

Conditions, formalities and procedures for the implementation of the voluntary pension scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants shall be determined by a Sub-decree.

## **Sub-Sector 2**

### **Voluntary Pension Scheme for the Self-employed**

#### **Article 36: Conditions, formalities and procedure of the implementation**

The self-employed may join a voluntary pension scheme.

Conditions, formalities and procedures of joining a voluntary contribution by the self-employed shall be determined by a sub-decree.

## **Sub-Sector 3**

### **Voluntary Pension Scheme for public sector employees**

#### **Article 37: Conditions formalities and procedure of the implementation**

Public sector employees may join a voluntary pension scheme.

Mechanism to define contribution rate of this scheme shall be implemented the same as the mechanism for compulsory pension scheme

Conditions, formalities and procedures for the implementation of the voluntary pension scheme shall be determined by a Sub-decree.

**CHAPTER 5**  
**HEALTH INSURANCE SCHEME**

**Section I**  
**Common Principles**

**Article 38: Persons who are covered by Health Insurance Scheme**

1. Employees of the public sector
2. Persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants
3. Self-employed

**Article 39: Benefits of health insurance scheme**

Benefits of health insurance scheme include

- Medical care and treatment,
- Daily allowances during the absence from work resulting from sickness,
- Maternity benefits and
- Funeral grants.

**Article 40: Contribution for Health Insurance Scheme**

Contribution rate for the health insurance scheme shall be determined by a Sub-decree.

**Article 41: Health Insurance Fund**

Sources of Health insurance fund come from:

- Contribution from the state, employer and NSSF members
- Return from investment
- Endowment or donation
- Other legal Incomes

**Article 42: Actuarial study of health insurance scheme**

The financial status of the health insurance scheme shall be reviewed and analysis annually.

**Article 43: Reviewing and adjustment of health insurance benefits**

Health insurance benefit shall be reviewed and adjust according to the actual health status. The provider payment mechanism of the health insurance scheme shall follow a case-based payment or a fee for service.

The determination and adjustment of the provider payment mechanism shall be determined by a Sub-decree.

**Article 44: Reserved fund for health insurance scheme**

The minimum reserved fund for health insurance scheme shall be equal to the expenditure for benefits of the last final year.

**Article 45: Accreditation of health facilities**

Medical care and treatment shall be granted to health facilities recognized by the Ministry of Health and signed agreement with the NSSF.

**Article 46: Quality control of health facilities' services**

The quality accreditation of medical care and treatment shall be pursuant to the legal instruments issued by the ministry of health.

**Article 47: Medical Commission of the NSSF**

Quality of services of health facilities under the NSSF agreement, shall be controlled, monitored and evaluated by the Medical Commission of the NSSF.

Compositions, roles and functions of the Medical Commission of the NSSF shall be determined by a Sub-decree.

**Section 2**

**Compulsory Health Insurance Scheme**

**Sub-Sector 1**

**Health Insurance Scheme for public sector employees**

**Article 48: Medical care and treatment services**

Public sector employees are entitled to the medical and treatment services unless they are registered and paid contribution to the health insurance scheme.

Medical and treatment services consist of the followings:

1. Inpatient services in the health facilities shall be provided as follows:
  - Treatment and care services with medical professional technics
  - Diagnostic, laboratory, medical imagery and other medical screening services
  - Surgical apparatus and other medical equipment in the need of treatment
  - Prescribed medicines
  - Patient room
2. Outpatient services consist of the followings:
  - Treatment and care services with medical professional technics
  - Diagnosis, laboratory, medical imagery and other medical screening services
  - Surgical apparatus and other medical equipment in the need of treatment
  - Prescribed medicines
3. Delivery service, prenatal and postnatal care services
4. Physiotherapy, kinesitherapy and other rehabilitation services
5. Emergency service. In case of emergency, patient may access to the nearest health facilities. If such health facilities have no agreement with the NSSF, the patient or representative shall immediately inform to the NSSF.
6. Health preventive services
7. Patients or victims referral service and corpse transportation.

Patients or victims referral service shall be provided only in case of emergency and by ambulance of health facilities.

The provision of service for patients with server sickness and cannot be treated or corpse transportation services shall be provided based on the tariff charged by health facilities agreed with the NSSF

**8. Medical rehabilitation services.**

The medical rehabilitation services are provided to support the treatment and medical care or assist patients or victims during his/her treatment.

Medical and treatment services defined in point 1, 2, 3 and 4 above, shall be provided only by health facilities that signed an agreement with the NSSF. The utilization of other facilities shall not be reimbursed except for emergency case.

Conditions, formalities and procedures of the medical treatment, rehabilitation services, determination of services or treatments, health preventive services that exclude provision of health prevention services and defined list of chronic diseases shall be determined by a Sub- decree.

**Article 49: Daily allowances during the absence from work due to sickness treatment**

During the absence from work due to sickness treatment of the public sector employees, his/her salary shall be maintained.

**Article 50: Maternity benefits**

Public sector female employees are entitled to a full payment of wage during her maternity leave or during pre-delivery medical treatment or post-delivery medical treatment.

**Article 51: Funeral grants**

Funeral grants shall be provided to beneficiaries of NSSF members who pass away because of sickness or eventual accidents that are not related to his employment

Amount of funeral grants shall be determined by a Prakas of the Minister in charge of Social Security based on a proposal of the board of director of the NSSF.

**Article 52.- Validity of medical care and treatment services**

Validity of medical care and treatment services for public sector employees shall be determined by a Sub-decree.

**Sub-Section 2**

**Health Insurance Scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants**

**Article 53: Medical care and treatment**

Medical care and treatment of health insurance scheme for the NSSF members who are persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic/household servants, shall be implemented the same as the medical care and treatment services provided to public sector employees as stipulated in Article 48 of this law.

**Article 54: Daily allowance during sickness**

The NSSF members who are defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants, are entitled to daily allowances unless:

- They are registered to health insurance scheme
- They pay contribution for a qualifying period of 2 (two) consecutive months or 6 (six) months within the last 12 (twelve) months.
- They are inpatient department at health facilities for more than 8 (eight) days

Daily allowances shall be calculated from the first day of absence from work due to inpatient department at the health facilities.

Daily allowances during the inpatient department is defined equal to 70% (seventy percent) of the average daily wage contributed in the last 6 (six) months, prior the health problem.

Conditions, formalities and procedures of providing daily allowances during medical treatment shall be determined by a Prakas of the Minister in charge of Social Security based on a proposal of the board of director of the NSSF.

**Article 55: Maternity benefits**

Female workers who are defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants, are entitled to maternity benefits unless:

- They are registered to health insurance scheme
- They contribution for at least in a qualifying period of 9 (nine) months during the last 12 (twelve) months, by the date of delivery

Maternity benefits are defined equal to 70% (seventy percent) of the average daily wage contributed in the last 6 (six) qualifying months, prior the delivery date, for 90 (ninety) days.

Conditions, formalities and procedures of providing maternity benefits shall be determined by a Prakas of the minister in charge of social security based on a proposal of the board of director of the NSSF.

**Section 3**

**Voluntary Health Insurance Scheme**

**Article 56: Conditions, formalities and procedures of implementation**

The self-employed may join a voluntary health insurance scheme.

Conditions, formalities and procedures of the implementation of a voluntary health insurance as defined by this article, shall be determined by a Sub-decree.

**CHAPTER 6**  
**EMPLOYMENT INJURY SCHEME**

**Section 1**

**Common Principles**

**Article 57: Persons to be covered or the insured**

Persons who are covered by the employment injury insurance scheme include

1. Public sector employees
2. Persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants.

**Article 58: Benefits of Employment injury scheme**

Benefits of employment injury scheme include medical care and treatment, temporary disability cash allowance, permanent disability pension, permanent disability allowance, survivors' pension, funeral grant and rehabilitation services.

Accident intentionally caused by individuals shall not be granted under the benefits of employment injury scheme.

**Article 59: Contribution for Employment Injury scheme**

Conditions, formalities and procedures to define contribution rate for the employment injury scheme, shall be determined by a Sub-decree.

**Article 60: Employment injury Fund**

The employment injury fund comes from the following sources:

- Contribution from the state and employers
- Return from investment
- Endowment or donation
- Other legal Incomes

**Article 61: Actuarial study of the Employment injury scheme**

The financial status of the employment injury scheme shall be reviewed and analyzed no longer than every 3 (three) years.

**Article 62: Adjustment of Benefit of the Employment injury Scheme**

The employment injury cash benefits shall be reviewed and adjusted based on the official consumer price index (CPI).

The payment mechanism of the employment injury for health facilities shall follow the fee-for-service mechanism. Adjustment of this mechanism shall be determined by a Sub-decree.

**Article 63: Reserved fund for Employment injury Scheme**

The minimum reserved fund of the employment injury scheme shall equal to the total expenditure of the paid allowances plus 0.5 (Zero point five) of the other paid benefits in the last 2 (two) years.

**Article 64: Accreditation of health facilities**

Medical care and treatment of the employment injury scheme shall be granted by health facility recognized by the Ministry of Health and signed agreement with the NSSF.

**Article 65: Quality control of health facilities services**

The quality accreditation of medical care and treatment shall be pursuant to the legal instruments issued by the Ministry of Health. Quality of service of health facilities that signed agreement with the NSSF, shall be controlled, monitored and evaluated by the Medical Commission of the NSSF.

**Article 66.- Obligation to report the Employment Injury**

A victim of employment injury from commute accident or occupational illnesses, or persons on his/her behalf shall promptly inform to the NSSF, employers or employer's representatives about the accident suffered except in the event of force majeure.

The formality of reporting and investigation of the employment injury and controlling the implementation of the employer's obligations, health facilities and victims of employment injury, commute accident or occupational illnesses, shall be determined by a Prakas of the Minister in charge of Social Security based on a proposal of the Governing Body of the NSSF.

List of occupational diseases shall be determined by the sub-decree.

**Article 67: Preventive program of the employment injury**

The NSSF shall develop preventive program of the employment injury to ensure the occupational health and safety, including program to prevent commute accident for members of NSSF

**Article 68: Beneficiaries of survivors' pension**

Beneficiaries of survivors' pension include spouse, children, parents or elderly persons under direct dependence of a member of NSSF/Individual before the death and shall fulfill the following conditions:

1. For husband or wife shall have marriage certificate registered before the date of employment injury or before the death resulted from employment injury.
2. For Children shall meet the following criteria:
  - Being single
  - Children of NSSF member
  - In case of divorced or death of spouse, children of the last spouse who are under the direct guardian of the NSSF member/ individual, shall have the same rights as the first marriage's children.
  - Adopted children of the victim who are adopted in accordance legal provisions enforced or orphans under the guardianship of the victim
  - Having the age below 21 (twenty one) years

Children with disability or suffering from chronic diseases and has no capacity to work or earn income, shall receive survivors' pension for the rest of his/her life. The determination of disability or chronic diseases shall be certified by specialized doctors and approved by Medical Commission of the NSSF.

3. Parents or elderly persons who have at least 60 (sixty) years of age by the death of NSSF member/ individual and have no income or pension or old age pension. For parents or elderly persons having chronic diseases or invalidity and no income or pension or old age pension, the age is not counted.
4. Rights to receive survivors' pension shall be lapsed in the following cases:
  - Death of the beneficiaries
  - Husband or wife who remarry whether having a marriage certificate or not. In this case, the beneficiaries shall notify the National Social Security Fund at least 30 (thirty) day following the date of new marriage.

## Section 2

### Employment Injury Scheme for Public Sector Employees

#### **Article 69: Medical care and treatment**

Medical care and treatment of the employment injury for public sector employees shall be granted as the followings:

- Medical care and treatment of wound or occupational disease in accordance to techniques of medical profession until his/her recovery whether under inpatient care or outpatient care in the health facility
- Emergency services
- Medical supply and additional materials for treatment
- Corps transportation service or victim transportation service for emergency
- Allowance for victim's care taker, in case of severe sickness and required assistant

#### **Article 70: Benefits for temporary disability**

During the inpatient care of wounds or diseases due to employment injury, and the period after leaving health care center according to the qualified doctor's instruction or doctors recognized by the NSSF, the victim is entitled to his or her salary.

#### **Article 71: Permanent Disability Pension**

The NSSF members who are public sector employees, suffering from employment injury, resulting in the permanent disability incurred more than 20% (twenty percent) are entitled to a permanent disability pension. The formalities and procedures of calculation of permanent disability pension and determination of the degree of disability shall be determined by a Sub-decree.

The NSSF members who are receiving partial permanent disability benefits, and suffered new employment injury, shall receive pension according to the total degree of permanent disability. The degree of total permanent disability shall equal to the first permanent disability plus the subsequent disability, but shall not exceed 100% (One hundred percent).

The permanent disability pension shall be always regarded as the temporary pension. The NSSF shall organize a regular check-up, to re-examine the health and degree of disability. In case the degree of disability has changed, pension provided shall be reviewed.

Victims cannot reject a required regular check-up. In case he or she does not follow the required check-up, the NSSF can suspend the pension on hold until he or she show up for the medical check-up.

#### **Article 72: Permanent Disability Allowance**

The NSSF members who are public sector employees, suffering from employment injury resulting in the permanent disability less than 20% (twenty percent) are entitled to the permanent disability allowance.

The permanent disability allowance shall be paid in lump sum for one time only. The calculation of permanent disability allowance shall be determined by a Sub-decree.

#### **Article 73.-Funeral grant and survivor's pension**

In case the NSSF members, who are public sector employees, suffered from employment injury resulting in death, the NSSF shall provide the funeral grant and survivors' pension.

The funeral grant shall be provided to beneficiaries under direct dependence of the victim or someone who's in charge of the funeral. The amount of the funeral grant shall be determined by a Prakas of the Minister in charge of Social Security based on a proposal of the Governing Body of the NSSF.

The survivors' pension shall be provided to beneficiaries under direct guardianship of the victim. The calculation, formalities and procedures of provision of survivors' pension shall be determined by a Sub-decree.

**Article 74: Rehabilitation services**

The NSSF members suffered from the employment injury resulting in permanent disability are entitled to rehabilitation services comprising of medical rehabilitation, re-training and social re-integration.

The medical rehabilitation services shall be provided to support medical care and treatment or assist victims having the permanent disability

The re-training service shall be provided to the NSSF members, who are suffered from the employment injury, with an opportunity to get new employment to fit his/her, physical capacity.

The persons with disability resulting from the employment injury are entitled to advisory services, orientation, psychological education and other social services with the purposes to enhance social psychology and self-survival according to the status of daily life.

Conditions, formalities and procedures of the rehabilitation services shall be determined by the Sub-decree.

**Section 3**

**Employment Injury Scheme for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants**

**Article 75: Medical care and treatment**

Medical care and treatment of the employment injury for persons defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants shall be implemented the same as the medical care and treatment services for the public sector employees as defined in Article 69 of this law.

**Article 76: Benefits for temporary disability**

During the inpatient care of wounds or diseases due to employment injury, and the period of outpatient care after leaving health care centers according to the qualified doctor's instruction or doctors recognized by the NSSF, the victim is entitled to his or her daily allowance for the period of temporary disability.

The Daily allowance for temporary disability shall be provided from the second day of the accidents of the individual, until the recovery of wound or disease or the death of individual, including the period that the qualified doctors instruct to rest after leaving the health care centers. Daily allowance on the first day of absence from work is covered by the employers.

Daily allowance during temporary disability shall be equivalent to 70% (seventy percent) of the average daily wage of the individual, in the last 6 (six) months. In case the period that the individual works less than 6 (six) months, the average daily wage is calculated based on the actual period.

**Article 77: Permanent Disability Pension**

The permanent disability pension shall be provided and implemented as same as provisions defined in Article 71 of this law.

**Article 78: Permanent Disability Allowance**

The permanent disability allowance shall be provided and implemented the same as provisions defined in Article 72 of this law.

**Article 79: Funeral grant and survivors' pension**

The funeral grant and survivors' pension shall be provided and implemented the same as provisions defined in Article 73 of this law.

**Article 80: Rehabilitation services**

The rehabilitation services shall be provided and implemented the same as provisions defined in Article 74 of this law.

**CHAPTER 7**

**UNEMPLOYMENT SCHEME**

**Article 81: Conditions, formalities and procedures of the implementation of unemployment insurance**

Persons who are defined by the provisions of the labour law including personnel serving in the air and maritime transportation, domestic or household servants, be deleted shall be entitled to the unemployment scheme.

This provision shall not be applied to contractual workers who work for the ministries, institutions, units at national and sub-national levels recognized by the Ministry of Civil Services

The conditions, formalities and procedures of the implementation of unemployment insurance shall be determined by Sub-decree.

**CHAPTER 8**

**COMMON PROVISION**

**Section 1**

**Operational Procedures**

**Article 82: Operational Procedures**

Employers shall have obligation to register their enterprise and workers to the NSSF and report regularly on number of workers as well as collect social security contribution including contribution from employers themselves and contribution from workers, and pay to the NSSF bank account according to the payment due date.

Formalities of the employer participation, registration of enterprise/establishment, registration of workers, report on the number of workers and the contribution shared by employers, public sector employees and (or) workers, shall be determined by a Prakas of the Minister in charge of social security.

Employers, public sector employees and persons defined by the provisions of the labor law including personnel serving in the air and maritime transportation, domestic or household servants shall have obligation to participate in implementing the social security schemes in accordance with the provisions of this law.

The Self-employed who is not included in compulsory scheme, may voluntarily join the health insurance and pension schemes.

**Article 83: Provision of sharing medical documents from health care centers**

The health care centers that contracted with the NSSF, shall provide medical treatment or related documents of the NSSF members to the NSSF upon any formal requests, in order to keep in data for investigations, researches, analysis and assessment of qualities of services of the health care center.

The required medical documents shall be kept in confidential. Persons involved in the investigations, researches, analysis and assessment of qualities of services of health facilities (care centers) shall keep professional confidentiality and privacy of individuals.

**Section 2**

**Health and Social Affair Activities**

**Article 84: Health and Social Affair Activities**

The complementary activities related to health and social affair of each social security scheme determined by the provisions of this law shall be established.

Health and social affair activities shall be covered by the following financial sources:

- Fines from employers related to the failure or delay of the implementation of this law and other regulatory orders.
- Budget planned for health and social affair activities from each social security scheme.

Health and Social Affairs Fund shall be used for the following activities:

- General Health Prevention programs
- Occupational Risks Prevention programs
- Research and statistics of social security
- Education, awareness raising and training programs
- Financial assistance or participation with public or private institutions related to health and social affair activities that are beneficial to members of NSSF.

**Section 3**

**Rights and Additional Benefits**

**Article 85: Duration of obtaining the entitlement of pension benefits**

Duration of obtaining the entitlement of pension benefits for members of NSSF includes the period of military obligation, inpatient care in health facility, maternity leave, absent from work due to employment injury.

**Article 86: Payment of Allowance and Pension**

Payment of allowance for permanent disability more than twenty percent "20%" and (or) any pension, shall be made monthly.

**Article 87: Statute of limitation**

Right to claim for daily wage of employment injury scheme, health insurance scheme, funeral grants and maternity benefits shall be prescribed within a period of one (1) year only.

Right to claim for pension for permanent disability and dependents' benefits shall be prescribed within a period of five (5) years only.

Right to claim for old age pension, invalidity pension and survivors' pension shall be prescribed within a period of five (5) years only.

**Article 88: Right to have a care taker**

Members of NSSF are entitled to allowance for permanent disability or invalidity pension which is required to have a care taker, have the right to receive allowance for a caretaker equivalent to 50% of his or her pension allowance or pension benefits.

Conditions or situations which are required to have a caretaker shall be decided by the Medical Commission of the National Social Security Fund.

**Article 89: Prohibition of Garnishment or Transfer of benefits**

All social security benefits cannot be transferred or garnished except there is consent from the right's holder.

**Article 90: Duplication of benefits**

In case of duplication of benefits either benefits of pension scheme or allowance provided in accordance with the provisions of this law, the person is entitled to the higher pension or pension allowance.

**Section 4**

**Dispute Resolution**

**Article 91: Dispute Resolution**

Disputes or complaints related to the implementing provisions of this law by NSSF members, employers, and NSSF personnel shall be settled via the Dispute Resolution Committee of NSSF. In case, the dispute or complaint cannot be settled, the case can be filed to the social security regulator prior to the lodging of a complaint to the competent court of residence of the members of NSSF.

The Organization and functioning of the Dispute Resolution Committee shall be determined by a Prakas of the Minister in charge of the Social Security based on the request of the Governing Body of the NSSF.

**Section 5**

**Coordination Mechanism**

**Article 92: Establishment of Coordination Mechanism**

The mechanism shall be established to coordinate the social security scheme for persons under the public sector, persons under the provisions of labor law including personnel serving in the air and maritime transportation, household servants, the self-employed and persons excluding from the provisions of this law.

The National Social Security Fund may sign an agreement (s) with the social security institutions of the country receiving Cambodian workers in order to create a mechanism of the social security protection for migrant workers in accordance with formalities and procedures in force.

Formalities of implementation of the coordination system above shall be determined by a Sub-decree.

## **Section 6**

### **Prerogative of property and financial management**

#### **Article 93: Tax Exemption**

All transactions of the NSSF shall be free from taxation and tariffs. In case that the transaction having commercial nature or with the purpose of making profit, NSSF shall be pay the taxation and tariffs prescribed in the Law on taxation and provisions related to taxation are currently enforced.

#### **Article 94: Prerogative of collecting revenues, debts and assets**

The NSSF has a prerogative of public power in collecting revenues, debts and protection of the assets.

The National Social Security Fund has a preferential right on the assets of the debtors, but below the preferential rights of the workers.

Procedures of debt collection of NSSF shall be determined by a Sub-decree.

#### **Article 95: Management and reservation of fund of NSSF**

The fund of NSSF shall be kept at any legal banks in accordance with the decision of the Governing Body of the NSSF and approval from the Minister of the Ministry of Economy and Finance

Each social security fund shall have its owned bank account and separated by branch.

The Trustee Council of NSSF can use remaining fund of the reserved fund of each branch for the investment in accordance with Guidelines on Investment of the social security regulator and request for final approval from the Ministry of Economy and Finance.

## **Section 7**

### **Monitoring Mechanism of the Performance of Function of NSSF Article 96.- Monitoring and Auditing the National Social Security Fund**

The NSSF shall be monitored and audited by the National Auditing Authority. In case of necessity, the Social Security Regulator or the National Social Protection Council may request the audit from any independent audit agency.

## CHAPTER 9

### PENALTY PROVISIONS

#### **Article 97: Administrative punishment and Offenses**

Punishment in this chapter includes a transitional penalty, fines or an imprisonment. The transitional penalty shall be under the jurisdictional competence of the NSSF. Payment of the transitional penalty shall release the criminal action.

In case that the offenders fail to pay the transitional penalty, the legal action is lodged at the court in accordance with legal procedures.

Formalities and procedures of transitional provisions shall be determined by a Prakas of the Minister in charge of the social security.

#### **Article 98: Failure to fulfill Obligation of Payment of Contribution**

Employers of enterprises or establishments who fail to fulfill their obligation of payment of contribution or not correctly report number of workers to the NSSF, as determined by Article 82 of this law, shall be fined from 10 (ten) times to thirty (30) times of daily wage. The fines shall be calculated according to (the) number of workers whose contributions are deducted by employers and in violation of the provisions of this law.

#### **Article 99: Withdrawal of contribution in violation of the law**

Employers withdraw contribution of employment injury scheme from salary of workers or from their owned contribution by deducting workers' salary for payment of contribution for health insurance scheme, pension scheme or unemployment scheme shall be punished from one month to one year imprisonment and fined from one hundred and twenty (120) days to three hundred and sixty (360) days of daily wage. The fines shall be calculated according to number of workers whose contributions are deducted in violation of the provisions of this law.

#### **Article 100: Act of Opposition against the social security inspectors**

Any persons oppose or attempt to oppose the performance of legal activities of the social security inspectors shall be punished in accordance with the provisions of article 503 (Act of Opposing the public officers).

#### **Article 101: Violation of Professional Confidentiality**

Any social security inspectors or public officers who disclose the confidentiality and the production or confidential medical documents shall be punished in accordance with the provisions of article 314 (Act of Infringement of Professional confidentiality).

## CHAPTER 10

### TRANSITIONAL PROVISIONS

#### Section 1

##### **Compulsory Contribution on Pension Scheme for Public Sector workers**

##### **Article 102: Early Retirement**

NSSF members who are public sector workers have worked for the period of at least 30 (thirty) years, have the right to apply for the early retirement before the age of 60 (sixty) years old and are entitled to pension benefits as determined by a Royal Degree.

The right to apply for the early retirement shall be valid within five (5) (five) years following the entry into force of the Royal Decree on conditions, formalities and procedures of the implementation for public sector workers.

#### Section 2

##### **Grandfather Provision**

##### **Article 103: Grandfather Provision**

NSSF members who are workers having the age beyond 30 (thirty) years old counted from the date of the first commencement of the operation of the pension scheme are entitled the grandfathering pension. Grandfathering Pension shall be provided under the condition that person has paid contribution for the period of at least 24 (twenty-four) months during 36 (thirty-six) months counted from the date of the first commencement of the operation of the pension scheme.

#### Section 3

##### **Currently Operational Social Security Schemes**

##### **Article 104: Currently Operational Employment Injury insurance Scheme, Health Care Insurance Scheme, and Pension Scheme**

The State and employers shall continue to pay contributions for health care Insurance Scheme until new regulation is defined.

Laws and regulations are currently enforced related to the existing employment injury Insurance scheme and health insurance scheme for workers employed under the provisions of the Labor Law and health insurance scheme for public sector workers, former civil servants, and veterans shall be continued to be implemented until they are repealed by the new laws and regulations.

Provisions of health care through the Health Equity Fund shall continue to be implemented until they are repealed by the new laws and regulations. Sources of Finance for this scheme shall be the obligation of the state.

Law and regulations are currently enforced related to the existing employment injury insurance scheme and health insurance schemed for public sector workers, former civil servants, and veterans shall be continued to be implemented until they are repealed by the new laws and regulations.

#### Section 4

#### Integration of governing Structure

#### Article 105: Integration of governing Structure of the Pension Schemes

The integration of the governing structure of pension schemes for public sector workers who works for the civil servants' cadre, former civil servants, and veterans into the National Social Security Fund shall be determined by a Sub-decree.

#### CHAPTER 11

#### FINAL PROVISIONS

#### Article 106: Abrogation of law and regulations related to social security

Law on Social Security Schemes for all persons defined by the Provisions of the Labour Law, promulgated by the Royal Decree NS/RKM/0902/018 dated 25 September 2002, and any regulations contrary to this law shall be abrogated.

#### Article 107: Entry into force

This law is declared to be urgent.

**Royal Palace, 02 November 2019**

Signed and Sealed  
**NORODOM SIHANMONI**

PRL.1911.1655

Submitted to His Majesty the King for Sign  
**Prime Minister**

Signed  
**Samdech Akka Moha Sena Padei Techo HUN SEN**

Submitted to  
Samdech Akka Moha Sena Padei Techo Prime Minister

**Minister of Labour and Vocational Training**

Signed  
**ITH SAMHENG**

Certified copy for dissemination  
**Minister in Charge of the Office of the Council of Ministers**

(Signed and Sealed)  
**His Excellency Dr. Binh Chin**



















