

Kingdom of Cambodia
Nation Religion King

Ministry of Labor and Vocational Training

No: 109 KB/BrK

Prakas
On
Benefits of Occupational Risks

Minister of Labor and Vocational Training

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Decree no.NS/RKT/0704-124 dated 15 July 2004 on the nomination of the Royal Government of Cambodia
- Having seen the Royal Code no. 02/NS/94 dated 20 July 1994 promulgating the law on the arrangement and process of the Council of Minister.
- Having seen the Royal Code no.ns/RKM/0105/003 dated 17 January 2004 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training.
- Having seen the Royal Code NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on National Social Security Fund for persons defined by the Labour Law.
- Having seen the Royal Decree no.NS/RKT/1297/91 dated 31 December 1997 on the Legal Statute of Public Administration Entity.
- Having seen the Sub-decree no. 20 OrNKr/BK, dated 30 April 1996 on the Arrangement and Process of Ministry and Stated Secretariat
- Having seen the Sub-decree no.52 OrNKr/BK, dated 01 April 2005 on the Arrangement and Process of the Ministry of Labor and Vocational Training
- Having seen the Sub-decree no. 16 OrNKr/BK, dated 02 March 2007 on the Establishment of the National Social Security Fund
- Referring to the Request of the Governing Board of the National Social Security Fund

HEREBY DECIDES

Article 1: Right to receiving benefits of Occupational Risks

- 1.1 Every employee of enterprises registered with the National Social Security Fund has the right to receiving benefits of Occupational Risks when they sustain working accident.
- 1.2 Occupational Risks include working accident, accident during commuting directly to the workplace or from the workplace to home and occupational diseases.
- 1.3 Benefits determined in this Prakas shall be under the responsibility of the National Social Security Fund.
- 1.4 Hospitals or Poly-clinics or medical doctors shall be recognized by the National Social Security Fund.

Article 2: Notice of Occupational Risks

- 2.1 After receiving notice from employee sustaining working accident or from the representative of the victim, employer or owner of enterprise/establishment under the provisions of the Law on Social Security for Persons Defined by the Cambodian Labor Law, registered with the National

Social Security Fund must inform the National Social Security Fund about work accident within 48 working hours at the latest.

- 2.2 Notification of work related accident shall be followed with the form to be set forth in the Joint Prakas of Ministry of Labor and Vocational Training and Ministry of Health.

Article 3 Occupational Risks Investigation

- 3.1 After receiving occupational risk report, provincial departments or offices of Benefits of the National Social Security Fund shall immediately inform the inspector or governor of the Social Security. Inspector or Governor of Social Security shall make an investigation and provide each case's result to the offices of benefits at the earliest.
- 3.2 For complicated cases, the inspector or governor of the Social Security can request for assistance from the specialists or cooperation from inspector or governor of labor. Expenditure for this part is covered by the National Social Security Fund.
- 3.3 For accident happening during commuting, the inspector or governor of social security shall request for information on place, time and causes of accident from witnesses or local authority.

Article 4: Emergency Service Provision

In case any work related accident takes place within the work place, the employer shall support the nearest emergency place and then dispatch the victim to any hospital or clinic recognized by NSSF. Expenses over the emergency care and dispatch are covered by the NSSF. In case accident happening during commuting, the titular or employer can claim reimbursement from NSSF for medical expenses.

Article 5 Provision of Caring Services and Treatment

- 5.1 Treatment for employees sustaining working accident must be carried out in the hospital or poly-clinics recognized by the NSSF.
- 5.2 Employee sustaining working accident has the right to receiving treatment and hospitalization at hospital or poly-clinics recognized by the NSSF based on the agreement between the National Social Security Fund and individual hospital or poly-clinic.
- 5.3 In case the doctor requires any purchase of medicine or equipment necessary for the care and treatment, which is not stated in the agreement, the NSSF shall reimburse to the victim or the representative in case of proper prescription and invoice.
- 5.4 The Director of NSSF shall set up the list of hospital or poly-clinics having appropriate qualification according to medically technical standard for submission to the Governing Board the National Social Security Fund for approval.

Article 6 Calculation of Daily Average Wage

- 6.1 Average wage is the division of wages subject to contribution 6 months preceding the accident date. Wages subject to contribution is set in the table as shown in **Annex 1** of this Prakas.
- 6.2 Daily Average Wage is the division of average wage as stated in point 6.1 by 30 days.
- 6.3 The Calculation of Daily Average Wage set in this Praksa is enforceable for the calculation of

Benefits of Social Security only.

Article 7 Provisions of Benefits for Temporary Loss of Working Ability

- 7.1 The period of temporary loss of working ability is set as follows:
- Period of hospitalization for treatment of injury or occupational disease in hospital or poly-clinics.
 - Period of rest after the recovery of injury based on doctor's order.
- 7.2 During the period of temporary loss of working accident as stated in point 7.1 above, employee sustaining working accident has the right to receiving the benefits from NSSF as follows:
- Daily severance pay to be given from the second day after the date of accident
 - Allowance for the patient' care taker during hospitalization in the case that the patient's condition is critical and requires care takers as requested by the doctor.
- 7.3 Daily severance pay for temporary loss of working ability shall only be given in case of working accident requiring hospitalization of over 4 days.
- 7.4 Daily severance pay for temporary loss of working ability shall be equal to 70% of daily average wage. Allowance for the care taker shall be equal to 50% of the daily severance pay of the victim.
- 7.5 Daily severance pay for temporary loss of working ability shall be given to the victim within 180 days at the latest.

Article 8: Benefits for Permanent Loss of Working Ability

- 8.1 Employee sustaining working accident causing permanent loss of working ability less than 20% has the right to receiving the lump sum for loss of working ability. The lump sum shall be made only one time to the victim and is calculated based on the below formula.

$$LS = DAW \times 70\% \times LLWA \times 20\% PVM$$

LS = Lump Sum

DAW= Daily Average Wage

LLWA= Level of Loss of Working Ability

PVM= Present Value Multiplier

- 8.2 Employee sustaining working accident causing loss of working ability from 20% and over has the right to compensation for permanent loss of working ability. Compensation for temporary loss of working ability is calculated based on the below formula.

$$P = DAW \times 70\% \times (LLWA - 1/5 LLWA) \times PVM$$

P= Pension

- 8.3 Pension for permanent loss of working ability is always considered temporary. The NSSF shall arrange for health and working ability check on the victim in 1 year at the latest. The victim receiving the pension has an obligation to come for health check as scheduled by the NSSF.

- 8.4 The level of loss of working ability is set in **Annex 2** of this Prakas. The Present Value Multipliers are set in **Annex 3**.

Article 9: Additional Payment for the Victim's care taker

Employee sustaining working accident causing 100% permanent loss of working ability has the right to additional payment for his care taker. Additional payment for the care taker is 50% of the pension of the victim.

Article 10: Contribution for funeral

In the case that the working accident results in death, those responsible for the funeral shall receive the contribution of 1,000, 000 Riels. This contribution shall be directly given to the person in charge of funeral management of the victim.

Article 11 Beneficiary Benefits

- 11.1 Beneficiary of the victim of the working accident as prescribed in article 34 of the sub-degree No. 16 dated 02 March 2007 on the establishment of National Social Security Fund has the right to beneficiary benefit.
- 11.2 Beneficiary benefit is pension made to the beneficiary of the victim based on the following rate:
- a. In the case that the beneficiary has husband or wife, children or parents or elder people
 - Husband or wife = $3/5 \times 63\%$ DAW
 - Total pension for dependent children = $2/5 \times 63\%$ DAW
 - Total pension for parents or elder person = 7% DAW
 - b. In the case that the beneficiary has only husband or wife and/or children
 - Husband or wife = $3/5 \times 70\%$ DAW
 - Total pension for dependent children = $2/5 \times 70\%$ DAW
 - c. In the case that the beneficiary has only parents or elder people
 - Total pension for parents or elder person = 28%DWA
 - d. In the case that the beneficiary has only children and parents or elder people
 - Total pension for children = 28% DAW
 - Total pension for parents or elder people = 28%DAW
 - e. In the case that the beneficiary has husband or wife and parents or elder people
 - Husband or wife = 28% DAW
 - Total pension for parents or elder people = 28% DWA
- 11.3 Beneficiary as husband or wife of the victim shall possess the marriage certificate. The right to receiving pension for beneficiary as husband or wife shall be ceased when they get married again. In the case of the new marriage, the person shall notify the National Social Security Fund in 30 days at the latest after the date of marriage. Failure to notify about the marriage, the titular shall be punished as prescribed in Article 38 of the Law on National Social Security Fund for persons defined by the Labor Law.
- 11.4 Beneficiary as children shall be appropriately qualified as stated in point 34.1 B of article 34 of the Sub-degree no. 16 OrNKr/BK, dated 02 March 2007.
- 11.5 The right to pension for beneficiary shall be ceased when the titular dies.

Article 12 Rehabilitation Service

- 12.1 Employee sustaining working accident causing permanent loss of working ability has the right to receiving tools or artificial limb as determined by official doctor or doctor organized by the National Social Security Fund.
- 12.2 Employee sustaining working accident causing permanent loss of working ability has the right to skills coordination service and vocational training according to the setting in the separate Prakas of the Ministry of Labor and Vocational Training.

Article 13 Claim of Benefits

- 13.1 Claim for benefits for caring and treatment can be made by hospital or poly-clinic treating the victim or by employer through "**Caring and Treatment Benefit Form** " or is called Form "**3.02**" as stated in **Annex 4** of this Prakas.
- 13.2 Claim of daily severance pay for temporary loss of working ability shall be made by the victim or representative through "**Benefits for Temporary Loss of Working Ability Form**" or is called Form "**3.03**" as stated in **Annex 5** of this Prakas. The claim shall be accompanied by doctor's prescription and letter from official medical doctor.
- 13.3 Claim for benefits for the permanent loss of working ability shall be made by the victim by the Form "**Benefit for Permanent Loss of Working Ability**" or is called "**Form 3.04** " as stated in **Annex 6** of this Prakas. In the case that the victim does not have the ability in claiming for benefits due to severe loss of working ability, the claim can be made through his representative. The victim's representative can be husband, wife, children or individuals who are obliged to directly take care of the victim.
- 13.4 Claim for beneficiary pension and funeral expenses shall be made by the beneficiary of the victim or his representative through "**Beneficiary Pension Form** " or is called "**Form 3.05**" and "**Funeral Contribution Form**" or is called "**Form 3.06**" as stated in **Annex 7 and 8** of this Prakas.
- 13.5 The right to claim for daily severance pay for working accident and funeral contribution shall cease after 1 year. The right to claim for pension shall be ceased after 5 years.
- 13.6 Pension payment shall be made quarterly.

Article 14: Agreement on Claim of Benefits

- 14.1 Benefits for caring and treatment is contented by the National Social Security Fund unless the caring and treatment is conducted in the hospital or poly clinics recognized by the National Social Security.
If caring and treatment is conducted in another hospital or poly-clinic other than those set by the National Social Security Fund, reimbursement shall be made based on the rate set by the National Social Security Fund.
List of price for caring and treatment is set by agreement between the National Social Security Fund and hospital or poly-clinics.

- 14.2 Daily severance pay for temporary loss of working ability shall be approved by the National Social Security Fund unless the claim complies with conditions as stated in article 7, point 7.1, 7.2 and 7.3 of this Prakas.
- 14.3 Benefit for permanent loss of working ability is approved unless the loss of working ability is assessed by qualified doctor or medical committee of the National Social Security Fund according to the table of the level of loss of working ability as stated in **Annex 2** of this Prakas. In the case that the level of loss of working ability is not set in the table above, the medical committee shall assess the level of loss of ability according to medical technique with participation of specialized doctor based on the obvious situations.

Article 15: Inter-Provision

For enterprises having not registered with the National Social Security Fund, benefits for workmen compensation shall continue to carry out according to the regulation of the Labor Law.

Article 16: Final Provision

This Prakas takes into effect from the date of signature.

Phnom Penh, June 16, 2008

Minister
(Signature and Stamp)

Vong Soth

Copied to:

- Ministry of Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the Assembly
- General Secretariat of the Royal Government
- Cabinet of Prime Minister
- Council of Ministers
- Relevant Ministries for Information
- For record and documents

Annex 1 of Prakas No. 109 KB/BrK on the Benefits of Occupational Risks

Table of wage subject to contribution

Level	Total wage (Riel)	Wage subject to contribution (Rile)
1	Less than 200,000	200,000
2	200,001-250,000	225,000
3	250,001 – 300,000	275,000
4	300,001- 350,000	325,000
5	351,001-400,000	375,000
6	400,001-450,000	425,000
7	450,001-500,000	475,000
8	500,001-550,000	525,000
9	550,001-600,000	575,000
10	600,001-650,000	625,000
11	650,001-700,000	675,000
12	700,001-750,000	725,000
13	750,001-800,000	775,000
14	800,001-850,000	825,000
15	850,001-900,000	875,000
16	900,001-950,000	925,000
17	950,001-1,000,000	975,000
18	1,000, 001 and over	1,000,000

Annex 2 of Prakas No. 109 KB/BrK on the Benefits of Occupational Risks

Level of Loss of Working Ability List

Part I

List of Injuries deemed to result in permanent total disablement

No.	Description of Injury	Percentage of Loss of Earning Capacity
1	Loss of both hands or amputation at higher sites	100
2	Loss of a hand and a foot	100
3	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4	Loss of sight to such an extent as to render the claimant unable to perform any work for which eyesight is essential	100
5	Very severe facial disfigurement	100
6	Absolute deafness	100

Part II

List of Injuries deemed to result in permanent partial disablement

No.	Description of Injury	Percentage of Loss of Earning Capacity
Amputation-upper limbs (either arm) cases		
1	Amputation through shoulder joint	90
2	Amputation below shoulder with stump less than 8" from tip of acromion	80
3	Amputation from 8" from tip of acromion to less than 4Vi" below tip of olecranon	70
4	Loss of a hand or of the thumb and four fingers of one hand or amputation from 4 1/2" below tip of olecranon	60
5	Loss of thumb	30
6	Loss of thumb and its metacarpal bone	40
7	Loss of four fingers of one hand	50
8	Loss of three fingers of one hand	30
9	Loss of two fingers of one hand	20
10	Loss of terminal phalanx of thumb	20
Amputation –Lower Limbs Cases		
11	Amputation of both feet resulting in end-bearing stumps	90

12	Amputation through both feet proximal to the metatarso-phalangeal joint	80
13	Loss of all toes of both feet through the metatarso-phalangeal joints	40
14	Loss of all toes of both feet proximal to the proximal inter-phalange joint	30
15	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
16	Amputation at hip	90
17	Amputation below hip with stump not exceeding 5'' in length measured from tip of great trochanter	80
18	Amputation below hip with stump exceeding 5'' in length measured from tip of great trochanter but not beyond middle thigh	70
19	Amputation below middle thigh to 3 1/2 below knee	60
20	Amputation below knee with stump exceeding 3 1/2'' but not exceeding 5''	50
21	Amputation below knees with stump exceeding 5''	40
22	Amputation of one foot resulting in end-bearing	30
23	Amputation through one foot proximal to the metatarsophalangeal joint	30
24	Loss of all toes of one foot through the metatarsophalangeal joint	20
25	Loss of one eye, without complications, the other being normal	40
26	Loss of vision of one-eye without complications or disfigurement of eye-ball, the other being normal	30
27	Permanent total loss of hearing in one ear loss of	20
A. Fingers of right or left hand		
28	Whole	14
29	Two phalanges	11
30	One phalanx	9
31	Guillotine amputation of tip without loss of bone	5
Middle Finger		
32	Whole	12
33	Two phalanges	9
34	One phalanx	7
35	Guillotine amputation of tip without loss of bone	4

Ring or Little Finger		
36	Whole	7
37	Two phalanges	6
38	One phalanx	5
39	Guillotine amputation of tip without loss of bone	2
B. Toes of right or left foot		
Great toe		
40	Through metatarso-phalangeal joint	14
41	Part, with some loss of bone	3
Any other toe		
42	Through metatarso-phalangeal joint	3
43	Part, with some loss of bone	1
Two toes of one foot, excluding great toe		
44	Through metatarso- phalangeal joint	5
45	Part, with some loss of bone	2
Three toes of one foot, excluding great toe		
46	Through metatarso-phalangeal joint	6
47	Through metatarso-phalangeal joint	3
Four toes of one foot, excluding great toe		
48	Through metatarso-phalangeal joint	9
49	Through metatarso-phalangeal joint	3

(Note: The total and permanent loss of any limb use according to this table is considered to have equal value to the loss of that limb.)

Annex 3 of Prakas No. 109 BK/BrK on the Benefits of Occupational Risks

Table of Present Value Multiplier

Age	Multiplier
0	12,222
1	12,305
2	12,364
3	12,398
4	12,408
5	12,398
6	12,369
7	12,324
8	12,263
9	12,189
10	12,104
11	12,010
12	11,910
13	11,806
14	11,700
15	11,593
16	11,485
17	11,376
18	11,266
19	11,156
20	11,045
21	10,932
22	10,818
23	10,704
24	10,587
25	10,470
26	10,351
27	10,230
28	10,108
29	9,983
30	9,857
31	9,728
32	9,596
33	9,462
34	9,326
35	9,188
36	9,048
37	8,906
38	8,762

39	8,616
40	8,468
41	8,317
42	8,164
43	8,009

44	7,852
45	7,692
46	7,530
47	7,366
48	7,200
49	7,032
50	6,862
51	6,690
52	6,516
53	6,341
54	6,164
55	5,986
56	5,807
57	5,627
58	5,447
59	5,265
60	5,083
61	4,900
62	4,717
63	4,534
64	4,350
65	4,169
66	3,990
67	3,817
68	3,648
69	3,481
70	3,316
71	3,153
72	2,996
73	2,842
74	2,693
75	2,547
76	2,406
77	2,270
78	2,138
79	2,011
80	1,888
81	1,771
82	1,658

83	1,550
84	1,447
85	1,348
86	1,255
87	1,166
88	1,081
89	1,001
90	926
91	854
92	787
93	723
94	664
95	608
96	555
97	505
98	459
99	415
100	374
101	333
102	293
103	246
104	174
105	0

Funeral Contribution Form

<p>For NSSF Officer</p> <p>Benefits ID: □□□□/□□</p> <p>Signature:/ /</p>

1. Name of Enterprise:Enterprise ID: □□□□□□□□

2. Address of Enterprise:Street No.....CommuneDistrict.....Pro/City.....

Telephone □□□□□□□□□□ Fax: □□□□□□□□□□ E-mail address:

3. Name of Employee:Employee ID: □□□□□□□□

4. Permanent Address:.....Street No.Commune.....District.....Pro/City

Fax: □□□□□□□□□□ Fax: □□□□□□□□□□ E-mail address:

5. WC No.: □□□□/ □□ Type of accident: Traveling Workplace Occup disease

Date of accident: □□-□□-□□ Time of accident: □□ : □□

day - month- year Hour Minute

Cause of accident:

.....

Date of Death: / / Death Certificate No.:, Issued on: / /

*** Details for Representatives of Funeral Lump Sum Acceptance**

6. Name of Representative:Sex:Date of Birth: / /

Permanent Address:St No.....CommuneDistrictPro/City

Telephone □□□□□□□□□□ Fax: □□□□□□□□□□ E-mail address:

ID No./Passport No.: issued on: / /

I promise the information given is true and accurate.

....., day.....month.....year.....

Signature of Claimant