



**KINGDOM OF CAMBODIA
NATION RELIGION KING**

**MINISTRY OF LABOUR
AND VOCATIONAL TRAINING
No. 109 LV/PrK.**

**PRAKAS
ON
EMPLOYMENT INJURY BENEFITS**

MINISTRY OF LABOUR AND VOCATIONAL TRAINING

- Having seen the Constitution of Kingdom of Cambodia;
- Having seen Royal Kret No. NS/RKT/0704-124, dated 15 July 2004, concerning the Nomination of Royal Government of Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94, dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0105/003, dated 17 January 2004, promulgating the Law on the Establishment of Ministry of Labour and Vocational Training;
- Having seen Royal Kram No. NS/RKM/0902/018, dated 25 September 2002, promulgating the Law on the Social Security Schemes for Persons Defined by the Provisions of the Labour Law;
- Having seen Royal Kret No. NS/RKT/1297/91, dated 31 December 1997, concerning the Judicial Statute of the Public Administrative Establishment;
- Having seen Sub-Decree No. 20 SD/E, dated 30 April 1996, concerning the Organization and Functioning of Ministry and Secretariat General;
- Having seen Sub-Decree No. 52 SD/E, dated 01 April 2005, concerning the Establishment of Ministry of Labour and Vocational Training;
- Having seen Sub-Decree No. 16 SD/E, dated 02 March 2007, concerning the Establishment of Social Security Schemes
- Reference to the Proposal of the Governing Body of the National Social Security Fund.

HEREBY DECIDED

Article 1. Entitlement of Employment Injury Benefits

- 1.1 All workers of enterprise/establishment registered in the National Social Security Fund are entitled to enjoy the employment injury benefits when the person concerned suffers from the employment injury.
- 1.2 The employment injury consists of workplace accident, commuting accident, and occupational disease.
- 1.3 The regulated benefits of this Prakas are borne by NSSF.
- 1.4 Hospitals, poly-clinics, and general practitioners shall be recognized by NSSF.

Article 2. Notification of Employment Injury

2.1 After gaining the information from workers suffering from work injury or representatives of victims and of employers under the scope of the Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law, the workers or representatives registered in the National Social Security Fund shall inform NSSF about the accident no later than a qualifying period of 48 (forty-eight) hours of working day.

2.2 Informing of the work injury shall be complied with the regulated form in Joint-Prakas between Ministry of Labour and Vocational Training and Ministry of Health.

Article 3. Investigation of Work Injury

3.1 After receiving the work injury report, benefit division or capital/provincial divisions of the National Social Security Fund shall inform the social security inspectors or controllers promptly. The social security inspectors or controllers shall investigate and provide the result of each case to the benefit division as soon as possible.

3.2 As to the complicated cases, the social security inspectors or controllers may request the assistance from specialist or the collaboration from the labour inspectors or controllers. This expense is borne by NSSF.

3.3 As to the commuting accident, the social security inspectors or controllers shall request the information in relation to place, time, and causes of the accident from the witnesses or competent authorities at the scene.

Article 4. Provision of Emergency Service

In the case that the accident occurs in the workplace, employer shall provide emergency service in the nearest health facility and then refer the victim to hospitals or poly-clinics recognized by NSSF. The expense of emergency service and referral for victim is borne by NSSF. As to the commuting accident, the person concerned or employer may claim the compensation for the emergency service from NSSF.

Article 5. Provision of Medical Care Benefits

5.1 The medical treatment of workers suffering from work injury shall be granted in hospitals or poly-clinics recognized by NSSF.

5.2 The workers suffering from work injury are entitled to enjoy the medical care from the hospitals and poly-clinics recognized by NSSF based on the agreement between NSSF and hospitals or poly-clinics involved.

5.3 In the case that the general practitioners in order to buy the medicine or necessary medical kits for medical care as not set forth in the agreement, NSSF may reimburse the victim or representative only if there are right prescription and receipt.

5.4 NSSF shall prepare the list of hospitals or poly-clinics with appropriate medical standards in compliance with the medical regulations with a view to submitting to the Governing Body of NSSF for approval.

Article 6. Calculation of Daily Average Wage

6.1 The average wage is the division of average wage of 6-consecutive-month assumed wage before the date of accident. The assumed wage shall be determined in the table as set forth in **Annex 1** of this Prakas.

6.2 Daily average wage is the division of average wage as set forth in 6.1 by 30 (thirty) days.

6.3 The calculation of average wage regulated in this Prakas is effective for the calculation of the social security benefit only.

Article 7. Provision of Temporary Disability Benefits

7.1 A period of temporary disability is regulated as follows:

- A period of inpatient leave or occupational disease in hospitals or poly-clinics.
- A period of convalescent home leave based on the order of general practitioners.

7.2 A period of temporary disability as set forth in 7.1, the workers suffering from the work injury are entitled to enjoy benefits from NSSF as follows:

- Daily allowance shall be granted as from the second day following the date of accident.
- Caretaker allowance of victim hospitalizing in the hospitals or poly-clinics in the case of the severe accident shall be required to have a caretaker in compliance with the order of general practitioners.

7.3 Daily allowance for temporary disability shall only be granted for the work injury, which requires to hospitalize over 04 (four) days.

7.4 Daily allowance for temporary disability equals 70% of daily average wage. Caretaker allowance in the hospital equals 50% of daily allowance of the victim.

7.5 Daily allowance for temporary disability shall be granted to the victim suffering from the work injury no later than a qualified period of 180 (one hundred eighty) days.

Article 8. Permanent Disability Benefits

8.1 The workers suffering from work injury result in the permanent disability incurred less than 20% are entitled to enjoy disability allowance. This allowance shall only be granted to the victim by calculating as the following formula:

$$LS = DAW \times 70\% \times DD \times 20\% \text{ APV}$$

- LS: Lump Sum
- DAW: Daily Average Wage; DAW = Assumed Wage / 180
- DD: Degree of Disability
- APV: Actuarial Present Value

8.2 The worker suffering from work injury that results in the disability incurred at least equally to 20% is entitled to enjoy permanent disability pension. The total pension for permanent disability shall be calculated as the following formula:

$$P = DAW \times 70\% \times (DD - 1/5 DD) \times APV$$

- P: Disability Pension

8.3 Permanent disability pension shall be always regarded as the temporariness. The National Social Security Fund shall reorganize to examine the health and working capacity of the victim within 1 year at the latest. The victim enjoying pension shall be compulsory to take the medical check-up regulated by the National Social Security Fund.

8.4 The degree of disability shall be regulated in **Annex 2** of this Prakas. APV is determined in **Annex 3**.

Article 9. Additional Allowance for Caretaker of the Victim

The worker suffering from the work injury that results in the 100% permanent disability is entitled to enjoy the additional allowance for their own caretaker. The additional allowance for caretaker equals 50% of pension of the victim.

Article 10. Funeral Grant

In the case that there is a work injury resulting in death, beneficiary shall be granted 1,000,000 (one million) Riels for funeral grant. This allowance shall be provided to the survivor of victim for holding the funeral.

Article 11. Survivors' Benefit

11.1 The Survivor of victim suffering from work injury, as set forth in Article 34 of Sub-Decree No. 16 SD/E, dated March 02, 2007 concerning the Establishment of the National Social Security Fund, is entitled to have the survivors' benefit.

11.2 Survivors' benefit is pension granted to the beneficiary of victim as the following rate:

- a. In the case that beneficiary has spouse, children, parents, or ageing persons

- Spouse = $\frac{3}{5} \times 63\%$ DAW
- Pension for children = $\frac{2}{5} \times 63\%$ DAW
- Pension for parents or ageing persons = 7% DAW
- b. In the case that beneficiary has spouse and children
 - Spouse = $\frac{3}{5} \times 70\%$ DAW
 - Pension for children = $\frac{2}{5} \times 70\%$ DAW
- c. In the case that beneficiary has only parents or ageing persons
 - Pension for parents or ageing persons = 28% DAW
- d. In the case that beneficiary has children, parents, or ageing persons
 - Pension for children = 28% DAW
 - Pension for parents or ageing persons = 28% DAW
- e. In the case that beneficiary has spouse, parents, or ageing persons
 - Spouse = 28% DAW
 - Pension for parents or ageing persons = 28% DAW

11.3 The beneficiary as a spouse of the victim shall have marriage certificate. The entitlement of pension for the beneficiary, as a spouse, shall be expired in the case that the spouse engages in the new marriage. In the case of remarriage, the spouse concerned shall inform NSSF no later than a qualifying period of 30 (thirty) days following the date of applying for marriage certificate. The failure of informing about their own marriage certificate, the spouse concerned shall be fined as set forth in Article 38 of the Law on the Social Security Schemes for Persons Defined by the Provisions of the Labour Law.

11.4 The beneficiary as children shall comply with conditions as set forth in 34.1 of Article 34 of Sub-Decree No. 16 SD/E, dated March 02, 2007.

11.5 The pension entitlement of beneficiary shall be abolished when the beneficiary passes away.

Article 12. Rehabilitation Services

12.1 The worker suffering from work injury result in the permanent disability is entitled to have prosthesis limb in compliance with the order of doctor or medical practitioner recognized by NSSF.

12.2 The worker suffering from work injury that results in the permanent disability is entitled to access rehabilitation services in compliance with the partly regulated conditions in Prakas of Ministry of Labour and Vocational Training.

Article 13. Benefit Claim

13.1 The benefit claim for the medical care shall be granted directly to the victim or worker through Form “**Medical Care Benefit**” or Form “**3.02**” as set forth in **Annex 4** of this Prakas.

13.2 The daily allowance claim of for temporary disability shall be done by the victim or representative through Form “**Temporary Disability Benefit**” or Form “**3.03**” as set forth in **Annex 4** of this Prakas. Form of this claim shall be attached herewith to the prescription and official letter issued by the medical practitioners.

13.3 The benefit claim for permanent disability shall be done by the victim through Form “**Permanent Disability Benefit**” or Form “**3.04**” as set forth in **Annex 6** of this Prakas. In the case that the victim cannot claim the benefit in view of the serious disability, this claim shall be done by the representative of victim. The representative can be spouse, children, or person who is a caretaker of victim.

13.4 The claim of survivors’ benefit and funeral grant shall be done by the beneficiary of victim or the representative through Form “**Survivors’ Benefit**” or Form “**3.05**” and Form “**Funeral Grant**” or Form “**3.06**” as set forth in **Annex 7** and **8** of this Prakas.

13.5 The entitlement of claiming daily allowance for work injury and funeral grant shall be validated by 1 year. Separately, the entitlement of pension shall be validated by 5 years.

13.6 Pension shall be provided every trimester.

Article 14. Approval for Benefit Claim

14.1 The medical care benefit shall be approved by NSSF only if the medical care services are accessed in the hospitals or poly-clinics recognized by NSSF.

Only if the medical care services are accessed in the hospitals or poly-clinics not signed the agreement with NSSF, the compensation payment shall be calculated by the regulated rate of NSSF.

Cost table of the medical care services shall be prescribed by the agreement between NSSF and the hospitals or poly-clinics.

14.2 The daily allowance for temporary disability shall be approved by NSSF only the claim is complied with the conditions as set forth in Prakas 7 (7.1, 7.2, and 7.3) of this Prakas.

14.3. The permanent disability benefit shall be agreed only if the disability shall be assessed from the medical practitioners or medical commission of the National Social

Security Fund in accordance with the table of disability degree as stated in **Annex 2** of this Prakas. In the case of disability degree is not set forth in the above table, the medical commission shall evaluate the degree of disability in conformity with the medical technical standards and each actual situation participated by the medical practitioners.

Article 15. Transitional Provisions

The enterprises/establishments have not yet registered in NSSF, the provision of employment injury benefits shall continue to implement in compliance with the Provisions of the Labour Law.

Article 16. Final Provisions

This Prakas shall come into force from the signed date.

Phnom Penh, May 19, 2008

Minister of Labour and Vocational Training

Vong Soth

CC:

- Ministry of Royal Palace
- Secretariat General of the Constitutional Council
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Secretariat General of the Royal Government
- Cabinet of Samdech Prime Minister
- The Office of the Council of Minister
- Relevant Ministries “For Information”
- Document/Archives