Chapter I: General Provision

Article 1:
The present law has the purpose of establishing a social security regime for the persons who are subject to the provisions of the labor law in the Kingdom of Cambodia:

1. Pension section in charge of offering benefits for old age, disability and decease.
2. Labor risk section in charge of offering benefits for work-related accidents and occupational illness.

Other sections will be set by subsequent Sub-Decrees based on the real situation of the national economy.

Article 2:
The services to be supplementary to these benefits include activities in the field of health and social affairs set by Sub-Decree.

Article 3:
The social security regime established by this law is secured by the National Social Security Fund abbreviated "NSSF". The National Social Security Fund is a public establishment founded by Sub-Decree in compliance with the Law on General Statute of Public Enterprise promulgated by Royal Kram No. CS/RKM/0696/03 dated June 15th, 1996 and the Royal Decree No. NS/RKT/1297/91 dated December 31st, 1997, on the Juristic Statute of Public Establishment.

Article 4:
The persons to be integrated in the Social Security Regime under this Law, regardless of race, color, sex, belief, religion, political opinion, birth origin, social origin, membership of workers' union or the exercise of union activities, are:

- All workers and employees subject to the Labor Law provisions, if they perform work activities within the territory of the Kingdom of Cambodia for the interest of one or more employees regardless of the Contract type, form and validity, or type and wages they did or received.

- State workers and employees of the public organizations and all staff not subject to the supervision by the Co-Statute of Civil Servants or Diplomatic Statute as well as temporarily appointed agents of public service group.

- Students of professional schools, those assigned to work in training, coordinating and vocational re-educating centers, as well as apprentices shall be regarded as workers and employees as stipulated in paragraph 1 of this article. The formalities for implementing the provisions of this section are set by Prakas of Minister in charge of Social Security Regime.
- Persons performing free professions set by Prakas of Minister in charge of Social Security Regime.
- Workers and employees working temporarily or seasonally. Necessary particular formalities for implementing the provisions of this section are set by Prakas of the Minister in charge of Social Security Regime following an approval of the Technical Council and Board of Directors of the National Social Security Fund.

The composition and functioning of the Technical Council shall be determined by Sub-Decree.

**Article 5:**

1. Any person already integrated into the Social Security Regime for a period of at least six consecutive months and no longer able to fulfill the conditions of the integration in the Social Security Regime of the present law but wishing to voluntarily continue in the pension section, shall apply for it within three months after the date of his termination by the requirements of the integration into this regime.

2. After receiving the opinion from the Technical Council and the Board of Directors of the National Social Security Fund, the Minister in charge of the Social Security Regime shall issue a Prakas fixing the formalities of implementation for insurance on pension section by volunteer as provided by this article.

**Article 6:**

All employers, employees and workers subject to the provisions of this law are obliged to pay contribution to NSSF. The formalities and procedures of contribution payment and benefit reception shall be set in the Sub-Decree on Creation of NSSF as provided in the Article 3 above.

**Chapter II: Pension Section**

**Article 7:**

Benefits of pension section include old age pension, old age allowances, disability pension, pension for dependents, and allowance for dependents.

**Article 8:**

1. The NSSF members of 55 years old are entitled to old age pension, if they have fulfilled the following conditions:

   A. Have registered in the NSSF list for at least twenty years.

   B. Have paid contribution for at least sixty months to the social security regime during the last ten years, counting up to the date of entitlement to the pension.

2. The NSSF members impaired before the age of 55 years old, regardless of spiritually or physically, causing the loss of capacity to perform any paid work, but having fulfilled the conditions mentioned in above paragraph, may ask for anticipatory pension. The formalities of determining and inspecting the impairment before the age of 55 shall be issued by Prakas of the Minister in charge of the Social Security Regime after advised by the NSSF Board.
3. The Old age pension and anticipatory pension are effective on the first day of the calendar month following the date of completely fulfilling the conditions by the concerned person, if he sends the application form to the NSSF within a 12-month period after the above mentioned date. In case the application for pension is made following the foresaid period, the pension will be effective on the first day of calendar month following the date of receiving the application form.

4. 55-year-old members of the NSSF having paid less than sixty (60) months for social security regime and completed all payable work but having not yet fulfilled other conditions to receive the old age pension, shall be entitled to the old age allowance which shall be paid once only.

**Article 9:**
NSSF members who are disabled prior to the age of 55 years old are entitled to the disability pension if the concerned person has fulfilled the following conditions:

A. His name is listed in the NSSF register for at least five years.

B. Have paid contribution for at least six (6) months to the Social Security Regime during the last 12 months up to the date of losing his work capacity due to disability.

**Article 10:**
If the concerned person of old age or disability pension or anticipatory pension sustains death or in case the NSSF member dies on the date when he has fulfilled conditions to receive benefits from the old age or disability pension or has already paid contributions for one hundred and eighty (180) months to the Social Security Regime, the beneficiary of that person is entitled to the pension for dependents.

**Article 11:**
If the NSSF member is not entitled to the disability pension and has not yet paid contribution for one hundred and eighty (180) months for Social Security Regime up to the date of his death, his spouse, whether disabled or not and orphan children shall be entitled to the benefit of allowance for dependents, which is paid once only in an amount not less than the monthly old age pension for that NSSF member.

**Chapter III: Labor Risks Section**

**Article 12:**
An accident is considered to be work-related regardless of the cause, if it happens to a worker/employee working or during the working hour, whether or not the worker was at fault; it is the accident inflicted on the body of the worker, or on an apprentice with or without wage, who is working in whatever capacity or wherever place for an employer or a manager of an enterprise.

Equally, accidents happening to the workers during the direct commute from his residence to the work place or during his return are also considered to be work-related accidents as long as the trip was not interrupted nor a detour made for a personal or non work related reason.

**Article 13:**

1. Illness caused by occupation must be also considered as labor risk. The Minister in charge of the Social Security Regime and the Minister of Health shall issue a joint Prakas
determining a list of occupational illness, attached therewith a list of physical occupations, jobs affected by toxic elements and work performed in abnormal conditions and areas which makes the workers sick, after advised by the Technical Council.

2. These lists shall be revised periodically to progressively improve the technique and promote the awareness of health to be used as bases for preventing occupational illness accidents.

3. Diseases declared as labor risks after the date workers and employees cease working may also allow the victims to receive benefits for labor risks, if the declaration is made within a period fixed in the list of occupational illness as mentioned in the above paragraph 1.

Article 14:

1. Victims of work-related accident, accident occurred during the trip or occupational illness shall immediately inform the employer or his representative of the accident except in case of force major or absolute impossibility or any reasonable cause. In case of death, the obligations shall be performed by the beneficiary.

2. The employer shall inform the NSSF within forty-eight (48) hours at the latest of work-related accident or accident occurred during the commutation or occupational disease inflicted on workers or employees who work in his enterprise. This notification shall be made in accordance with the formalities prescribed in the joint Prakas of the Ministry in charge of Social Security Regime and Ministry of Health at the request of the NSSF Board.

3. Inspection formalities and obligations of victims of work-related accident, accident occurred during the commutation, or occupational illness shall be set by a joint Prakas of the Ministry in charge of Social Security Regime and Ministry of Health.

Article 15:

Benefits of labor risks are:

A. Caretaking and treatment of wound caused by work-related accident, accident occurred during the commutation, or occupational illness, whether or not such accident causes an interruption of work.

B. Daily compensation for work-related accident, accident occurred during the commutation or occupational illness which causes temporary disability.

C. Disability annuity or allowance for work-related accident, accident occurred during the commutation or occupational illness which causes permanent disability.

D. Allowance for funeral expenses and annuity for the victim's survival.

Article 16:

Care and treatment are as follows:

A. Assistance and support for treatment, surgery, dentistry, radiology, laboratory examination and other analysis.

B. Provision of medicines and paramedical equipment.

C. Pecuniary assistance for care to the victim in hospital or elsewhere.
D. Provision, maintenance or repair of prosthetic limbs, or orthopedic required by official physicians or physicians recognized by the NSSF or make esthetical process to coordinate function or professional reeducation.

E. Functional coordination, professional re-education, labor re-classification according to the conditions fixed by Prakas of Ministry in charge of Social Security Regime.

F. Transport of victim from accident place to hospital or residence.

Article 17:
In case of temporary disability duly confirmed by the official physician or physician recognized by the NSSF, the victim has the right to receive daily compensation until he is healed or dies of the wound after a period of treatment. Workers' and employee's daily wages for the first interrupted working days shall be borne by the employer.

Article 18:
After duly confirmed by official physician or physician recognized by the NSSF that the victim has sustained permanent disability; he/she is entitled to receive:

A. Annuity for the permanent disability if the degree of disability is at least equal to twenty per cent (20%).

B. Disability allowance which shall be paid only once, if the degree of disability is less than twenty per cent (20%).

The degree of permanent disability shall be set by Prakas of the Minister in charge of Social Security Regime at the request of the NSSF Board.

Article 19:
When there is labor risk causing the death of the victim, the National Social Security Fund shall grant allowances for funeral cost and annuity for the beneficiary of the victim.

Article 20:
The victim's survivors are all those having the following qualifications:

A. Non-divorced or non-separated spouse with legal marriage recorded in the civil status register before the death of the victim, even the wedding happens after the work-related accident.

B. All dependent children of the victim to be determined by the Sub-Decree regarding the creation of NSSF.

C. Parents or old persons under guardianship and directly taken in charge by victim while the accident takes place.

Article 21:

1. For the NSSF members receiving annuity due to permanent disability in part but suffering labor risk once again, the amount of their new annuity shall be re-considered in being based upon the degree of that new disability. Nevertheless, if in the second accident the victim receives average basic wage higher than before, this wage shall be used as a basis for calculating the new annuity.
2. As for the NSSF member receiving allowances due to disability but suffering a new labor risk which causes the disability of at least twenty per cent (20%), they are entitled to receive annuity according to the degree of their flagrant disability. If the victim, at the time of this last accident, receives average wage higher than the previous one, this wage shall be used as a basis for calculating the annuity.

3. In all cases, the annuity for disability is always considered as temporary fund. The National Social Security Fund shall periodically proceed for medical check for victims receiving the disability annuity.

The victims cannot oppose to the medical check made by the order of the National Social Security Fund.

Article 22:
Within the framework of social and health activities scheme of the NSSF there shall be of prevention of labor risks, for instance labor security and hygiene measures for workers and employees mentioned in the Labor Law and the instructions to apply this law.

Chapter IV: Miscellaneous Provisions

Article 23:
The formalities of employer's participation, the name registration of workers and employees, the contribution payment, the benefit settlement and beneficial services taken in charge by the employer, workers and employees in the functioning of Social Security Regime, are set by Prakas of Minister in charge of Social Security Regime at the request of NSSF Board.

Article 24:

1. The fund for social affairs and health activities of the NSSF is provided by incomes from penalties because of employer's delay in contribution payment and submission of payroll as well as the reserve money deducted in advance from other revenues of the NSSF.

2. The NSSF may use the resources of social affairs and health fund for:
   A. Acting with the purpose of general prevention of work-related accidents and occupational illness, occupational coordination, especially for study and research, and quoting statistics of labor risks and making public to promote and improve preventive measures and professional coordination.
   B. Granting financial assistance or taking part in public institutions or private organizations in social affairs and health field with activities useful for the NSSF members in each section.

Article 25:

1. The duration the NSSF members are entitled to receive benefits is when they receive daily compensation for labor risks or the disability period not longer than six months in case of sickness duly confirmed by official physician or physician recognized by the NSSF or the absent period if normal day off, including the time for travel as mentioned in the Labor Law provision.

2. The word "month" for Social Security Regime means the period a NSSF member has performed his work for at least fifteen (15) days. The Minister in charge of Social
Security Regime shall issue a Prakas setting formalities for implementation in this sector and the conditions to define the term "month" for the Social Security Regime.

Article 26:
Every pension and annuity shall be calculated in accordance with the monthly amount. This monthly calculation shall be fixed according to the situation of the NSSF members on the first day of the corresponding month. The amount of each month shall be increased or reduced at the nearest column of hundred.

The annuity and pension payment will be made quarterly.

Article 27:
1. The right to claim daily compensation for labor risks and funeral allowances shall be no more valid after a one-year period.
2. The right to claim annuity and pension, as well as allowance for old age, disability and decease, shall be no more valid after a five-year period.

Article 28:
Any person receiving annuity due to disability or disability pension, requiring to be looked after, has the right to receive an additional assistance of 50% of the annuity or pension.

Article 29:
No benefit can be transferred or confiscated, except the ones having the same conditions and limitation as those provided in the labor law.

Article 30:
In case of overlapping interest, in pension or in annuity, in compliance with the provisions of this law, the concerned person is entitled to receive the pension or annuity, whichever is the higher.

Article 31:
Disputes or claims relevant to the application of provisions and regulations in the field of Social Security Regime between the NSSF members, employers and the NSSF, which cannot be settled by reconciliation of the NSSF Dispute or Claim Settlement Commission, shall stay under the court authorities where the NSSF members or employers live. The Minister in charge of Social Security Regime shall issue a Prakas to determine the composition and functioning of NSSF Dispute or Claim Settlement Commission.

Article 32:
1. Shall be created a coordination system between each section established by this law and every insurance regime of public sector to ensure validity in the retirement of previously existing services and in the insurance period in case of change of statute or insurance regime of any agent.
2. The formalities of implementing this coordination system shall be set by Prakas of Minister in charge of Social Security Regime.
Article 33:
The National Social Security Fund is exempt from all kinds of tax and duties. However, the fund operation having a commercial character and for the purpose of entirely making profit, shall be taxed in accordance with the law in force.

Chapter V: Penalties

Article 34:
Those who violate the provisions of this law shall be fined or imprisoned or both.

The penalty in cash shall be compulsorily imposed by the NSSF Director.

Article 35:
Fines are set in multiples of the base daily wage. The base daily wage is the minimum one fixed by joint Prakas of Minister in charge of Social Security Regime and Minister of Justice.

Article 36:
Any employer who violates the provision of Article 6 or Article 23 of this law shall be fined from ten (10) days to thirty (30) of the daily wage or, if repeated, the fine shall be from thirty (30) to ninety (90) of the daily wage without prejudice to the penalty for the contribution payment and the fine to be borne by that employer. This penalty shall be imposed equally to the number of persons they employed in conditions contrary to the provisions of this law.

Article 37:
Any employer that illegally withdraws contribution from workers and employees to put it in pension regime by deducting the wage shall be imprisoned from one (1) month to one (1) year and fined in money from one hundred and twenty (120) months to three hundred and sixty (360) days of the base daily wage or one of both.

In the event of a subsequent offense within a three-year period, there shall be an imprisonment from one (1) to five (5) years and fined in money from one hundred and twenty (120) days to three hundred and sixty (360) days of the base daily wage or one of both.

Article 38:
1. Any person that intentionally falsifies documents for the purpose of obtaining benefits for himself or any third party who is not entitled to receive shall be penalized in money from sixty (60) to ninety (90) days of the base daily wage and imprisoned from six day to one month or one of both penalties. This punishment is made without prejudice to other faults committed by such person.

2. In case of repeated offense in a one-year period, the punishment shall be at the maximum; that is, both punishments.

Article 39:
In every case mentioned in articles 36 and 37 above, the Court may order to publish the judgment in newspaper and post it at any designated place. The expenses for this diffusion are in the charge of the offender.
Article 40:

1. Public complaints against offenses perpetrated by employers or their representatives on provisions of punishment mentioned in the aforesaid article 34 shall be limited up to one year, counting from the date of issuing the restrictive letter of fifteen days onward.

2. Civil action for claiming contribution or fine because of delay in payment made by employer shall be limited to five years from the date of issuing the restrictive letter of fifteen days onward without relating to the public complaint or after the duration of public complaint.

Chapter VI: Final Provision

Article 41:
Any provision contrary to the present law shall be deemed null and void.

Made in Royal Palace, Phnom Penh, September 25th, 2002
In the name of and according to the order of the King,
Acting Head of State

Signed and sealed: Chea Sim

PRL 02-09-00288
Have submitted to the King for Signature
Prime Minister
Signed: Hun Sen

Have Submitted to the Prime Minister
Minister of Social Affairs, Labor, Vocational Training
and Youth Rehabilitation
Signed: Ith Sam Heng

No. 197 ChL
For copy and distribution
Phnom Penh, October 02, 2002
Signed and sealed: Nady Tan