



National Social Security Fund

Documentation

**Royal Kram/Royal Kret
Sub-Decree/Inter-Ministry Praskas/
Decision**

**(Internal Documents)
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I

Royal Kram

Law
on
the Social Security Schemes for Persons
Defined by the Provisions of the
Labour Law



Royal Code

We,

His Majesty Prince Norodom Sihanouk

The King of the Kingdom of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Kret No. NS/RKT/1198/72 dated 30 November 1998 on the Nomination of the Royal Government of Cambodia
- Having seen the 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 the Royal Kram No. NS/RKM/0699 dated 17 June 1999 Promulgating the Law on the Establishment of the Ministry of Social Affairs, Labour and Vocational Training, and Youth Rehabilitation
- Referring to Reference by Samdech Prime Minister of Cambodian Government and Minister of the Ministry of Social Affairs, Labour Vocational Training, and Youth Rehabilitation

PROMULGATION

Law on the Social Security Schemes for persons defined by the provisions of the Labour Law adopted by the national assembly dated 15 April 2002 at 8th plenary meeting, 2nd legislature which the senate agreed with the forms and thoughts of the whole Law without any correction dated 05 September 2002 at the 7th plenary meeting, 1st legislature.

The Law includes:

Chapter I

General Provisions

Article 1

This Law aims at organizing the Social Security Schemes for persons defined by the provisions of the Labour Law of the Kingdom of Cambodia as follows:

1- Pension scheme is in charge of providing old age benefit, invalidity benefit and survivors' benefit.

2- Occupational Risk is in charge of providing the work injury and occupational disease benefit.

The other contingencies shall be subsequently determined by Sub-Decree base on the actual situation of the national economy.

Article 2

The services supplement the benefits including health and social activities, shall be determined by Sub-Decree.

Article 3

The Social Security Schemes prescribed by this Law shall be under the management of the National Social Security Fund. This National Social Security Fund has its acronym "NSSF". The National Social Security Fund is the public establishment which is formulated by Sub-Decree in accordance with Royal Kram N° CS/RKM/06561/03 dated June 15, 1996 promulgated the Law on the General Statute of Public Enterprises and Royal Decree No. NS/RKT/ 1297/91 dated December 31, 1997 on the Judicial Statute of Public Establishments.

Article 4

Persons covered by the Social Security Schemes in this Law regardless of nationality, race, sex, belief religion, political opinion, national extraction, social origin, membership of trade union or act in trade union are:

- All workers defined by the provisions of the Labour Law, if those persons perform work in the territory of the Kingdom of Cambodia for the benefit of an employer or employers, regardless of nature, form and validity of the contract done or kind and amount of the wage received by the person thereof.

- State workers, public workers and every personnel who are not governed by the Common Statute for Civil Servants or by the Diplomatic Statute as well as officials who are temporarily appointed in the public service.

- Trainees, person who is attending for rehabilitation center and apprentice shall deem as workers providing in paragraph 1 of this article. Prakas of the Ministry in charge of the Social Security Schemes shall determine terms of implementation of these provisions.

- Persons work in self-employed profession. Prakas of the Minister in charge of the Social Security Schemes shall determine provisions in this paragraph.

- Seasonal or occasional workers. Prakas of the Minister in charge of the Social Security Schemes shall determine other particular necessary terms of implementation of the provisions after consulting with the Technical Council and the Governing Body of the National Social Security Fund.

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

Article 5

1- Any person with contributory membership of the Schemes for a period of six consecutive months, and no longer fulfill the compulsory conditions for joining the Social Security Schemes of this Law, but wishes to voluntarily continue in the pension scheme may do so. They shall apply for continued membership on a voluntary basis within three months follows the date of termination of compulsory membership, or loss of status as a compulsory member.

2- On receipt of the consultation from the Technical Council and the Governing Body of the National Social Security Fund, the Minister in charge of the Social Security Schemes shall issue Prakas determine the terms of implementation for the voluntary pension scheme providing in this article.

Article 6

Employers and workers covered by this Law shall be compulsory to pay contribution to NSSF. Terms and procedures of payment of the contribution and the entitlement of benefits shall be determined by Sub-Decree on the formulation of NSSF as specified within article 3.

Chapter II

Pension Scheme

Article 7

The benefits of the pension scheme include old age pension and allowance, invalidity pension, survivors' pension and allowance.

Article 8

1- Each NSSF member who is 55 years of age is entitled to the old age pension provided that he or she has fulfilled the follows conditions:

a- To be registered in NSSF in a period of at least twenty years.

b- To pay in contribution at least for sixty qualifying months for the Social Security Schemes during the period of last ten years up to the date of eligibility of the pension.

2- Each NSSF member who has fulfilled such conditions specified within the precedent paragraph and reach a premature worn state, whether mental or physical, before the age of 55 that cause loss of earning capacity, may request to have an early pension. Terms of findings and examination of the premature worn state before the age of 55 shall be issued by Prakas of the Minister in charge of the Social Security Schemes after consulting with NSSF Governing Body.

3- Old age and early pensions come into force at the first day of calendar month follows the date that the person concerned has duly fulfilled the conditions already; provided that he or she has applied to NSSF within the period of 12 months after the above mentioned date. In case of the application form for the pension has submitted after the above mentioned date, it will come into force at the first day of the calendar month follows the date of receipt of the claim.

4- Each NSSF member who is 55 years of age has paid contribution less than 60 qualifying months for the Social Security Schemes and has finished all wage-related works, but has not fulfilled other conditions in order to get the old age pension is entitled to have the old age allowance which shall be paid as a lump sum.

Article 9

NSSF member who becomes disabled before the age of 55 is entitled to have invalidity benefit provided that the person concerned has fulfilled the follows conditions:

a- Being registered in NSSF at least for five years.

b- Having fulfilled six qualifying months for the Social Security Schemes within the last 12 months up to the date of beginning of the incapacity leading to the invalidity.

Article 10

In case of the death of any holder of the old age or invalidity or early pension, as well as in case of the death of any NSSF member who, at the date of his or her death, has fulfilled required conditions for getting the old age or invalidity pension or has already proved one hundred eighty qualifying months for the Social Security Schemes, the beneficiaries shall be entitled to get the survivors' pension.

Article 11

If any NSSF member who may be not entitled to an invalidity pension as well as has not yet justified one hundred eighty qualifying months for the Social Security Schemes up to the date that she/he died, husband or wife, whether disabled or not, and also orphanage of the person concerned shall be entitled to enjoy the survivors' allowances that shall be provided as a lump sum in the amount of not less than monthly old age pension for NSSF member hereof.

Chapter III

Occupational Risk

Article 12

An accident is considered to be the employment injury, the accident inflicted on the body of the worker, regardless of the cause, if it happens to a worker working or during the working hours, whether or not the worker was fault; it is the accident inflicted on the body of the worker or an apprentice with or without wage, who is working in whatever capacity or whatever place for an employer or manager of an enterprise.

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

Article 13

1- Occupational disease is also considered as the Occupational Risk. The Minister in charge of the Social Security Schemes and the Minister of Health, after consulting with the Technical Council, shall issue a Joint Prakas concerning identification of the occupational disease list vis-à-vis with list of employment regarding to physical work, exposure to toxic substances and other employment performs in insalubrious conditions or areas in which cause various diseases.

2- This list shall be revised periodically for advance technical improving and promoting the medical awareness as basis means preventing the occupational diseases.

3- A disease declared as the Occupational Risk after the date that worker stopped working, is also pave the right for the victim has the Occupational Risk benefit, if the declaration is done during the period shown in the occupational disease list as prescribed in the paragraph 1 of this article.

Article 14

1- A victim caused by the employment injury or commuting accident or occupational disease shall promptly inform to employer or employer's representative about the accident inflicted on his/her except in the event of force majeure or incomplete accessibility or has other thoughtful reasons. The beneficiaries, if there is a fatal accident, shall carry out such obligation.

2- Employers shall notify to NSSF within the period of less than forty-eight hours about the employment injury or commuting accident or occupational disease inflicted on workers working in their enterprises. This notification shall be made through the modality, which determined by Joint Prakas of the Ministry in charge of the Social Security Schemes and the Ministry of Health as proposed by the Governing Body of NSSF.

3- The method of investigation and duty of the victim of the employment injury or commuting accident or occupational disease shall be determined by Joint Prakas of the Ministry in charge of the Social Security Schemes and the Ministry of Health.

Article 15

Benefits for the Occupational Risk are:

a- Medical care services are for the Occupational Risk caused by the employment injury or commuting accident or occupational disease whether the accident interrupt the work or not.

b- Providing daily allowance for the employment injury or commuting accident or occupational disease causing temporary disability.

c- Providing disabled pension or allowance for the employment injury or commuting accident or occupational disease causing permanent disability.

d- Providing funeral benefits and survivors' pension.

Article 16

Medical care services are as follows:

a- Medical treatment, surgery, and dentistry as well as X-ray photograph, laboratory examinations and other analysis.

b- Supplying pharmaceutical and incidental products for treatment.

c- Providing allowance for victim caring in hospital or other places.

d- Supply, maintenance and repair of prostheses limbs or orthopedic necessities that required by a doctor designated or recognized by NSSF or any kind of improving work rehabilitation or vocational retraining.

e- Work rehabilitation, vocational retraining, job reclassifying base on the conditions fixed by Prakas of the Minister in charge of the Social Security Schemes.

f- Transport of the victim from accident site to the treatment places or his/her residence.

Article 17

In case of temporary disability, with duly confirmation from doctor designated or recognized by NSSF, the victim is entitled to have daily allowances. The daily allowances shall be given to the victim until the injury recovered or until the victim death resulting from the injury after treatment for a period of time. The daily wage of the worker for the first absent day work is payable by the employer.

Article 18

A disability, which shall be duly certified by the doctor designated or recognized by NSSF that it is a permanent disability the victim is entitled to:

a- The permanent disability pension when the degree of disability incurred at least equally to twenty percent "20%".

b- The disability allowance that shall be provided as a lump sum if the degree of the disability incurred less than twenty percent "20%".

The degree of permanent disability shall be determined by Prakas of the Minister in charge of the Social Security Schemes follows a proposal of the Governing Body of NSSF.

Article 19

When having the Occupational Risk and causing the victim died, the National Social Security Fund shall provide the funeral benefits and pension for survivors of the victim.

Article 20

Survivors of the victim are those who have the follows criteria:

a- Not divorced or separate wife or husband with legitimate married, registered by vital records office before the accident or before the victim died whether the marriage got after the accident.

b- All children under the victim charge shall be determined by Sub-Decree on the establishment of NSSF.

c- Parents or ageing persons who are under the tutelage and direct charge of the victim during the accident.

Article 21

1- NSSF member who received the pension of the permanent partial disability, but has new Occupational Risk shall be recalculated the amount of new pension base on the degree of the new disability. Nevertheless, if in this last accident, the victim gets higher average base wage, shall take this wage as means of calculation of the new pension.

2- NSSF member who is receiving disabled allowance, but has new Occupational Risk causing disability, with the degree at least twenty percent, the person is entitled to disabled pension base on his/her actual degree of disability. If the last accident, the victim receives higher average base wage, shall take this wage as for calculating the new pension.

3- Disabled pension, generally, shall be always reviewed. The National Social Security Fund shall organize an advance medical check-up for the victim who received the disabled pension.

The victim cannot oppose to the medical check-up conducted as ordered by the National Social Security Fund.

Article 22

In the coverage of the health and social action program, NSSF shall organize the Occupational Risk prevention such as occupational health and safety for workers and employees that set forth in the Labour Law and its implementing rules.

Chapter IV

Common Provisions

Article 23

The method of participation of employer, workers registration, contribution payment, computing benefit and benefit service under the liability of employers and workers in the functioning of the Social Security Schemes, shall be issued by Prakas, with the proposal of the Governing Body of NSSF, of the Minister in charge of the Social Security Schemes.

Article 24

1- NSSF health and social action program fund shall be granted by fine resulting from the late payment of the contribution of the employer and late submitting the payroll ledger and the deduction in advance from other NSSF income.

2- NSSF shall consume health and social action funds for:

a- Activity of general prevention, employment accident and occupational diseases, vocational rehabilitation, research and compiling Occupational Risk statistics and campaign to promote the improvement of prevention and vocational retraining.

b- Granting financial assistance or participating with the public or private organizations in the area of health and social action program that is important activity for NSSF member of each sector.

Article 25

1- The similar duration that allowed NSSF member to receive benefits is any duration that the member has received Occupational Risk daily allowance or the disabled duration not more than six months in case of illness with proper confirmation from a designated or recognized doctor by NSSF or duration of absence in normal leave including traveling duration set forth in the Labour Law.

2- The term "qualifying month" for the Social Security Schemes is the month that NSSF member has fulfilled the job of at least fifteen days. The Minister in charge of the Social Security Schemes shall determine the method of implementation for this section and also conditions for determining on "qualifying month" for the Social Security Schemes.

Article 26

Pension shall be calculated based on the monthly amount. This monthly calculation shall be determined according to the position of NSSF member in the first day of the calendar correspondent month. Each monthly amount shall be rounded off to the lower or upper hundred Riels.

The payment of pension shall be performed in every quarter.

Article 27

1- Right to demand for the Occupational Risk daily allowance and funeral allowance shall be prescribed within the period of one year.

2- Right to demand for pension, old age and invalidity allowance, and survivors' benefit shall be prescribed within the period of five years.

Article 28

Any person who received disabled pension or invalidity pension that required a person to look after is entitled to receive additional 50 percent of the pension thereof.

Article 29

All benefits shall be non-transferable or non-seizable except in the condition and limitation as same as wage transfer or seize set forth in the Labour Law.

Article 30

In the event of accumulation of two pensions, whether disabled or old age, subject to the provisions of this Law, the beneficiary is entitled to receive which pension that its amount is highest.

Article 31

Dispute or complaint relating to the implementation of the provisions and regulations concerning the Social Security Schemes between NSSF member, employer and NSSF that cannot be solved through conciliation by the Committee for Conciliation of Dispute or Complaint of NSSF shall be under the authorization of a court of Law, which NSSF member or employer live in. The Minister in charge of the Social Security Schemes shall issue Prakas determining the composition and the formulation of the Committee for dispute settlement of NSSF.

Article 32

1-To create a coordinated system between the old age service which established by this Law and all public insurance schemes with a view to validate retirement, the previous services and the period of insurance in the event of changing their status and schemes of the broker.

2-Prakas of the Ministry in charge of the Social Security Schemes shall determine the method for implementing this coordinate system.

Article 33

The National Social Security Fund shall not be liable to taxes and duties. However, the operation of this fund that is characteristic as business or trade with a view to thoroughly reach profit shall be liable to taxes.

Chapter V

Penalties

Article 34

The violation of the provisions of this Law shall be fined or imprisoned or both.

NSSF Director imposes fines.

Article 35

Fines are set in multiples of the base daily wage. The base daily wage is the minimum wage set by a Joint Prakas of the Minister in charge of the Social Security Schemes and the Minister of Justice.

Article 36

The violation of the provisions of articles 6 or 23 of this Law are liable to a fine of ten to thirty days of the base daily wage, or in case of committing the subsequent offence shall be liable to a fine of thirty to ninety days of the base daily wage in exclusion on the punishment relating to contribution dues and other process for which shall be born by the employer thereof. This fine shall be applied as many as times that workers employing in the conditions in contrary to the provisions of this Law.

Article 37

Any employer who has retained wrongfully workers' contributions to put in the pension scheme by deducting from their wages shall be penalized for imprisonment of one month to one year and a fine of one hundred twenty to three hundred sixty days of base daily wage or shall be penalized for any of both punishments.

In case of a committing subsequent offence in the period of three years shall be penalized for imprisonment of one to five years and a fine of one hundred twenty days to three hundred sixty days of base daily wage or shall be penalized for any of both punishments.

Article 38

1- Any person who willfully falsifies documentation in order to be entitled to benefit that he or she or his/her beneficiary is not eligible to, shall be penalized for a fine of sixty to ninety days of base daily wage or an imprisonment of six days to one month or shall be penalized for any of both punishments. The above punishment shall be imposed notwithstanding the other faults if that person committed them.

2- In case of a committing subsequent offence in the period of one year shall be penalized at the maximum. That is both punishment shall be applied.

Article 39

In all cases prescribed in articles 36 and 37 the court of Law may order to publish the verdict by any kind of media and post up at various fixed places. The published cost shall be liable by the offender thereof.

Article 40

1- Public action resulting an offence of the employer or his/her representative against the provisions punished by article 34 above shall be prescribed, when one full year had passed, after fifteen days of issuing the formal notice.

2- Civil action for the contribution collection or process allowance collection due by an employer shall be prescribed, when five full years had passed, after fifteen days of the date issuing the formal notice, regardless of proceedings or after extinguishments of the public action.

CHAPTER 6
FINAL PROVISIONS

Article 41

Provisions contrary to this Law shall be abrogated.

In the name of the King and by the Royal Order
The Royal Palace, Phnom Penh, 25 September 2002

CHEA SIM
Acting Head of State

The Cabinet of King

Royal Kram

Royal Kram CS/RKM/0696/03

We

His Majesty Prince Norodom Sihanouk

The King of the Kingdom of Cambodia

- Having seen the 1993 Constitution of the Kingdom of Cambodia
- Having seen Royal Kret dated November 1, 1993 on the Nomination of the Royal Government of Cambodia
- Having seen Royal Kret dated September 24, 1993 on the Nomination of the First Prime Minister and the Second Prime Minister of the Royal Government of Cambodia
- Having seen Royal Kram No. 02 NS-94 dated July 20, 1994 on the Organization and Functioning of the Council of Ministers
- Having seen Royal Kret No. NS-RKT 1094-83 dated October 24, 1994 on the Modification of the Composition of the Royal Government of Cambodia
- Having seen Royal Kret No. NS-RKT 1094-90 dated October 31, 1994 on the Modification of the Composition of the Royal Government of Cambodia
- Having seen Royal Kram No. NS-RKT 0196-18 dated January 24, 1996 on the Creation of the Ministry of Economy and Finance
- Upon the Proposition of the two Prime Ministers, the State Minister, and the Minister of Economy and Finance.

PROMULGATION

The Law on the General Statute of Public Enterprises, adopted by the National Assembly of the Kingdom of Cambodia on May 22, 1996, during the 6th session of the first legislature, the text of which appears below:

CHAPTER 1

GENERAL PROVISIONS

Article 1

The purpose of this Law is to govern the public enterprise sector and to define conditions applicable to its legal status, functioning and control.

Article 2

The public enterprise is an enterprise that all or most of its capital belongs to the State. The public enterprises has its mission to enable the country's economic and social development, namely to increase the value of natural resources and to create professions.

Article 3

The public enterprise sector consists of:

- Public establishments with economic characteristics
- State companies
- Joint ventures in which the State directly or indirectly hold more than 51% of the capital or the right to vote.

Article 4

The public enterprises are the legal entities with financial autonomy.

The Council of Administrations of the public enterprise, hereinafter called Council, is the highest Governing Body of the public enterprise that fulfills its function with full autonomy. Number of the Council's members shall not exceed seven.

Unless otherwise stipulated under the provisions of this Law, the management in all fields of public enterprises shall be in accordance with principles and procedure of the Law on commercial company.

Article 5

The public enterprises shall be under the common legal system of tax and duty, unless otherwise stipulated in the Law.

Article 6

The public enterprises shall be under the technical responsibility of a Ministry or public Authority depending on the type of the enterprise's activities.

Article 7

The public enterprises shall be under:

- the State control as specified in section 3, chapter 2 of this Law.
- the financial control and inspection of concerned ministries or institutions.

Article 8

Personnel who work for the public enterprises shall be subject to a separate statute, decided by the Council of Administrations of the enterprises.

CHAPTER II

GENERAL PROVISIONS FOR PUBLIC ENTERPRISES

Section 1

Duties and Functioning of the Council of Administrations

Article 9

Among the seat of the members of the Council of Administrations there shall be one seat reserved for the representative of the employees of the public enterprise who shall be selected from and by the employees of the public enterprise.

Article 10

The Council of Administrations delegates necessary power to the President of the General Managers or the General Manager to the daily routine operation of the enterprise, but this delegation of power is not a delegation of responsibilities of the Council.

The function of the President Director General, Director General, or member of the Council of Administrations is incompatible with the function of member of the National Assembly and the Royal Government.

Article 11

The Council of Administrations determines the objectives and controls the management of the enterprise, and to insure the rationality and effectiveness of the organization and functioning of the public enterprise.

In order to fulfill this function, the Council of Administrations, namely, has the follows duties:

- decide on the development project of the enterprise
- periodically evaluate, the result achieved and set forth adjusting measures for the implementation.
- decide on the proposed budget for the functioning of investment and financing scheme
- adopt the balance and management of various accounts
- determine the organizational structure of the enterprise, the statute of the personnel and the salary system.
- adopt the public bidding

Article 12

The Council of Administrations shall meet at least once in three months to discuss the issues listed in the agenda. This agenda shall be notified at least 10 days in advance to all members of the Council, State controllers and the responsible Ministry or Authority.

The Council of Administrations shall manage to finalize the minutes within 10 days after the meeting.

Article 13

Unless stipulated in the provisions of the statute or regulations relating to the organization of any public enterprise, the Council of Administrations may hold a valid meeting only when the majority of its members attend. The President of the Council is entitled to cast a deciding vote in case of a tie.

Article 14

Every year, the Council of Administrations shall decide on the 30th of September, the latest, the proposed budget for the functioning and the investment as well as the financing scheme.

These documents shall be approved by the responsible Ministry or Authority, after an agreement from the Ministry of Economy and Finance, within a maximum period of 2 months from the date on which the documents has reached the responsible Ministry or Authority.

Article 15

The Council of Administrations shall decide on the annual activity report, the balance, and the managing accounts as well as annexing documents within three months after the closing of the accounting book.

Section 2

The Obligation of Public Enterprise

Article 16

The public enterprises shall send the follows documents to the Council of Ministers, the Ministry of Economy and Finance and the responsible Ministry or Authority:

- minutes of the meeting of the Council of Administrations
- budget for the functioning of investment
- report on the activities, balance, management accounts as well as annexing documents
- report on the audit of various accounts.

Every finalized document shall be sent to the destination within a period not later than 15 days.

The responsible Ministry or Authority has one month to make a challenge, if necessary. The Council of Administrations shall be given with the content of the challenge at the next meeting in order that it can take measures.

In cases that the Council does not agree with the challenge of the responsible Ministry or Authority, the Council shall provide reasons of that rejection and shall immediately inform the responsible Ministry or Authority.

Article 17

The accounts of the public enterprise shall be audited by the accounting expert, in accordance with conditions and procedures determined by Sub-Decree.

Article 18

The acquisition by public enterprise shall be done in accordance with conditions determined by the Ministry of Economy and Finance.

Article 19

The measures, the implementation and the control of the bidding shall be determined by Sub-Decree.

Section 3

The Control of Public Enterprise

Article 20

The responsible Ministry or Authority shall economically control the enterprise through its representative sitting in the Council of Administrations. This economic control shall be done to insure that decisions made by the Council are in conformity with the objectives of the Royal Government or in conformity with the instructions of the responsible Ministry or Authority.

Article 21

State controllers are attached to each public enterprise and shall be in control of the follows activities:

- fulfillment by the public enterprise of obligation stipulated the Laws and regulations in effect.
- implementation of decision of the Council of Administrations.
- follow-up on the functioning and evolution of the enterprise.
- regularities of activities which may affect the financial situation of the enterprise.

Article 22

The State controller is appointed and removed by Sub-Decree follows a request of the Ministry of Economy and Finance.

The State controller is selected from amongst the officials of the Ministry of Economy and Finance who are fulfilling public function at least for five years.

The State controller shall perform his/her duty follows the instructions of the Ministry of Economy and Finance, and shall regularly report to the Ministry on the fulfillment of the duty.

Article 23

The State controller shall attend the meeting of the Council of Administrations, has the right to provide consultation, and is regularly invited to attend the congress.

The State controller shall provide opinion on issues listed in the agenda of the meeting of the Council of Administrations. To fulfill this task, the State controller can ask for information or get access to documents or registers that are available at the enterprise.

Article 24

The State controllers may challenge against the taking of any measures, if he/she sees it inconsistent with the Law and practice which affect the rights and interest of the enterprise or the State, or inconsistent with the enterprise's objectives.

Article 25

The challenge of the State controller shall be informed in writing to the Council of Administrations at its meeting within three working days, after the Council meeting.

The State controllers shall immediately report the Ministry of Finance, the responsible Ministry or Authority on the challenge against the decision of the Council of Administrations. Within four days after the challenge of the State controllers, if the Ministry of Economy and Finance or the responsible Ministry or Authority does not justify it, by annulment or modification order, this decision shall be deemed valid.

CHAPTER III
PARTICULAR PROVISIONS
ON DIFFERENT TYPES OF PUBLIC ENTERPRISE

Section 1

Public Institutions with Economic Characteristics

Article 26

The public institutions with economic characteristics are public legal entities whose financial management is autonomous. These institutions produce goods or sell services for the marketplace.

Article 27

The institutions with economic characteristics are created by Sub-Decree follows a joint proposal by the Ministry of Economy and Finance and the responsible Ministry or Authority. This Sub-Decree determines namely their duties, capital, responsible Ministry or Authority composition of the Council of Administrations, administrative and financial management, rules of operations of the establishments.

Article 28

The public institution with economic characteristics is led by a President Director General who is at the same time President of the Council and a General Manager, and whose function is under the supervision of the Council of Administrations.

The role of the Presidents of the Council of Administrations may be separated from the role of the General Manager. In this case the Executive Direction of the institution shall be led by the General Manager.

Article 29

The President Director General or the General Manager is appointed by Sub-Decree follows the proposal by the responsible Ministry or Authority of the said public institution. The other members of the Council of Administrations are appointed by Sub-Decree follows the proposal by the Ministry or Authority whose representation is in the Council, and under the conditions specified in Article 43 of this Law.

Section 2

State Company

Article 30

The State Company is the one whose total capital comes from the State.

Article 31

The State Company is created by Sub-Decree follows a joint proposal by the Ministry of Economy and Finance or the responsible Ministry or Authority. This Sub-Decree specifies namely the objective, legal status, responsible Ministry or Authority, applicable system of control, and the composition of the Council of Administrations.

Article 32

The Ministry of Economy and Finance is responsible to fill in the procedure of the establishment of the company by:

- preparing the statute of the company with the agreement from the responsible Ministry or Authority.
- conducting the commercial registration.
- fill in all forms according to the principle and procedure provided for under the Law on Commercial company.

Article 33

Unless otherwise provided for in this Law, the statute of the Sate Company specifies namely the amount and the nature of the shares, administrative and financial organization, and the rules of operations of the company.

Article 34

Notwithstanding any principles or procedures in the Law on Commercial Company, the power of the General Assembly of the State Company is granted to the Council of Administrations.

Article 35

The initial capital and the adjusted shares of the State Company shall be generated in accordance with provisions stipulated in the Law on the financial system and the financial Laws in force.

Article 36

The President General Director or the General Manager is appointed by Sub-Decree follows the proposal by the responsible Ministry or Authority. The other members of the Council of Administrations are appointed by Sub-Decree follows the proposal by the Ministry or Authority whose representation is in the Council of Administrations, and under the conditions specified in Article 43 of this Law.

Section 3

Joint Venture

Article 37

The public participation is the part of the capital of the Joint Venture owned by the State, public institution, or by the Sate Company.

Article 38

The Joint Venture is created under the principles and procedures specified in the Law on Commercial Company in which the capital is jointly owned by a State legal entity or private natural person, or the State legal entity.

If the public participation is more than 51% of the capital or the right to vote, the Joint Venture is considered as a public enterprise.

Article 39

The Ministry of Economy and Finance insures the administrative aspect of the public participation.

Article 40

The financial operations of public participation are realized in accordance with provisions specified under the Law on the Financial System and the Financial Laws in force.

Article 41

Notwithstanding any provisions of the Law on the commercial company, the State, the public establishments and the State are dispensed from the obligation to deposit their security shares for guaranteeing their representation in the Council of Administrations of the participating enterprise.

Article 42

The representatives of the State, public establishment or the State Company in the Council of Administrations of the Joint Venture are appointed by Sub-Decree follows a proposal by the Ministry of Economy and Finance.

The Administrators representing the Sate Company are appointed by decision of the Council of Administrations of the said company, after an agreement of the Ministry of Economy and Finance.

Article 43

The representatives of the State, public establishment and the State company in the Council of Administrations of the Joint Venture, are selected based on their personal merits and experience, or selected from among the public officials working at least for five years or retired but not over 65 years old, or from among Khmer dignitaries who have competent in Economy, Laws or sciences.

Those representatives are dispensed from the obligation to deposit security money for their function in the Council, but they cannot have any share in the enterprise.

Article 44

The civil liabilities of those representatives in the fulfillment of their duties shall fall under the State, public establishment and the State Company, but they shall personally be liable for any criminal offense.

Article 45

The public officials who used to represent the State, public establishment or State company are prohibited to hold any position in the enterprise that they had involved with their function before the expiring period of three years, counting from the date of their termination of the work, unless otherwise particularly authorized by the Minister of the Ministry of Economy and Finance.

Article 46

There shall be a special representative of the State in the General Assembly of the Joint Venture. This special representative is incompatible with a position as General Manager of the said enterprise.

Article 47

The special representative has the duty to protect the interest of the State in the ordinary and extraordinary General Assembly; and has the right to vote on behalf on the party “State”.

Article 48

The special representative is selected from amongst the public officials who have been working for five years at least. The special representative is appointed by Parkas of the Minister of the Ministry of Economy and Finance. The special representative shall ask for advice from the Minister of the Ministry of Economy and Finance before attending the General Assembly of the Joint Venture.

CHAPTER IV

FINAL PROVISIONS

Article 49

Any provisions contrary to this Law shall be abrogated.

In the name of the King and by the Royal Order
Royal Palace, Phnom Penh, 25 September 2002

CHEA SIM

Acting Head of State

II

Royal Kret

Royal Kret TS RKT 1297 91

**On
The Judicial Statute of Institutions of Public Administrations
We**

His Majesty Prince Norodom Sihanouk

The King of the Kingdom of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Kret dated 24 September 1993 on the Nomination of the First Prime Minister and Second Prime Minister
- Having seen the Royal Kret dated November 1, 1993 on the Nomination of the Royal Government of Cambodia.
- Having seen Royal Kram No. 02 NS.94 dated 20 July 1994 on the Organization and Functioning of the Council of Ministers.
- Having seen the Royal Kret No. NS.RKT-1094-1083 dated 24 October 1994 on the Modification of the Composition of the Royal Government of Cambodia.
- Having seen the Royal Kret No. NS.RKT-1094-147 dated 07 August 1997 on the Modification of the Composition of the Royal Government of Cambodia.
- Having seen the Royal Kret No. NS.RKT-1094-90 dated 31 October 1994 on the Modification of the Composition of the Royal Government of Cambodia.
- Having seen the Royal Kret No. NS.RKT- 0196 -18 of 24 January 1996 on the Establishment the Ministry of Economy and Finance.
- Having seen Kram No. 01 NS dated 28 December 1993 on the Financial System.
- Having seen Kram No. NS-RKT-1205-07 dated 31 December 1995 on the Financial Law for Management in 1996.
- By the request of the First Prime Minister and the Second Prime Minister, and from State Minister and Minister of the Ministry of Economy and Finance along with the Agreement of the Council of Ministers at the Meeting dated 21 November 1997.

We order:
CHAPTER I
GENERAL PROVISIONS

Article 1

An Institution of Public Administrations is a legal entity of Public Law which is primarily responsible for a public service mission administrative, social, health, cultural, scientific or technical.

Article 2

Institution of Public Administrations has a financial autonomy. The establishment has the follows features:

1. Has a name and registered office
2. Has an object that limited the kind of activities
3. Has a Governing Body and another management
4. Has its own budget
5. Has property pertaining to the activities provided by the object
6. Has the ability to contract and to claim or take legal action
7. Incurs criminal and civil liability for the acts of its legal representatives or employees performed in the exercise of their professional activities.

Article 3

3.1. An Institution of Public Administrations is created by Sub-Decree, at the joint initiative of the Ministry or the Technical Guardianship Authority and the Ministry of Economy and Finance.

3.2. Sub-Decree on the creation of the institution defines particular mission, prerogatives and obligations, the composition of its Governing Body and the special rules for its management and control. This Sub-Decree shall specify the Ministry or the Guardianship Authority.

3.3. The operation of the Institution is governed by a prepared rule and proposed by the Minister or the Technical Guardianship Authority and the Minister of the Ministry of Economy and Finance. The Rules annexed to Sub-Decree on creation of the Institution of Public Administrations.

Article 4

4.1. The Rules may be modified subsequent to the creation of the Institution of Public Administrations, through its Governing Body, subject to the joint approval of the amendments by the Minister or the Technical Guardianship Authority and the Ministry of Economy and Finance.

4.2. The merger, transformation changing or dissolution relating to the Institution of Public Administrations is decided by Sub-Decree, at the joint initiative of the Ministry or the Technical Guardianship Authority and the Ministry of Economy and Finance.

4.3. In case of dissolution, unless otherwise text pronouncing which said by Sub-Decree as the real and personal property remaining on the assets of the institution are back at the property of the state, and denier values are delivered to the Treasury.

CHAPTER II

ADMINISTRATIONS AND MANAGEMENT

Section I

The Governing Body of the Institution of Public Administrations

Article 5

An Institution of Public Administrations is directed by a Governing Body, which has the broadest powers to act on behalf of the institution, in accordance with the present Sub-Decree and Rules of the institution.

Article 6

6.1. The Governing Body of the Institution of Public Administrations is composed of at least five members and eleven members, including:

- Representative of the Ministry of Economy and Finance
- Representative of the Ministry of Technical Guardianship
- Representative of the Council of Ministers

6.2. It is reserved a seat for the staff of the institution on the Governing Body. This representative, ex officio, is elected by staff in among of staff for period of 3 years, on terms determined by the Governing Body of the institution. Its mandate is renewable. This representative is in the Governing Body from the date of his election, without the need to make the Nomination. The expiration of his electoral mandate terminates rights to participation in the council automatically.

6.3. The Sub-Decree on the creation of the Institution of Public Administrations may provide for the participation of other ex officio members to the Governing Body. These duties of members on the date of their Nomination as resulting participation in the council are without the need to ratify the participation by Sub-Decree. These duties members hold office for the duration that they occupy the function that causes their body.

6.4. The members of the Governing Body, other than ex-officio members are appointed for three (3) years by Sub-Decree prepared by the Ministry or Technical Guardianship Authority, on the proposal of the authorities that these members are representatives. The Governing Body members are chosen because of their profile and experience, among the public officials in business for at least five (5) years, or retired; either among Cambodian personalities recognized for their economic, legal or scientific skills. Be reappointed.

It may be terminated by Sub-Decree their mandate at any time, at the proposal of the Authority they represent.

6.5. The Chairman of the Governing Body is appointed by Sub-Decree among the members of the council, on a proposal from the Ministry of Technical Guardianship Authority.

6.6. Membership mission of the Governing Body of the Institution of Public Administrations is incompatible with a deputy's mandate or the exercise of government functions.

6.7. No person may be a member of more than two (2) Governing Body of the Institution of Public Administrations or a public company.

6.8. Civil liability resulting from the exercise of a member of Mission of the Governing Body of the Institution of Public Administrations the responsibility of the State, except where the member has made mistakes deliberately or performs acts clearly contrary to the Laws. The criminal liability incurred personally by the members.

Article 7

7.1. On the proposal of the Governing Body, a joint decision of the Minister of Technical Guardianship Authority and the Minister of the Ministry of Economy and Finance may decide the principle of compensation as member of the Governing Body who does not respect the obligations related to its mandate:

- Be industrious
- Compliance with legal provisions of the rules of the institution
- Mission execution resulting from the Nomination
- Report about their own activities

Article 8

Without prejudice to the provisions relating to the exercise of state supervision, the Governing Body is vested with broad mission guidance and control of the institution. As part of this mission, he has to:

- Stop revenue and current and capital expenditure of the annual budget of the institution,
- Rule on the management report and the annual financial statements

- Determine the organization and general duties of service
- Operate the committees and commissions under the creative Sub-Decree of the institution or its Rules of Procedure, and creates that which is necessary,
- Define the recruitment plan, promotion and remuneration of staff of the facility, subject to legal or regulatory provisions applicable to the institution.
- Decide on the framework of the authorized strength of the institution,
- Endorse contract about acquisition
- Regularly evaluate the degree of performance and makes the corrective measures required.

Article 9

9.1. The Governing Body in accordance with the provisions of the Rules, delegate to the Authority vested in the General Directorate of establishing the necessary powers to day operation of that facility without this transfer is a transfer of responsibility.

9.2. The delegation should clarify that the Chairman or the Director shall enjoy all the powers necessary for the ongoing management of that institution, excluding those that the Governing Body intends to reserve, which will be listed. Two categories of powers are or may be retained by the Governing Body:

- a. The powers defined in Article 8 above, which are the sole responsibility of the Governing Body.
- b. The powers whose delegation is the sovereign discretion of the Governing Body.

The latter, according to the nature of the activity of the institution and of its size, can modulate the powers it retains to create a balance between its duty of control and the necessities of daily management.

9.3. The delegation of formalities must be completed by the Governing Body during the first meeting follows its installation, and result in the drafting of the minutes.

Article 10

10.1. The Governing Body of Institution of Public Administrations meets whenever the interest of the institution requires, and at least once a quarter.

The Governing Body considers the issues on the agenda, which must be given at least ten (10) days in advance to all members of the council and to the recipients referred to in Article 28 of this Sub-Decree.

The Governing Body meets on the initiative of its Chairman, at the request of two third of its members or the Chairman. The Chairman shall attend without the right to vote, in meetings of the Governing Body and its secretariat.

The Financial controller referred to in Article 36 of this Sub-Decree attend, without the right to vote, in Governing Body meetings.

10.2. The Governing Body may meet validly in the presence of a majority of its members; more than fifty percent. A member of the absent Governing Body cannot be represented.

If a quorum is not reached, a second notice is sent within fifteen (15) days; deliberations then take place on the agenda of the first meeting without a quorum requirement.

He held an attendance sheet, signed by the attending members. Resolutions are passed by a majority of the members present; in the event of a tie, the Chairman's casting vote.

10.3. Governing Body deliberations are recorded in a special register kept at the headquarters of the institution, signed by the Chairman and secretary. This record is transmitted within a maximum period of ten days after the meeting to all members of the council and other recipients under this Sub-Decree. The content of the minutes should accurately reflect the content of the discussions. In case of reservations made by a member at the next Governing Body meeting, the mention of these reserves should be included in the minutes of that meeting.

Section 2

Executive Organization of the Establishment

Article 11

11.1. The Sub-Decree on the establishment of the Institution of Public Administrations may entrust the executive management of the establishment to:

1. The Chairman of the Governing Body, which then carries the title of Chairman.
2. Director, who may be a member or not of the Governing Body, which is appointed by Sub-Decree on the proposal of the Minister or the Technical Guardianship Authority. The Director is revocable at any time by Sub-Decree taken under the conditions defined above.

11.2. The function of Chairman or Director of the Institution of Public Administrations is incompatible with a parliament member or government member.

Article 12

12.1. The Chairman or the Director fulfills his/her mission in the framework of power division as stated in Article 9 above.

12.2. The Chairman or the Director represents the institution to communicate with third parties.

12.3. The Chairman or the Director is responsible for:

- Prepare and attend meetings of the Governing Body,
- Is responsible for the implementation of Council decisions and implements the policy defined by the Governing Body,
- Prepare the annual budget of the institution to submit to the Governing Body for decision and approval,

- Establish the annual management report, examine on annual financial accounting and submit the documents to the Governing Body for observation.
- Verify in the case of necessary of the functions of the dependent units of the establishment,
- Provide for the jobs of the establishment, within the framework of staff decided by the Governing Body and in accordance with the rules on the staff management,
- Exercise supervisory Authority over the entire staff of the establishment,
- Finish the acquisition works and sign agreements in accordance with the decisions of the Governing Body on delegation of Authority, and with the interior regulation and the relevant provisions of the matter,
- In conclusion, generally perform all administrative and management functions assigned by the internal regulations of the establishment and the decisions of the Governing Body.

Section 3

The Staff of the Institution

Article 13

13.1. The permanent staff of the Institution of Public Administrations consists of the civil servants who are appointed or transferred to the institution in accordance with the Regulations of Law and the Civil Servants relevant texts and the Sub-Decree on the creation of the institution.

13.2. The Sub-Decree on the creation of the institution may allow recruiting staff without any framework of the public function through a contract in order to fulfill any special task. They are governed by the provisions of the Rules and the decisions of the Governing Body in accordance with the Labour Law.

Article 14

The staff of an Institution of Public Administrations is governed by the staff rules adopted by the Governing Body.

For Civil Servants of the public work, this staff rules shall not be contrary to the provisions of Law and the Civil Servants relevant texts.

Section 4

The Institution's Properties

Article 15

15.1. An Institution of Public Administrations can be assignee of properties belonging to the State, under the conditions defined by this order provisions.

15.2. An Institution of Public Administrations can own freehold properties that are acquired and managed in accordance with the provisions of the internal regulations governing the institution.

Section 5

Financial and Accounting Management of the Institution

Article 16

Unless the effect of specific provisions of the Sub-Decree on the creation of the institution of public Administrations, the institution is subject to financial and accounting management with basic principles of public accounting, as defined in Article 122 of the Sub-Decree no. 82 dated 16 November 1995 on the General Regulations of Public Accounting.

Article 17

17.1. The Chairman or the Director is the chief authorizing the institution. In this case, in accordance with the internal regulations of the institution, the Chairman or the Director shall be responsible for:

- Control the funds and determine the income
- Commit, clear and authorize expenditure.

17.2. The Chief Authorizing Officer may delegate his/her powers to officers by delegation or create the agreement from the accounting officer of the revenue authorities or advance.

Article 18

18.1. Financial operations and accounting possessions shall be done in accordance with the internal rules of the establishment, under the responsibility of an accountant.

This accountant is appointed by Prakas of the Minister of Ministry of Economy and Finance whom she/he shall swear before fulfilling the work. He/she shall participate in the Governing Body meeting in an advisory capacity.

The Sub-Decree establishing an Institution of Public Administrations may provide for the Nomination of the accounting officer responsible for financial services of the institution. In this position, the accountant shall be under the Authority of the Chairman or Director.

The accountant is responsible for:

- Revenue collection,
- Provide the fund for expenditure,
- Conservation and handling of funds and valuable things
- Conservation of supporting documents and accounting list management.

18.3. The accounting officer may delegate some of his/her powers to officials.

Article 19

19.1. The resources of an Institution of Public Administrations shall consist of:

- The original allocation made by the State during the creation of the establishment,
- Transfers for public interventions that stated in the state budget (operating and capital grants subsidies)
- Taxes that the enterprise is entitled to receive directly and is planned by the Sub-Decree on the creation of this institution.
- The tax transfers and taxes for the benefit of the institution under the financial Law
- Donations and bequests received by the institution
- The product of the work and services performed or rendered by the institution
- Income of the property belonging to the institution and income of these properties sales
- The income of property is given to the institution.

19.2. Revenue, Expense and the Capital of the Institution of Public Administrations are included in its annual budget. The Governing Body of the institution shall define the method of Administrations preparation and implementation of the budget. The Governing Body decisions concerning the procedures for preparation and implementation of the budget must be approved by the Minister of the Ministry of Economy and Finance.

19.3. The budget is prepared by the principal officer and submitted to the Governing Body, which should decide no later than September 30 of each year. The budget must be balanced in revenue and expenditure.

Article 20

20.1. Accounting of the Institution of Public Administrations includes:

- General accounting kept by the double which traces budgetary operations and transactions implementing with the third party
- Asset accounting, materials and values
- If necessary, cost accounting.

The accounts of the institution must:

- 1- Comply with the general rules defined by Prakas of the Minister of Ministry of Economy and Finance
- 2- Respect the accounts of the institution approved by the Governing Body. The accounts must be approved by the Minister of the Ministry of Economy and Finance.

20.2. The annual financial accounting of the institution are prepared by the accountant and shall be submitted by the chief authorizing officer accompanied by its management reports to the Governing Body which must approve these documents no later than three (3) months after the close of the accounting.

Article 21

The funds of the Institution of Public Administrations are public funds that are required to be deposited in an account in the Treasury, unless there is a provision that shall have an agreement of the Prakas of the Minister of the Ministry of Economy and Finance.

Article 22

The over use of funds of the Institution of Public Administrations is decided by the Governing Body after the financial agreement by the Ministry or the Technical Guardianship Authority. The surpluses can invest or lend at interest with the agreement of the Ministry or the Technical Guardianship Authority.

Article 23

The Sub-Decree on the creation of Institution of Public Administrations can be determined of the provision of prerogative and public Authority in the collection of income, debt payment, and heritage protection.

Section 6

Inventory Schemes of the Institution

Article 24

Unless there is derogation by Laws, the Institution of Public Administrations is under the joint legislation for the inventory schemes as implemented in any unit of the state.

Section 7:

The Acquisition by the Institution of Public Administrations

Article 25

The achievement, implementation and control of the acquisition in the Institution of Public Administrations shall be governed by the provisions of Sub-Decree No. 60 OrNKr dated 31 July 1995 on the public acquisition and other related regulations.

CHAPTER III
GUARDIANSHIP

Article 26

An Institution of Public Administrations shall be under:

- 1- Technical Supervision of the Institution's Chairman or the responsible authority for responsibility of the institution's action or any other public authority designated in the Sub-Decree of the creation.
- 2- Financial supervision of the Minister of the Ministry of Economy and Finance.

Article 27

The Institution's Chairman and responsible Authority can organize all officials to inspect and control if necessary.

Article 28-1

An Institution of Public Administrations must provide the Presidency of the Council of Ministers, the Institution's Chairman, or the technical supervision Authority of the Minister of Ministry of Economy and Finance and the Financial Controller as stated in article 36 below of the following documents:

- Minutes of meetings of the Governing Body;
- The institution's development plan;
- The annual budget;
- The management report and annual financial statements.

Article 28-2

These documents must be transmitted to recipients in a period not exceeding 15 days.

Section I:
Technical Guardian

Article 29

29.1. Within 15 days after the meeting of the Governing Body, the development program or project budget is forwarded by the Chairman or the Director to the Minister or the Authority of Technical Guardian and the Minister of the Ministry of Economy and Finance for approval. The Minister of the Ministry of Economy and Finance has a period of one month from the date of receipt of the documents to convey his/her opinions to the Minister of the Ministry of Technical Guardian. The Institution's Chairman

or the Technical Guardianship Authority has a period of two months from the date of receipt of the documents sent by the Chairman or the Director for approval.

29.2. The approval letter shall be duly signed by the Institution's Chairman or the Technical Guardianship Authority or his/her representative, and shall be sent to the Chairman or the Director, with a copy to the Minister of the Ministry of Economy and Finance. The Chairman or the Director shall inform the Governing Body as soon as possible.

In cases where the Institution's Chairman or the Technical Guardianship Authority does not respond within the prescribed period, the development program or budget project is deemed approved.

If the Institution's Chairman or the Technical Guardianship Authority disapproves about this development program or budget project, the Chairman of the Governing Body shall convene the meeting as soon as possible to discuss and seek ways to handle the disapproval.

The development program or capital spending budget cannot be implemented as remaining disapproval by the Institution's Chairman or the Technical Guardianship Authority.

The recurrent spending budget can be implemented according to the system of "twelfths" when there is the disapproval of the Institution's Chairman or the Technical Guardianship Authority.

Article 30

30.1. The Institution's Chairman or the Technical Guardianship Authority may, in the framework of his/her disapproval rights, make disapproval on the received documents as stated in article 28 above such as minutes of meetings of Governing Body, management report and annual financial statements. It has a period of one month to make the disapproval.

30.2. The Chairman or the Director must inform the Governing Body of the disapproval quintessence raised by the Institution's Chairman or the Technical Guardianship Authority.

The Governing Body should consider as soon as possible on the disapproval of the Institution's Chairman or the Technical Guardianship Authority and seek ways to handle the disapproval. If the Governing Body decides to ignore this approval, the decision must be substantiated and must be informed in writing, without delay to the Institution's Chairman or the Technical Guardianship Authority.

Article 31

31.1. The Institution's Chairman or the Technical Guardianship Authority may cancel or suspend any decision of the Governing Body, the Chairman, or the Director in the case of the decision is:

- Not consistent with the purpose of the institution
- Contrary to Laws or regulations
- Taken by unqualified Authority or in an illegal meeting.

31.2. Such invalidity or suspension is established or determined by Prakas of the Institution's Chairman or the Technical Guardianship Authority, on his/her own initiative or at the request of any relevant party. It shall be notified to the Chairman or Director, who shall inform promptly the Governing Body.

Article 32

In case of failure by the Governing Body, the Chairman or the Director of measures prescribed by Laws and regulations and by the internal regulations of the institution, the Institution's Chairman or the Technical Guardianship Authority may, after instruction and restriction in writing, organize work and release the above decision and use all the necessary measures.

Article 33

The Institution's Chairman or the Technical Guardianship Authority can expedite all audits, inspections or monitoring in the Institution of Public Administrations in the case of considering necessary in accordance with the conditions and forms prescribed by the Law and provisions governing the matter.

Section 2: Financial Guardian

Article 34

34.1. The Institution's Chairman or the Technical Guardianship Authority has a period of one month from the date of receipt of the documents to convey his/her opinions to the Minister of Ministry of Economy and Finance. The Minister of the Ministry of Economy and Finance has a period of two months from the date of receipt of the documents sent by the Chairman or the Director for approval.

34.2. The approval shall, duly signed by the Minister of Ministry of Economy and Finance or his/her representative, be sent to the Chairman or the Director, with a copy to the Institution's Chairman or the Technical Guardianship Authority. The Chairman or the Director shall inform the Governing Body as soon as possible.

In cases where the Minister of the Ministry of Economy and Finance does not respond within the prescribed period, the management report and annual financial statements is deemed approved.

If the Minister of the Ministry of Economy and Finance disapproves about this management report and annual financial statements, the Chairman of the Governing Body shall convene the meeting as soon as possible to discuss and seek ways to handle the disapproval. The management report and annual financial statements cannot be approved as remaining disapproval raised by the Minister of the Ministry of Economy and Finance.

Article 35

The decision of the Governing Body, the Chairman, or the Director shall be subject to prior approval of the Minister of the Ministry of Economy and Finance, on the advice of the financial controller:

- Decision on the sales or transference rights of real property
- Decision on the exemption credit which is worth more than the setting of the Prakas of the Minister of the Ministry of Economy and Finance
- Decision on the loans and guarantee agreements or similar letters.

Article 36

The Minister of the Ministry of Economy and Finance appoints a financial controller for the Institution of Public Administrations a Financial, who is responsible for the prior and posterior control on the institution defined the Sub-Decree no. 81 dated 16 November 1995 on the establishment of finance of the expenditure budget within departments, outside agencies in the provinces and cities and administrative public agencies.

Article 37

37.1. The management of the chief authorizing on the Institution of Public Administrations is supervised by the General Inspectorate of Finance, the Ministry of Economy and Finance.

37.2. Management of the accountant shall be under the control of the Central Accountant of the National Treasury and under the control of the General Inspectorate of Finance.

37.3. The Minister of the Ministry of Economy and Finance may expedite all audits, inspections or monitoring an Institution of Public Administrations considers necessary, in the manner and form prescribed by the Laws and provisions governing the matter.

CHAPTER IV FINAL PROVISIONS

Article 38:

All provisions contrary to this Sub-Decree are considered repealed.

Article 39:

The First Prime Minister and the Second Prime Minister of the Kingdom of Cambodia are responsible for enforcing this Sub-Decree.

Article 40:

This Sub-Decree comes into effect from the date of signature.

Phnom Penh, 31 December 1997

Signature

CC:

- H.E. Prime Minister I
- And Samdach Prime Minister II
- State Minister and Minister
- Ministry of Economy and Finance

King Norodom Sihanouk

Seen
Signature

Signature

The First Prime Minister

The Second Prime Minister

Keat Chhun

Ung Hout

Hun Sen

III

Sub-Decree



Kingdom of Cambodia
Nation Religion King

Royal Government of Cambodia
No. 16 ANKr.BK

Sub-Decree
on
The Establishment of the National Social Security Fund

The Royal Government

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Kret NS/RKT/0704/124, dated July 15, 2004 regarding the Nomination of the Royal Government of Cambodia;
- Having seen Kram 20/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Kram NS/RKM/0105/003, dated January 24, 1996 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training;
- Having seen Kram NS/RKM/0196/18, dated January 24, 1996 promulgating the Law on the establishment of the Ministry of Economy and Finance;
- Having seen Kram CS/RKM/0397/01, dated March 13, 1997 promulgating the Labour Law;
- Having seen Kram NS/RKM/0902/018, dated September 25, 2002 promulgating the Law on Social Security Fund Scheme for Persons Defined by the Provisions of the Labour Law;
- Having seen Kret NS/RKT/1297/91, dated December 31, 1997 regarding the judicial statute of the public administrative establishment;
- Pursuant to the approval of the Council of Ministers at its plenary session of February 23, 2007.

HEREBY DECIDES

CHAPTER 1

General Provisions

Article 1

Institution of Public Administrations, which shall be established with the mission of serving public services in social section, called “National Social Security Fund (NSSF)”. NSSF is technically under the Ministry of Labour and Vocational Training and financially under the Ministry of Economy and Finance.

NSSF has its central office in Phnom Penh.

Article 2

NSSF is a public, legal and financially autonomous entity. NSSF shall be subject to the provisions of this Sub-Decree and act in accordance with the provisions of the Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law.

Article 3

NSSF shall perform as follows:

1. Manage the Social Security Schemes in accordance with the Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law.
2. Ensure that the same benefits shall be provided to all members of NSSF in a bid to alleviate their difficulties with Old Age, Disability, Death, Occupational Risk, or any other contingencies such as diseases and maternity.
3. Collect contributions from its members and employers.
4. Facilitate and make available health care and social services beneficial to its members.
5. Cooperate with relevant agencies to:
 - raise awareness on how to prevent Employment Injury and Occupational Diseases
 - take any technical action on working security and hygiene.
6. Cooperate with relevant agencies to study and monitor the Occupational Risk.
7. Organize and manage Social Security Fund Investment.

Chapter 2
Social Security Fund Administrations
Part 1
Governing Body

Article 4

NSSF shall be run by a Governing Body authorized to manage the organization in accordance with the provisions of this Sub-Decree and its internal regulations. The Governing Body consists of:

- | | |
|--|------------------|
| - Representative of the Ministry of Labour and Vocational Training | President |
| - Representative of the Office of the Council of Ministers | Member |
| - Representative of the Ministry of Economy and Finance | Member |
| - Representative of the Ministry of Health | Member |
| - 2 Representatives of Employers | Members |
| - 2 Representatives of Employees of NSSF | Members |
| - The Director of the National Social Security Fund | Automatic Member |

Article 5

The Governing Body has a mission to guide and monitor the implementation of NSSF. The Governing Body shall have the duties as follows:

- Approve NSSF's annual budget, particularly, the benefits for each Social Security, Administrations, social services and health care.
- Examine and approve the annual report on Management and Finance of NSSF.
- Examine and approve the internal regulations, personnel statute and administrative structure of NSSF.
- Examine and approve NSSF's sub-entity's structure and performing tasks.
- Determine the process of recruiting, terminating, promoting, punishing and giving incentives to personnel as a request of the Director of NSSF.
- Approve the number of an official staff for NSSF.
- Examine and approve the request on each social security contributions rate.
- Examine and approve the request on classification and benefits rate.
- Approve NSSF's acquisition agreement.
- Schedule the program and determine investment plan of NSSF.
- Evaluate NSSF's implementing outcome and taking actions for further implementation.
- Cooperate with NSSF's technical council and to study to develop management technique and social security pension in accordance with the current economic and social situation.

Article 6

The President and Governing Body members shall be selected among high ranking officials with five years working experience and qualification in social affairs, Economy or Law, who have never been convicted of misdemeanor or criminal charges.

The employers and workers' representatives shall be nominated by their own organizations. They shall have enough working experience and qualification in social affairs, Economy and Law and have never been convicted of misdemeanor or criminal charges.

The President and Governing Body members of NSSF who are not the automatic members shall be appointed by this Sub-Decree for a 3-year mandate made by the Ministry of Labour and Vocational Training as a request from the Ministries, Institutions or Professional Organizations they represent. The mandate shall be terminated or renewed according to the request from the Ministries, Institutions and Professional Organizations they represent.

Article 7

The Governing Body shall have at least one meeting every 3 months. Though stipulated so, the Governing Body can convene a meeting at any time based on the necessity of NSSF with invitations from the president or request from the Director of NSSF or 5 members at least of the Governing Body.

The Governing Body shall discuss issues on the meeting's agenda only. The agenda together with other relevant documents shall be sent out to every member of the Governing Body members and the officers in charge of finance at least 10 calendar days prior to the meeting. The Director of NSSF shall arrange a secretary to take minutes of the meeting.

The officers in charge of finance shall have to attend the meeting but they have no right to vote.

The meeting will not be able to be conducted unless the number of members is more than 50 percent of all. The absent member cannot be replaced. In the case of lack of quorum, the meeting shall be delayed to the next 15 calendar days and be working on the same agenda. Any decision of the Governing Body is considered as valid provided that it is made by majority of the present member. In case of a tie, the president is to make the decision.

Article 8

Any decision of the meeting shall be taken as minutes which shall be sent to the ministries in charge of NSSF, to each member and officers in charge of finance within 10 days at the latest counted from the last day of the meeting.

The minutes shall reflect the factual state of the meeting and be recorded into a list with ordinal page numbers and proper codes. The minutes shall be signed by the president and secretary of the meeting. If there is any disagreement from any member for the next Governing Body meeting, it shall be recorded in the minutes of the last meeting.

Article 9

Incentives for each Governing Body member shall be determined by the joint declaration between the Ministry of Labour and Vocational Training and the Ministry of Economy and Finance, as a request by NSSF's Governing Body.

Article 10

NSSF's Governing Body members shall lose their status in the follows cases:

- death or resignation
- mental disability certified by the Ministry of Health
- bankruptcy
- that the individual receive benefits from any contract with NSSF or provide any service to NSSF though in a direct or indirect manner.
- being convicted by the court on charge of misdemeanor or crime
- failure to provide contributions
- being selected as a parliamentary member or member of the Government

Any member convicted by the court shall be suspended temporarily.

Replacement of members who lose their membership shall be done on the same way of their Nomination.

Part 2
Executive Unit of NSSF

Article 11

NSSF's Director shall be appointed by the Sub-Decree as a request from the Ministry of Labour and Vocational Training.

NSSF's Director shall have the duties to organize and manage the daily works of NSSF.

Article 12

NSSF's Director shall be fully authorized particularly to run from day to day implementation in accordance with the Law and be NSSF's representative to be responsible for legal issues. The Authority shall be provided via NSSF's internal regulations and the decision of the Governing Body.

Within the context of Authority, NSSF's Director shall have the follows duties:

- prepare NSSF's Governing Body meetings
- prepare relevant documents for the Governing Body to approve
- manage to implement any decision by the Governing Body and report on periodic basis to the Governing Body on activities and outcomes of NSSF.
- be in charge of supervision and Administrations, technique and finance.
- plan NSSF's annual budget for the Governing Body to check and approve
- supervise NSSF's agencies and staff in accordance with relevant statute, Law and decisions of NSSF
- raise proposal to the Governing Body to check and approve on recruiting, promoting, punishing or providing incentive to NSSF's staff who are not civil servants
- submit proposal to the Minister of the Ministry of Labour and Vocational Training to check and approve on recruiting, promoting, punishing or providing incentive to NSSF's staff who are not civil servants
- be the representative of NSSF to make complaint related to NSSF's implementation and protect the interests of NSSF

NSSF's Director shall have certain or complete rights including right to provide signing Authority in accordance with internal regulations and decisions by the Governing Body.

Article 13

NSSF's accountant shall be appointed by Prakas of the Ministry of Economy and Finance with an agreement from the Ministry of Labour and Vocational Training. The accountant shall be directly under NSSF's Director.

Article 14

The implementation of provision "The Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law" which is observed within any enterprises shall be inspectors or controllers of NSSF and if necessary, there shall be cooperation with Labour inspectors or controllers and relevant organizations.

Nomination and defining the roles of the inspectors or controllers shall be done or set out by the Prakas of the Minister of the Ministry of Labour and Vocational Training in accordance with the request from NSSF's Governing Body.

Article 15

NSSF's permanent staff includes civil servants under the Ministry of Labour and Vocational Training or other Ministries or officers who are selected according to the request from NSSF's Director. All officers shall receive salaries and incentives which are set out by public functions from their own original organizations.

NSSF shall be able to select contracted individuals and workers. Those individuals shall be under the provisions of NSSF's internal regulations and any decision by the Governing Body in accordance with the Labour Law.

NSSF's staff shall be under the regulations on any individual who is approved by the Governing Body. The Governing Body shall set incentives for individuals as well as the procedures of its payment mentioned in the regulations.

Article 16

NSSF's management structure shall be set by the Prakas of the Ministry of Labour and Vocational Training in accordance with the request from NSSF's Governing Body.

Chapter 3
Financial Management
Part 1
Accounting Work

Article 17

NSSF shall control the accounting in accordance with the public accounting principles and accounting rules set by the Ministry of Economy and Finance.

Official accounting date shall start from January 01 to December 31 within the same year.

Annual financial report shall be approved by the Governing Body by March 31th of the follows year.

The financial report shall be agreed by the Ministers of the Ministry of Economy and Finance and the Ministry of Labour and Vocational Training within 15 days' period after the Governing Body Meeting.

Article 18

18.1 NSSF's Director shall act as its principle organizer who has the follows duties:

- check cash and income
- organize payment and issue expense orders

The principle organizer shall be able to transfer principle organizer right or to set up income excises with an agreement from the accountant.

18.2 Financial management and accounting supervision shall be implemented in accordance with NSSF's internal regulations directly under the accountant's responsibilities. The accountant shall take oaths before undertaking the position. The accountant shall have to attend the Governing Body meeting as a consultant but she/he has no right to vote.

18.3 The accountant shall have the follows duties:

- collect income
- make payment
- keep and manage the use of NSSF's fund and resources
- keep accounting paper and controlling accounting books

18.4 The accountant shall be able to transfer some rights to his or her representative.

Article 19

At least by September 30th every year, the Governing Body shall approve on NSSF's annual budget planning and development program in accordance with the request from the Director. The program and plans shall be submitted to the Minister of the Ministry of Labour and Vocational Training and the Ministry of Economy and Finance for approval.

Part 2 **Sources of Fund**

Article 20

NSSF's sources of fund are the follows:

1. Initial fund given by the Government for the establishment of NSSF
2. Public interventional transfer stated in the national budget including support for the implementation and capital support
3. Contributions from NSSF's members and employers shall be kept for financing each department of NSSF
4. Fine from late payment of contributions or submission of payroll list as well as its interest
5. Profit from investments
6. Donation and Legacy
7. Other sources that NSSF shall legally receive

Part 3 **Expenditures**

Article 21

NSSF's expenses include the follows:

1. Expense on benefits for each division of NSSF
2. Expense on administrative affairs of NSSF
3. Expense on health care activities and social affairs
4. Expense on investment for NSSF's benefits

Form and procedure of the above expenses shall be written in details in Prakas of the Ministry of Labour and Vocational Training with an agreement from the Ministry of Economy and Finance in accordance with the request from NSSF's Governing Body.

Part 4
Reserved Fund

Article 22

Minimum reserved fund for Occupational Risk shall be equivalent to the past annuity expense and 1/2 of other incentive expenses during the last two years.

Reserved fund for pension and other social security shall be determined by Prakas of the Ministry of Labour and Vocational Training after receiving the request from NSSF's Governing Body.

Contribution rates stated in Article 25 of this Sub-Decree shall be reviewed if the reserved fund for each section goes lower than minimum level after receiving comments from NSSF's Governing Body.

The reserved fund for each section, investment of the fund and profit from this investment shall be recorded in separate accounting books.

Part 5
Operational Fund

Article 23

There shall be operational fund to cover expenses of all sections of NSSF. The fund shall not be less than 2 times of the amount of monthly average expense of NSSF last year.

Part 6
Social Security Analysis

Article 24

NSSF has to analyze its finance for the social security at least once in three years. In the case that the analysis shows the available risk caused by financial imbalance in any sections of NSSF, there shall be a request to review the contribution rates or the retirement age to ensure the sustainability of NSSF.

The Government shall provide the support to NSSF for sustainability when it faces budget deficit.

Chapter 4
Contributions and Social Security Benefits
Part 1
Contributions

Article 25

Contribution rates for each section of NSSF stated in the Social Security Schemes for Persons Defined by the Provisions of the Labour Law shall be determined by Prakas from the Ministry of Labour and Vocational Training with agreement from the Ministry of Economy and Finance in accordance with the request from NSSF's Governing Body.

Part 2
Benefits

Article 26

Benefit rates for each section of NSSF stated in provision of the Law on Social Security Schemes for Persons Defined by the Provisions of the Labour Law shall be determined by Prakas from the Ministry of Labour and Vocational Training with agreement from the Ministry of Economy and Finance in accordance with the request from NSSF's Governing Body.

The form of requesting benefits shall be determined by Prakas from the Ministry of Labour and Vocational Training with an agreement from the Ministry of Economy and Finance in accordance with the request from NSSF's Governing Body.

Chapter 5
Administrations
Part 1
Technical Administrations

Article 27

27.1 Within 15 days after the Governing Board's annual meeting, NSSF's Director shall send annual budget plan and development program to the Ministers of the Ministry of Labour and Vocational Training and the Ministry of Economy and Finance for approval. The Minister of the Ministry of Economy and Finance shall have one month starting from the date of receiving the document to prepare the recommendations to the Minister of the Ministry of Labour and Vocational Training. The Minister of

Technical Administrations shall have 2 months starting from the date of receiving the document which is sent by the Director of NSSF for approval on the document.

27.2 Agreement letter from the Ministry of Labour and Vocational Training shall be sent to the president of NSSF with copies to the Ministry of Economy and Finance. NSSF's Director shall send information to the Governing Body as soon as possible.

In the case that the Minister of the Ministry of Labour and Vocational Training has not responded within the set timeframe, the annual budget plan and development program shall be considered approval.

If the Minister of the Ministry of Labour and Vocational Training does not agree on the annual budget plan and development program, the Chairman of the Governing Body shall arrange a Governing Body meeting soon after discussing and taking and take action to the disagreement.

NSSF's development programs and expenses shall not be done if there is complaint raised by the Head of Technical Administrations.

Regular expenses shall be done by divided into 12 when there is a complaint from the Head of Technical Administrations. However, expenses for benefits which are provided to the staff shall be done.

Article 28

The Minister of the Ministry of Labour and Vocational Training shall have objective comments to the documents including annual budget plan, development program and the minutes of the Governing Body meeting. The Minister of the Ministry of Labour and Vocational Training shall have one month to raise a complaint.

NSSF's Director shall inform the Governing Body about the idea of the complaint from the Minister of the Ministry of Labour and Vocational Training. The Governing Body shall discuss the complaint as soon as possible and take actions to the complaint. If the Governing Body denies the complaint, they shall clarify the reasons and inform immediately on the matter in writing to the Minister of the Ministry of Labour and Vocational Training.

Article 29

29.1 The Minister of the Ministry of Labour and Vocational Training shall delete or delay the decision from the Governing Body or NSSF's Director if the decision:

- is opposite to NSSF's objectives
- is against the Laws and regulations
- is opposite to the procedures of the meeting stated in Article 7.

29.2 The deletion or delay shall be decided by Prakas from the Minister of the Ministry of Labour and Vocational Training with clarification of personal reason or according to the complaint from relevant

parties. The deletion or delay shall be informed in writing to NSSF's Director. NSSF's Director shall forward this notice to NSSF's Governing Body as soon as possible.

Article 30

The Minister of the Ministry of Labour and Vocational Training shall propose the inspection or checking in NSSF's work if it finds necessary in accordance with terms and procedures stated in the Law and provisions.

Part 2

Financial Administrations

Article 31

31.1 During 15 days after the Governing Body meeting, NSSF's Director shall have to write the annual financial report to the Minister of the Ministry of Economy and Finance and the Minister of the Ministry of Labour and Vocational Training. It shall take one month of the date the documents are sent to the Minister of the Ministry of Labour and Vocational Training for any comments to the Minister of the Ministry of Economy and Finance. It shall also take two months of the date of receiving the document submitted by NSSF's Director to the Minister of the Ministry of Economy and Finance for its approval.

31.2 The approval letter, properly signed by the Minister of Ministry of Economy and Finance or a representative, shall be sent to NSSF's Director with a copy to the Minister of the Ministry of Labour and Vocational Training. NSSF's Director shall immediately inform the Governing Body of this information.

In case there is no reply on this annual financial report by the Minister of the Ministry of Economy and Finance in the period above, this report shall be regarded as being approved.

In case of any disapproval of the report by the Minister of the Ministry of Economy and Finance, the Chairman of the Governing Body shall quickly invite the Governing Body members to make the meeting in order to seek the disapproval solving measure.

This report shall not be decided to be approved if the disapproval is not solved yet.

Article 32

The below decision of the Governing Body or NSSF's Director shall ask for permission from the Minister of the Ministry of Economy and Finance and the Minister of the Ministry of Labour and Vocational Training via the officer in charge of finance which includes:

- Decision on sale or transfer of real estates
- Decision on the exception of credit with money surpassing the limitation of Prakas of the Ministry of Economy and Finance.

- Decision on Loan Agreement and Insurance Agreement or similar letters.

Article 33

An official in charge of finance nominated by the Prakas of the Minister of the Ministry of Economy and Finance must be nominated to accompany NSSF. This official holds responsibility as mentioned in the Sub-Decree No.81 dated November 16, 1995 on the formation of financial checkup on the budget expenses at the Ministries, local units, provinces and administrative public units.

The principal organizer's management of NSSF must be under the control of the Financial Inspection of the Ministry of Economy and Finance. The accountant's management must be under the control of the central accountant of the national treasury and under the control of the Financial General Inspectorate. The Minister of Economy and Finance can manage the double check the inspection and control NSSF whenever necessary in accordance with the terms and procedures stated in the Laws and other provisions in force.

Chapter 6

Other Provisions

Article 34

34.1 The beneficiary of NSSF's members to receive the "survivors' benefits" shall be determined as follows:

- a- Husband or wife who are married with the certificate of marriage, before employment injury or before husband's or wife's death with employment injury, who is the member of NSSF
- b- Son reaching the age of 18, not yet married and having the follows status:
 - The child of spouse who got married with legal certificate of marriage. In case of divorce or husband's or wife's death, the child of the next marriage has the same right as that of the child of the first marriage.
 - The adopted child of NSSF's members. The adopted child's status shall be determined complying with the Law in force.

The age of the child in charge can go as high as 21 years old for one who is under the professional training or studying at the private or public educational institutions, recognized by the capacity Authority and holding the accurate education certificate and the disabled child or the one with chronic disease who is not able to do any work with wage.

- c- Parents or elder people who are under the direct supply of the members of the National Social Security Fund.

34.2 The beneficiary of the National Social Security Fund to receive "the survivors' benefits for people under sponsorship protection" shall be noticed by the Prakas of the Ministry of Labour and Vocational Training on the organization of pension benefits.

34.3 The revenue right for survivors and pension for survivors of the spouse shall expire in the case when the spouse engages in new marriage.

Article 35

NSSF holds the prerogative of public power in collecting incomes, debt payment and property protection. This prerogative can be applied when the enterprise or establishment becomes bankrupt or liquidated by the court after the date of verdict issuance. The procedure of the debt collection of NSSF shall be determined by Prakas of the Ministry of Labour and Vocational Training.

Competent authorities along exits shall prohibit those who have not paid the debt to NSSF as ordered by the court's warrant from leaving the territory of the Kingdom of Cambodia.

Article 36

NSSF's fund is to be kept an account in the National Treasury or the National Bank of Cambodia or other commercial banks by Prakas of the Ministry of Economy and Finance.

After agreement from the Minister of Labour and Vocational Training and the Ministry of Economy and Finance, NSSF's Governing Body shall decide to use the exceeded money (money which remains from reserved money) for investment.

Article 37

The State guarantees NSSF's Debt which was only agreed beforehand by the Minister of Economy and Finance.

Article 38

Phases, coverage, procedure and actual date for the implementation of each part of NSSF shall to be determined by Prakas of the Ministry of Labour and Vocational Training.

Chapter 7
Transitional Provisions

Article 39

After coming in force of this Sub-Decree, the Department of Social Security of the Ministry of Labour and Vocational Training is to be changed to the National Social Security Fund. The Director of the Department of Social Security of the Ministry of Labour and Vocational Training becomes NSSF until the new Director is nominated.

Chapter 8
Final Provisions

Article 40

All the provisions contrary to this Sub-Decree shall be null and void.

Article 41

Minister of the office of the Council of Ministers, Minister of the Ministry of Labour and Vocational Training, Minister of the Ministry of Economy and Finance, Minister, secretary of state of all Ministries and relevant institutions have the duty to implement this Sub-Decree from the signed date.

CC:

- Ministry of Royal Palace
- Secretariat General of Constitutional Council
- Secretariat General of Senate
- Secretariat General of Assembly
- Secretariat General of Government
- Cabinet of Excellency Prime Minister
- Cabinet of Vice Prime Minister
- Article 41
- Documents and Archives

Phnom Penh, March 02, 2007

Prime Minister

Hun Sen



**Kingdom of Cambodia
National Religion King**

**The Royal Government of Cambodia
No. 846 OrNkr.TT**

**Sub-Decree
On**

The Nomination of the Composition of the Governing Body of National Social Security Fund

The Royal Government of Cambodia

- Having seen Constitutional of Kingdom of Cambodia
- Have seen Royal Kret No. SN/RKT/0908/1055 dated 25 September 2008 on the nomination of the Royal Government of Cambodia
- Having seen Royal Krem No. 02/NS/94 dated 20 July 1994 promulgating the Law on the organization and functioning of the Council of Minister
- Having seen Royal Kram No. NS/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kram No. NS/RKM/0196/18 dated 24 January 1996 promulgating the Law on the establishment of the Ministry of Economy and Finance
- Having seen Royal Kram No. CS/RKM/0397/01 dated 13 March 1997 promulgating the Labour Law
- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for Persons Defined by the Provisions of the Labour Law
- Having seen Royal Kret No. NS/RKT/1297/91 dated 31 December 1997 regarding Legal Statute of Institution of Public Administrations
- Having seen Sub Degree No. 52 OrNkr.BK dated 01 April 2005 regarding the organization and functioning of the Ministry of Labour and Vocational Training
- Having seen Sub Decree No.16 OrNkr.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Accordance with the request of the Minister of the Ministry of Labour and Vocational Training

Hereby Decided

Article 1

To nominate the composition of the Governing Body of National Social Security Fund as listed below:

| | | | |
|----|-----------------------|--|----------|
| 1. | H.E. Seng Sakda | Representative from Ministry of Labour and Vocational Training | Chairman |
| 2. | H.E. Mam Amnot | Representative of the Council of Ministers | Member |
| 3. | H.E. Nong Piseth | Representative of the Ministry of Economy and Finance | Member |
| 4. | Dr. Lo Veasnakiri | Representative of the Ministry of Health | Member |
| 5. | Mr. Van Sou Ieng | Representative of Employers | Member |
| 6. | H.E. Oknha Nang Sothy | Representative of Employers | Member |
| 7. | Mr. Ath Thorn | Representative of Employees, NSSF's Member | Member |
| 8. | Mr. Heng Bunchhun | Representative of Employees, NSSF's Member | Member |

Article 2

Provisions that are contrary to this Sub-Decree shall be considered repealed.

Article 3

Ministers in charge of the Council of Ministers, Ministers of the Ministry of Economy and Finance, Ministers of the Ministry of Labour and Vocational Training, Ministers of the Ministry of Health, Ministers, Secretaries of State, all relevant Ministries/Organizations, and themselves as provided in Article 1 shall apply this Sub-Decree from the date of its signature.

Phnom Penh, 06 August 2010

Prime Minister

Hun Sen

- Ministry of Royal Palace
- Secretariat General of Senate
- Secretariat General of Assembly
- Secretariat General of Government
- Cabinet of Prime Ministers
- Cabinet of Vice President
- Article 3
- Gazette
- Documents and Archives

IV

Prakas



Ministry of Labour and Vocational Training

No. 287 KB/PrK

Prakas

On

Management Structure of National Social Security Fund

Minister of Ministry of Labour and Vocational Training

- Having seen Constitutional of Kingdom of Cambodia
- Have seen Royal Decree No. SN/RKT/0704-124 dated 15 July 2004 on the nomination of the Royal Government 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/RKT/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for Persons Defined by the Provisions of the Labour Law
- Having seen Royal Decree No. NS/RKT/1297/91 dated 31 December 1997 regarding Legal Statute of Public Administrative Establishment
- Having seen Royal Degree No. 20 OrNKR-BK dated 30 April 1996 on the organization and functioning of the Ministries and Secretariat General.
- Having seen Sub Degree No. 52 OrNKR.BK dated 01 April 2005 regarding the organization and functioning of the Ministry of Labour and Vocational Training
- Having seen Sub Decree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen the request of the Minister of MoLVT.

Hereby Decided

Article 1

The National Social Security Fund (NSSF) is an institution of public Administrations that is technically under the Ministry of Labour and Vocational Training and is financially under the Ministry of Economy and Finance:

- Manage the Social Security Schemes in accordance with the provisions of the Law concerning Social Security Schemes for Persons Defined by the Provisions of the Labour Law.
- Monitor the Occupational Risk
- Determine, provide, and retain benefits for NSSF members
- Collect contributions from its members and employers
- Retain archives for employers and workers
- Enforce provisions of Sub-Decree and Law concerning Social Security Scheme for Persons Defined by the Provisions of the Labour Law and penalty for late contribution payment.
- Facilitate and make available health care service and social affairs beneficial to its members
- Cooperate with relevant agencies to raise awareness on how to prevent employment injury and occupational diseases and take any technical action on working security and hygiene.
- Research for project preparation of Social Security Scheme
- Cooperate with relevant institutions and organizations
- Determine the management of investment for Social Security Funds.

The Executive Organization of NSSF is led by a Director and some Deputy Directors.

Article 2

Management structure of National Social Security Fund:

- Administrations Division
- Financial and Accounting Division
- Internal Audit Division
- Inspection and Legal Affair Division
- Information Technology Division
- Registration and Contribution Division
- Benefit Division
- Policy Division

Each division is headed by a Head and no more than two Deputy Heads.

National Social Security Fund can set up branch offices in provinces or cities according to actual situation.

Article 3- Administrations Division

Administrations division is responsible for general administrative management and human resource development. Administrations division has the follows duties:

- Organize policy, criterion, procedure, staff statute draft relating to recruitment, fire, promotion, regulation or providing remuneration and welfare to servants and employees of NSSF.
- Organize and manage administrative work and welfare of the officers and employees of NSSF and dependents
- Raise human resource development project
- Provide materials and office equipment
- Manage and protect NSSF's property and inventorying
- Organize order, security, and sanitation
- Manage the annual administrative cost
- Prepare annual spending plan for administrative
- Prepare the annual Administrations plan and office's annual activities report
- Create an evaluation system for measuring the annual work of the officers and employees of NSSF
- Receive, contribute, transmit and spread out for all forms of media communication facilities of NSSF
- Be responsible for the file system
- Manage and control library
- Perform other duties as assigned by the Director of NSSF.

Article 4- Financial and Accounting Division

Financial and Accounting Division is responsible for managing accounting work accordance with the public principles of accounting and accounting rules set by the Ministry of Economy and Finance.

Financial and Accounting Division has the follows duties:

- Prepare the annual budget of NSSF
- Prepare the financial statements
- Cooperate with the Policy Division for preparing investment program
- Manage the investment package approved by the Governing Body
- Archive and manage all income and expenses of NSSF
- Save the vouchers and control accounting list
- Provide the cost of benefit that workers shall get
- Prepare the financial rules and procedures of NSSF in accordance with the principles of accounting of the Ministry of Economy and Finance

- Organize Labour procedures and formalities with Banks or Financial Institutions for the collection of contribution or other revenue collection and benefit provision
- Perform other duties as assigned by the Director of NSSF.

Article 5- Internal Audit Division

Internal Audit Division has the follows duties:

- Assistant to the Director of NSSF in all internal audit
- Monitor, evaluate and recommend on the implementation of social security policy and the implementation of regulations on financial management
- Evaluate of cash management performance, archives storage, and contribution update and other activities of the branch offices
- Prepare annual audit plan and make annual report on the results of the performance for the Director of NSSF
- Audit of expenses for benefits to make sure that other applicable Laws and regulations are implemented
- Implement non-planned control
- Cooperate with the finance officer of the Ministry of Economy and Finance
- Audit of investment funds of NSSF
- Investigate for mistakes and fakes
- Investigate and report special issue to the command of the Director of NSSF
- Perform other duties as assigned by the Director of NSSF

Article 6- Inspection and Legal Affair Division

Inspection and legal affair division functions to ensure the implementation of the various Laws and Regulations, and provide explanations about relevant issues.

Inspection and legal affair division is responsible for follows:

- Make sure the Law on Social Security for Persons Defined by the Provisions of the Labour Law is implemented
- Prepare the annual inspection plan and develop policies relating to the compliance of Law
- Inspect enterprises and make inspection reports to the Director of NSSF
- Manage and control complaints
- Prepare the case and file complaints
- Make report on the challenges related to the implementation of Laws and regulations in order to make better Laws and eliminate all other difficulties

- Observe Occupational Risk. In case of need to cooperate with the inspectors and the administrator and other organizations.
- Search for enterprises/institutions which have not been registered with NSSF
- Investigate the situations of dependents who are eligible to receive a benefit
- Provide legal advice to the Director of NSSF
- Perform other duties as assigned by the Director of NSSF

Article 7- Information Technology Division

Information Technology Division is responsible for processing hardware and software of the computer system well enough to ensure support for all data requirements of all divisions.

Information Technology Division has the follows duties:

- Plan of Hardware and software requirements and network system of NSSF
- Provide technical advice to the types of features and functions of information technology equipment
- Design and develop software in accordance with the requirements of NSSF
- Train NSSF officers about the use of computers
- Cooperate with partners or other agencies to make the emergency rescue center for computer system
- Ensure precise installation and maintenance work when working with computer supplier
- Prepare statistical reports on monthly, quarterly, semi-annual and annual activities of NSSF
- Maintain a data base of employers and workers
- Ensure the security of information technology equipment and data remains confidential
- Provide the data necessary for the work evaluating the social security system of NSSF
- Perform other duties as assigned by the Director of NSSF

Article 8- Registration and Contribution Division

Registration and Contribution Division is responsible for registering enterprises and workers defined by the Law. This division is also in charge of collecting and archiving all contribution in accordance with determining of each Social Security Scheme.

Registration and Contribution Division has the follows duties:

- Register enterprises and workers
- Provide the registration number of enterprises to employers which have been already registered and also provide NSSF Membership Card to workers
- Provide “NSSF Membership Card” to all workers who have registered and provide duplicate
- Provide Certificate of Registration for Employers

- Provide guidance on the procedures of the employer's contribution
- Collect, check, archive, and update received contribution
- Issue a letter of demand and the penalty for late contribution
- Reduce or abolish the penalty for late contribution in case of force majeure or reasonable cause
- Ask for documents relating to workers and contribution
- Analyze of the effectiveness of the registration and contribution system and edit proposals
- Perform other duties as assigned by the Director of NSSF

Article 9- Benefit Division

Benefit Division is responsible for preparing the benefit claiming process and give consent on all the benefits of Social Security Scheme.

Benefit Division has the follow tasks:

- Cooperate with organizations to improve hygiene and security at work
- Plan, manage, and implement of the procedures to claim a benefit
- Create the necessary forms to claim a benefit and provide guidance to the claim
- Prepare the Introduction of the procedure of approval to benefit claim in accordance with the regulations in force
- Accept the benefit claim, rate of the benefit which beneficiary shall get and recheck the benefit
- Implement a system of providing medical treatment in accordance with the Law
- Register, save, or delete from the list for the hospital and clinic that signed a contract with NSSF which approved by the Governing Body
- Watch and proposes to change the level of medical treatment services and to ensure the respect for the level of service of service suppliers
- Set the level of the medical benefit and rate of medical costs for these services. Decide to agree to the required medical services and manage services supplier
- Collaborate and cooperate with suppliers
- Prepare the annual cost and the annual report of the division
- Analyze of the efficiency of the benefit system and request any correction
- Perform other duties as assigned by the Director of NSSF

Article 10- Policy Division

Policy Division has a duty to be responsible as follows:

- Prepare plans and procedures of NSSF's process
- Advice on issues related to the implementation of the Social Security Scheme
- Manage and control systems, and communicate with public institutions and international organizations in the field of social security
- Act as the secretariat of the Governing Body

The responsibility of this division is:

- Manage the Governing Body meeting
- Prepare records and decision of the meeting of the Governing Body
- Transfer the Governing Body decision to the relevant Ministries and Offices, as well as monitor the response of the relevant Ministries and the results of the execution of the relevant offices
- Save all files and documents relating to the meeting and the decision of the Governing Body
- Prepare annual plan and long-term plan of NSSF
- Research to expand the social security system, and provide policy options for the Governing Body decision-making
- Prepare monthly and annual reports and statistical reports of NSSF
- Be responsible for actuarial evaluation of the Fund
- Prepare public campaign to raise Social Security
- Communicate with national institutions and international organizations
- Perform other duties as assigned by the Director of NSSF

Article 11

Provisions that are contrary to this Sub-Decree shall be considered repealed.

Article 12

This Prakas takes into effect from the date of signature.

Phnom Penh, November 27, 2007

Minister
(Signature and Stamp)

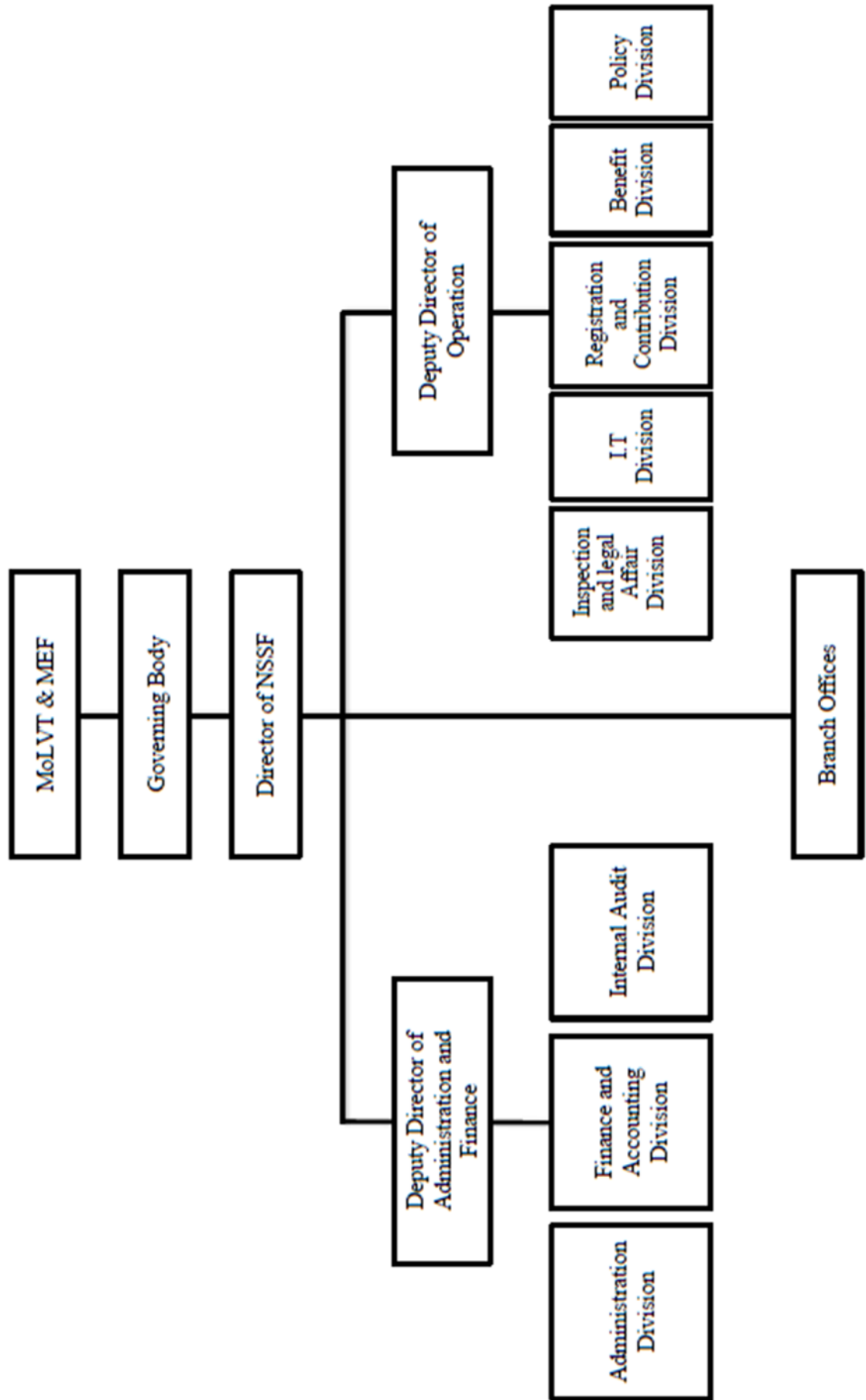
Vong Soth

CC:

- Ministry of Royal Palace
- Secretariat General of the Constitutional Council
- Secretariat General of Senate
- Secretariat General of Assembly
- Secretariat General of Government
- Cabinet of Prime Ministers
- Council of Ministers
- Relevant Ministries for Information
- Documents and Archives

Annex of Prakas no. 287 KB/PrK

Dated November 27, 2007





Ministry of Labour and Vocational Training

No. 233 KB-PrK

Prakas

On

The Establishment of NSSF's Logo

—

Minister of the Ministry of Labour and Vocational Training

- Having seen Constitutional of Kingdom of Cambodia
- Have seen Royal Decree No. SN/RKT/0704-124 dated 15 July 2004 on the nomination of the Royal Government 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/RKT/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the 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 Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Decree No. NS/RKT/1297/91 dated 31 December 1997 regarding Legal Statute of Public Administrative Establishment
- Having seen Sub-Degree No. 52 OrNkr.BK dated 01 April 2005 regarding the organization and functioning of the Ministry of Labour and Vocational Training
- Having seen Sub-Degree No.16 OrNkr.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen the request of NSSF Governing Body

Hereby Decided

Article 1

The Logo is generated by the National Social Security Fund for official uses.

Article 2

The Logo of the National Social Security Fund in the annex of this Prakas is defined as following:

- The overall appearance is round, surrounding by a bunch of rice shaping a golden buffalo horn. The inside appearance has the picture of a man and a woman inner a half round-bracelet and a half circle of the bright blue cover. On the surface of the round-bracelet cover is written “BSS” and “NSSF”. Around the round-bracelet has a circular script of “BELA CHEAT ROBOB SONTHISOK SONGKHUM” and “NATIONAL SOCIAL SECURITY FUND”.
- The golden bunch of rice has 9 floors representing the 9 benefits that will be implemented step by step in accordance with the socio-economic situation.
- The script of “BELA CHEAT ROBOB SONTHISOK SONGKHUM” and “NATIONAL SOCIAL SECURITY FUND” is bright blue color circular representing the name of the institution of public Administrations which has a mission to manage and control the Social Security Schemes for Persons Defined by the Provisions of the Labour Law.
- The picture of semi-circle covers on the bright blue color round-bracelet which has a white script of “BSS” and “NSSF” representing the social risk protection for the workers under the provisions of the Labour Law.
- The half circle-shaped round-bracelet in the bright blue color represents the participation of the private sectors. The 9 radiuses of the round-bracelet represent of the 9 compositions of the Governing Body of the National Social Security Fund.
- The picture of the man and woman insides the round-bracelet represents the workers who lawfully receive the protection from the Social Security Schemes.

Article 3

The Logo of the National Social Security Fund officially uses as following:

- On the Official Letter Head of the Institution
- In workplace
- On Civil Servants’ Uniform of the Institution
- Other official uses

Article 12

This Prakas takes into effect from the date of signature.

Phnom Penh, November 25, 2005

Minister

(Signature and Stamp)

Vong Soth

CC:

- Ministry of Royal Palace
- Secretariat General of the Constitutional Council
- Secretariat General of Senate
- Secretariat General of Assembly
- Secretariat General of Government
- Cabinet of Prime Ministers
- Council of Ministers
- Relevant Ministries for Information
- Documents and Archives

The Annex of Prakas No. 233 dated November 25, 2008 on the Establishment of the Logo of the National Social Security Fund



Kingdom of Cambodia

National Religion King



Ministry of Labour and Vocational Training

No. 081/09 KB/PrK

Prakas

On

**Defining the Roles and Duty of the Inspectors and Social Security Scheme Controllers of NSSF
The Minister of the Ministry of Labour and Vocational Training**

- Having seen Constitutional of the Kingdom of Cambodia
- Having seen Royal Decree No. SN/RKT/0908/1055 dated 25 September 2008 on the Termination of Government and the Nomination of Royal Government of Cambodia, Legislature 4 of National Assembly
- 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/RKT/0105/003 dated 17 January 2004 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kram No. CS/RKM/0397/01 dated 13 March 1997 promulgating of the Labour Law
- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons defined by the provisions of the Labour Law
- Having seen Royal Decree No. NS/RKT/1297/91 dated 31 December 1997 regarding Legal Statute of Public Administrative Establishment
- Having seen Sub-Degree No. 52 OrNKR.BK dated 01 April 2005 regarding the organization and functioning of Ministry of Labour and Vocational Training
- Having seen Sub-Degree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen the request of NSSF Governing Body

Hereby Decided

Article 1

The Inspectors or Social Security Scheme Controllers were established for the purpose of monitoring the implementation of the provisions of the Law on Social Security for Persons Defined by the Provisions of the Labour Law in enterprises/establishments.

The Inspectors and Social Security Scheme Controllers were appointed by the Minister of the Ministry of Labour and Vocational Training at the request of the Governing Body of the National Social Security Fund. This nomination only does on the civil servants of the National Social Security Fund.

The Inspectors and Social Security Scheme Controllers were vowed to fulfill its great allegiance and do not tell others to know the mystery of production, trade or enterprise business known during fulfilling the tasks though the position is quit.

Article 2

The Inspectors or Social Security Scheme Controllers have the mission and the follows duties:

- Ensure the implementation of the Law on Social Security for Persons Defined by the Provisions of the Labour Law and other applicable regulations in connection with the field of Social Security
- Inform and provide technical advice to employers and workers who are members of NSSF about the effective ways for respecting the Laws and the other regulations of the Social Security
- Provide information to the competent authorities about wrong activities or other violations related to sanitary measures and workers security
- Inspect the employment injury and occupational diseases
- Investigate the situation of dependents or define the beneficiary's situation Lawfully
- Manage and resolve any complaints regarding the enforcement of Law and order
- Prepare records for NSSF Committee for Solving Dispute or Complaint in the case of disputes resolved without recovery
- Prepare a report of the crime commitment and legislation for the Director to decide
- Prepare any document of fining for the Director of NSSF to consider and decide
- Prepare the case sent to the court
- Provide legal advice and enforcement of the enterprises/establishments for the Director of NSSF.

Article 3

The Inspectors and Social Security Scheme Controllers who have uniforms and mission letters issued by the Director of NSSF are allowed to:

- a. Enter freely to all enterprises/establishments which are subject to the supervision of the National Social Security Fund without confirmation at any working hour.
- b. Manage, control, and inspect all actions that are essential to know the precise provisions are respected strictly:
 - Ask the employers, unions, or employee representatives, or workers and witnesses alone about the implementation of Laws and regulations on Social Security
 - Require employers to give the list of worker's salary and other lists that employers must follow the requirements of legislation to be examined at the mission places. In this examination, the Inspectors and Social Security Scheme Controllers have the right to copy or extract from the book or list, or documents as required
 - Order to post announcements or what the Law required to post.
- c. In each control, the Inspectors and Social Security Scheme Controllers are to present to the employer or representative except the confirmation brings damages of the effectiveness of controls. After the inspection and records, the Inspectors and Social Security Scheme Controllers must give the records to the Director of NSSF to check and decide, in which there must be proof of the implementation of the Law or crime or irregularities that have been found.
- d. Be able to invite a union or an employee representative to walk with for monitoring.

Article 4

After being informed about the employment injury, the Inspectors and Social Security Scheme Controllers were assigned to investigate the accident scene as soon as possible.

According to the dangerous conditions of the injury, the Inspectors and Social Security Scheme Controllers can take away or remove materials or substances or mixtures to give experts to analyze for the purpose of this work only.

The Inspectors and Social Security Scheme Controllers must make a record of the employment injury inspection that is able to meet the comprehensive information for the injury assessments.

Article 5

In case the inspection or the injury investigation are so complex, and if necessary, after the permission of the Director of NSSF, the Inspectors and Social Security Scheme Controllers can request a substitute from the Labour Inspector or Health Inspector or experts and technicians are capable from

relevant ministries or by external ministries such as medical experts, mechanics, electrician, chemical or environmental experts to examine more thoroughly about the cause of the accident.

The cost involved is the responsibility of NSSF.

Article 6

The employers maybe asked by the Inspectors and Social Security Scheme Controllers to:

- Provide the necessary information about the temporary suspension or permanently close of enterprises/establishment to NSSF within thirty days after the temporary suspension of the enterprises/establishments.
- Submit a list of its three representatives to the National Social Security Fund to simplify collaboration work effectively
- Provide information to NSSF no more than 30 days about the change of the enterprises statute, renaming enterprise, the change of enterprises owners or responsible people, the change of address, the change of phone number, the change of fax number, and the change of electronic mail in accordance with the relevant copied legal documents.
- Cooperate with the Inspectors or Social Security Scheme Controllers within the framework of the Law.

Article 7

In fulfilling their functions, the social security scheme inspectors or governor have the Authority include:

- a. Prepare any notification for the employer or his representative, and for the workers.
- b. Notify the missing of the provisions by making reliable records until finding evidences.
- c. Make records on the inspection for the Director of NSSF

Article 8

The Inspectors or Social Security Scheme Controllers do not get any benefits from enterprises/establishments under their control.

These officers shall keep all the complaints secret that they checked about any errors or violates the legal provisions. But the use of the joint-data is anonymous for statistics or public information is not prohibited.

Article 9

Employers must provide the ability to carry out the tasks to the Inspectors and Social Security Scheme Controllers. Objection or attempt against the social security scheme inspectors or governor as stated in the announcement is sentenced the same objection in performance of the inspectors or the Labour Controllers as stipulated in the Labour Law.

Article 10

This Prakas takes into effect from the date of signature.

Phnom Penh, April 23, 2009

Minister

(Signature and Stamp)

Vong Soth

CC:

- Ministry of Royal Palace
- Secretariat General of the Constitutional Council
- Secretariat General of Senate
- Secretariat General of Assembly
- Secretariat General of Government
- Cabinet of Prime Ministers Hun Sen
- Council of Ministers
- Relevant Ministries for Information
- National Social Security Fund for Implementation
- Documents and Archives

Kingdom of Cambodia
Nation Religion King



Ministry of Labour and Vocational Training

No. 112 LV/PrK.

Prakas

On

**The Composition and Functioning of the Commission for Solving Dispute or Complaint of the
National Social Security Fund (NSSF)**

Ministry of Labour and Vocational Training

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kret No. NS/RKT/0908/1055, dated September 25, 2008 concerning the Nomination of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94, dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0105/003, dated January 17, 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training;
- Having seen Royal Kram No. NS/RKM/0902/018, dated September 25, 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 December 31, 1997 concerning the judicial statute of the public administrative establishment;
- Having seen Sub-Decree No. 20 SKT/E, dated April 30, 1996 concerning the Organization and Functioning of the Ministry and Secretariat General;
- Having seen Sub-Decree No. 52 SKT/E, dated April 01, 2005 concerning the Organization and Functioning of Ministry of Labour and Vocational Training;
- Having seen Sub-Decree No. 16 SKT/E, dated March 02, 2007 concerning the Establishment of the National Social Security Fund;
- Pursuant to the Request of Governing Body of the National Social Security Fund.

Hereby Decided

Article 1

The Commission for Solving Dispute or Complaint of NSSF was formulated with a view to the settlement of complaint relating to implementing the regulations and orders of the social security sector between NSSF members, employers, and NSSF.

Article 2

The Commission for Solving Dispute or Complaint of NSSF shall have the duty to conciliate the complaint in relation to NSSF as follows:

- The complaint of workers, as member of NSSF, in association with the disapproval or unfairness of the benefit provision of the Social Security Schemes.
- The complaint of workers, as member of NSSF, in connection with abnormality of providing the Social Security Scheme service.
- The complaint of workers, as member of NSSF, in relation to the failure of the employers' report with a view to the registration in NSSF.
- The complaint of employers as to the illicit implementation or regulations of NSSF officials.
- Other complaints in relation to the implementation of the Social Security Schemes.

Article 3

The complaint commissions of NSSF consist of 3 official members and 6 reserved members as follows:

- 1 official member and 2 reserved members have been requested by Executive Director of NSSF.
- 1 official member and 2 reserved members have been requested by the members of the Governing Body representing the workers.
- 1 official member and 2 reserved members have been requested by the members of the Governing Body representing the workers (1 official member requested by NSSF to be a Head of Commission; 1 official member requested by the members of the Governing Body representing the workers to be a member; and 1 official member requested by the members of the Governing Body representing the employers to be member).

In the case that the Head of commission is absent, the reserved members requested by Executive Director of NSSF shall be in charge of Acting Head.

Provided that which member of commission of both parties is absent, Head or Acting Head of commission shall be able to invite the reserved members as the representative of the absent to join.

The Commission for Solving Dispute or Complaint of NSSF shall participate in the meeting through the request of Head or Acting Head. Moreover, the Commission for Solving Dispute or Complaint of NSSF has a 3- year mandate.

The language shall be used in the functioning of the Commission for Solving Dispute or Complaint of NSSF is Khmer.

The meeting of the Commission for Solving Dispute or Complaint of NSSF shall be held confidentially.

Procedures of the decision of the Commission for Solving Dispute or Complaint of NSSF shall be issued by the decision of Governing Body.

Article 4

The members of the Commission for Solving Dispute or Complaint of NSSF shall have the follows characteristics:

- At least 25 years old.
- Good personality and characteristics
- At least relevant three-year experience
- Bachelor of Law or Law competence
- Knowledge of the Law on the Labour, Law on the Social Security Schemes for Persons Defined by the Provisions of the Labour Law, and other regulations relating to the Social Security Sector.

Article 5

Head of the Commission for Solving Dispute or Complaint of NSSF shall invite the complaint parties to clarify and provide the necessary documents or information to the commission.

Article 6

The complaint parties are able to appear by themselves in the Commission for Solving Dispute or Complaint of NSSF, along with the accompanying person or the representative shall be permitted in writing from the complaint parties concerned.

In the case that which worker is required to join the conciliation during the working hour, the employer shall give the permission to the worker after receiving the invitation letter without making the negative impact on worker's right.

Article 7

Provided that the complaint party fails to appear as the invitation of the Commission for Solving Dispute or Complaint of NSSF without the reasonable justification, the commission are able to proceed during the absence of the complaint party or abolish the complaint via the decision is issued.

Article 8

Within 15 working days, the Commission for Solving Dispute or Complaint of NSSF shall report its decision in writing to the Executive Director of NSSF. The Executive Director of NSSF shall promptly inform the complaint party about the decision by himself and provide a copy of the decision.

The Executive Director of NSSF is entitled to denounce the decision of the Commission for Solving Dispute or Complaint of NSSF provided that the decision contrary to the Law and Regulations. Indeed, the Executive Director of NSSF shall inform Head of Commission with a view to reexamining this case.

Article 9

The complaint party is able to denounce the decision of the Commission for Solving Dispute or Complaint of NSSF by informing NSSF in writing in a period of 3 days follows the date of receiving the decision provided that the complaint party is able to file a complaint to the competent court with a view to the settlement.

Article 10

The decision of the Commission for Solving Dispute or Complaint of NSSF shall put into force and the complaint commission shall comply with provided that there is not denunciation in a period of 3 working days.

Article 11

The expenditure for organizing the meeting of the Commission for Solving Dispute or Complaint of NSSF shall be borne by NSSF. The incentive of the Commission for Solving Dispute or Complaint of NSSF shall be regulated by the decision of Governing Body of NSSF.

Article 12

This Prakas shall come into force as from the signed date.

Phnom Penh, August 18, 2010

Minister

(Signature and Stamp)

Vong Soth

CC:

- Office of the Council of Ministers
- Ministry of Economy and Finance
- Secretariat General of the Royal Government
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- Relevant Ministries
- Governing Body of NSSF for information
- Gazette
- Documents and Archives

V

**Joint-Prakas/
Inter-Ministry Prakas**

Kingdom of Cambodia
Nation Religion King



Ministry of Labour and Vocational Training

No. 197 KB/PrK

Prakas

On

The Composition Nomination of the Commission for Solving Dispute or Complaint of the National Social Security Fund (NSSF)

Ministry of Labour and Vocational Training

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Kret No. NS/RKT/0908/1055, dated September 25, 2008 concerning the Nomination of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Kram No. 02/NS/94, dated July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen Royal Kram No. NS/RKM/0105/003, dated January 17, 2005 promulgating the Law on the establishment of Ministry of Labour and Vocational Training;
- Having seen Royal Kram No. NS/RKM/0902/018, dated September 25, 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 December 31, 1997 concerning the judicial statute of the public administrative establishment;
- Having seen Sub-Decree No. 20 SKT/E, dated April 30, 1996 concerning the Organization and Functioning of the Ministry and Secretariat General;
- Having seen Sub-Decree No. 52 SKT/E, dated April 01, 2005 concerning the Organization and Functioning of the Ministry of Labour and Vocational Training;
- Having seen Sub-Decree No. 16 SKT/E, dated March 02, 2007 concerning the Establishment of the National Social Security Fund;
- Prakas No. 177 KB/PrK, dated August 18, 2010 on the Composition and Functioning of the Commission for Solving Dispute or Complaint of NSSF
- Accordance with the Letter No. 003/09/2012-CAMFEBA, dated September 03, 2012 of the Cambodian Federation of Employers and Business Associations

- Accordance with the Letter dated August 30, 2012 of the Coalition of Cambodian Apparel Workers Democratic Union
- Accordance with the Letter dated September 12, 2012 of the Federation of Cambodian Food Industry Union

Hereby Decided

Article 1

Having been appointed nine Compositions of the Commission for Solving Dispute or Complaint of the National Social Security Fund (NSSF) for second mandate as following:

| | | |
|------------------------|-----------------------------|-----------------|
| 1. Mr. Sum Sophorn | Representative of NSSF | Chairman |
| 2. Mr. Kang Monika | Representative of Employers | Member |
| 3. Mr. Soum On | Representative of Workers | Member |
| 4. Mr. Meng Hong | Representative of NSSF | Reserved Member |
| 5. Mr. Cheav Bunrith | Representative of NSSF | Reserved Member |
| 6. Mr. Hun Sokpheaneth | Representative of Employers | Reserved Member |
| 7. Mr. Cheat Khamra | Representative of Employers | Reserved Member |
| 8. Mr. Ek Sopheakdy | Representative of Workers | Reserved Member |
| 9. Mr. Vong Sovan | Representative of Workers | Reserved Member |

Article 2

This Prakas shall come into force as from the signed date.

Phnom Penh, September 21, 2012

Minister

(Signature and Stamp)

Vong Soth

CC:

- Council of Ministers
- Ministry of Economy and Finance
- Secretariat General of the Royal Government
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- Relevant Ministries
- Governing Body of NSSF for information
- Person concerned for Implementation
- Gazette
- Documents and Archives

Kingdom of Cambodia
Nation Religion King



Ministry of Labour and Vocational Training

No. 197 KB/PrK

Inter-Ministry Prakas

On

The Determining Incentives of Function of NSSF's Governing Body Members

Senior Minister and Minister of the Ministry of Economy and Finance

- Having seen Constitutional of the Kingdom of Cambodia
- Have seen Royal Decree No. SN/RKT/0704-124 dated 15 July 2004 on the nomination of the Royal Government of Cambodia
- Having seen Royal Krem No. 02/NS/94 dated 20 July 1994 promulgating the Law on the organization and functioning of the Council of Ministers
- Having seen Royak Krem No. CS/RKM 0397/01 dated 13 March 1997 promulgating the Labour Law
- Having seen Royal Krem No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Krem No. NS/RKT/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Krem No. NS/RKM/0196/18 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Economy and Finance
- Having seen Royal Decree No. NS/RKT/1297/91 dated 31 December 1997 regarding Legal Statute of Public Administrative Establishment
- Having seen Sub Degree No. 52 OrNKr.BK dated 01 April 2005 regarding the organization and functioning of the Ministry of Labour and Vocational Training
- Having seen Sub-Degree No. 04 OrNKr/BK dated 20 January 2000 on the Organizing and Functioning of the Ministry of Economy and Finance

- Having seen Sub-Decree No.16 OrNkr.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Accordance with the request of Minister of the Ministry of Labour and Vocational Training.

Hereby Decided

Article 1

The incentives of function of NSSF's Governing Body members, financial controllers, accountants, and recording assistants are determined depending on the basis of the meeting.

Article 2

The incentives as stated in the article 1 above are determined as follows:

| N° | Receivers | The Amount of Incentive |
|----|------------------------|---|
| 01 | Governing Body Members | 500.000 Riel (Five Hundred Thousand Riel) |
| 02 | Financial Controllers | 500.000 Riel (Five Hundred Thousand Riel) |
| 03 | Accountants | 500.000 Riel (Five Hundred Thousand Riel) |
| 04 | Recording Assistants | 200.000 Riel (Two Hundred Thousand Riel) |

Article 3

In case there are more than three meetings a month, the incentives will be given only three times.

Article 4

These incentives shall be given from the first time of the Governing Body meeting.

Article 5

This Prakas shall come into force as from the signed date.

Phnom Penh, March 20, 2008

State Minister
Ministry of Economy and Finance
(Signature and Stamp)

Minister
Ministry of Labour and Vocational Training
(Signature and Stamp)

Keat Chhun

Vong Soth

K.B Minister
Administration and Staff Department
(Signature and Stamp)

Saly Mony

CC:

- Cabinet of Samdach Prime Minister
- Council of Ministers
- All Institutions for Information
- Ministry of Economy and Finance
- National Social Security Fund for Implementation
- Governing Body Members of NSSF
- Employers Community
- All Unions for Information
- Documents and Archives

Kingdom of Cambodia
Nation Religion King



Ministry of Labour and Vocational Training

No. 088/09 KB/PrK

Joint-Prakas

On

The Establishment of the Medical Commission of National Social Security Fund (NSSF)

Minister of the Ministry of Labour and Vocational Training

And

Minister of the Ministry of Health

- Having seen Constitutional of the Kingdom of Cambodia
- Having seen Royal Decree No. SN/RKT/0908/1055 dated 25 September 2008 on the Termination of Government and the Nomination of Royal Government of Cambodia, Legislature 4 of National Assembly
- 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/RKT/0105/003 dated 17 January 2004 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kram No. NS/RKM/0196/06 dated 24 January 1996 promulgating the Ministry of Health
- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Decree No. NS/RKT/1297/91 dated 31 December 1997 regarding Legal Statute of Public Administrative Establishment.

Hereby Decided

Article 3

Medical Commission is tasked with advising for determining the level of the loss of the working ability of employees who receive Occupational Risks and commending on the condition of hospitals or clinics which registered on an Agreement with NSSF.

If necessary, the medical commission may invite physicians or specialists to clarify after the approval of the Director of NSSF. The cost for inviting physicians or specialists involved in this work shall be NSSF's responsibility.

Article 4

The decision of the medical commission can only support unless there is a majority of voices.

Article 5

Incentives of the functions of the medical commission shall be determined by the Governing Body of the National Social Security Fund.

Article 6

National Social Security Fund, all Hospitals, and competent entity shall have the responsibility to cooperate and coordinate to the medical commission of the National Social Security Fund for carrying out their duties effectively.

Article 7

This Prakas shall come into force as from the signed date.

Phnom Penh, April 27, 2009

Minister
Ministry of Health

Minister
Ministry of Labour and Vocational Training

Mam Bunheng

Vong Soth

CC:

- Ministry of Royal Palace
- Secretariat General of the Constitutional Council
- Secretariat General of Senate
- Secretariat General of Assembly
- Secretariat General of Government
- Cabinet of Prime Ministers Hun Sen
- Council of Ministers
- Relevant Ministries for Information
- Documents and Archives

Kingdom of Cambodia
Nation Religion King



Ministry of Labour and Vocational Training

No. 194 KB/PrK



Ministry of Health

Joint-Prakas

On

The Establishment of Mechanism Organization Commission of Health Service Payment

Minister of the Ministry of Labour and Vocational Training

And

Minister of the Ministry of Health

- Having seen Constitutional of the Kingdom of Cambodia
- Have seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the nomination of the Royal Government of Cambodia
- Having seen Royal Krem No. 02/NS/94 dated 20 July 1994 promulgating the Law on the organization and functioning of the Council of Ministers
- Having seen Royal Krem No. NS/RKT/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kram No. NS/RKM/0196/06 dated 25 January 1996 promulgating the Law on the establishment of the Ministry of Health
- Having seen Royal Krem No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Sub Degree No. 52 OrNKR.BK dated 01 April 2005 regarding the organization and functioning of Ministry of Labour and Vocational Training
- Having seen Sub Decree No. 67 OrNKR-BK dated 22 October 1997 on the Organization and Functioning of the Ministry of Health
- Having seen Sub Decree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- According to the Ministry's necessary

Hereby Decided

Article 1

The creation of the mechanism organization commission and modality of health service payment for the project under the National Social Security Fund of the Ministry of Labour and Vocational Training for workers under the provisions of the Labour Law, which have the follows composition:

- | | | |
|---------------------------|---|------------|
| 1. Dr. Bok Vannakthat | Vice-President of OSH Ministry of Labour and Vocational Training | Chairman |
| 2. Dr. Sum Sophorn | Deputy-Director of NSSF Ministry of Labour and Vocational Training | Vice-Chair |
| 3. Dr. Sok Sron | Vice-President of OSH Ministry of Health | Vice-Chair |
| 4. Dr. Kol Haro | Vice-President of Health Protection Department Ministry of Health | Vice-Chair |
| 5. Dr. Sok Bo | Vice-President of Hospital Department Ministry of Health | Vice-Chair |
| 6. Mr. Rus Chhonearng | Head of the Office of Economic & Health Financing Ministry of Health | Member |
| 7. Prof. Dong Bunna | Board of Director Member of Preah Kosamak Hospital Ministry of Health | Member |
| 8. Dr. Ah Por | Researcher of Institute of Public Health Ministry of Health | Member |
| 9. Dr. Tort Bolary | Deputy-Head of Benefit Division of NSSF Ministry of Labour and Vocational Training | Member |
| 10. Mr. Kong Pangly | Deputy-Head of List Adjudication Office of Budget & Finance Dept. Ministry of Health | Member |
| 11. Dr. Bun Samnang | Officer of the Office of Economic & Health Financing Ministry of Health | Member |
| 12. Mr. Heng Sophannarith | Officer of National Social Security Fund Ministry of Labour and Vocational Training | Member |
| 13. Mr. Dong Sokha | Officer of National Social Security Fund Ministry of Labour and Vocational Training | Member |
| 14. Mr. Michael Stahl | Expert of NSSF Ministry of Labour and Vocational Training | Member |

Article 2

The commission's role and mission are:

1. Research and choose mechanism to pay for medical services, and price for basic health services.
2. Set the type of diseases and request the price to be settled in accordance with each group of patients and determine the mechanism to pay for services to health facilities that have signed an agreement with NSSF.
3. Define criteria in selecting health facilities that have contracted with NSSF, service quality control mechanism, and the modality for getting service to NSSF members.
4. Set the modality and procedures for members of NSSF to receive medical services and require the payment for medical services.
5. Collaborate and coordinate with organizations or institutions and relevant international organizations to carry out all of the above roles.

Article 3

The commission will have the meeting at the invitation of the Chairman.

All expenses involved in the functioning of the commission and incentives of the members of the commission shall be determined by the decision of the Governing Body of the National Social Security Fund of the Ministry of Labour and Vocational Training.

Article 4

The commission will complete the task after the research study and mechanism preparation of payment of the health services have been completed.

Article 5

This Prakas shall come into effect from the date of signature.

Phnom Penh, September 14, 2012

Minister
Ministry of Health

Minister
Ministry of Labour and Vocational Training

Mam Bunheng

Vong Soth

CC:

- Cabinet of the Ministry of Labour and Vocational Training
- Cabinet of Ministry of Health
- Governing Body of NSSF
- Technical Council of NSSF
- National Social Security Fund for Information
- Concerned Units
- Person Concerned for Implementation
- Gazette
- Documents and Archives

VI

Decision

Kingdom of Cambodia

National Religion King



National Social Security Fund

No. 001 NSSF-SR

Decision

On

The Modality of Giving Authority in Leading and Responsibility of NSSF's Director

The Governing Body of National Social Security Fund (NSSF)

- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Kram No. NS/RKM/0696 dated 15 June 1996 promulgating the Law on the General Statute of Public Enterprises
- Having seen Royal Kret No. NS/RKT/1297/91 dated 31 December 1997 regarding the Legal Statute of Institution of Public Administrations
- Having seen Sub Decree No.16 OrNKr.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen Sub-Decree No. 572 OrNKr/TK dated 27 July 2007 on the Nomination of Compositions of NSSF's Governing Body
- Accordance with the Adaptation of Governing Body's Plenary Meeting (First time, Second Series) dated 01 October 2007

Hereby Decided

Article 1

The Director of the National Social Security Fund is given tasks and responsibilities to lead, manage, and control of daily processing of National Social Security Fund.

Article 2

The Director of the National Social Security Fund has the right to decide on all the necessary work as follows:

1. The meeting of the Board of the National Social Security Fund
 - Draw up a date and agenda of the meeting of the Governing Body
 - Prepare a letter of invitation to attend the meeting to all members of the Governing Body and financial controllers
 - Invite officials to attend the meeting to clarify the relevant issues (if necessary)
 - Nominate recording secretary for the meeting of the Governing Body
2. Prepare the documents to submit to the Governing Body for approval
 - Prepare management reports and financial statements to the Governing Body
 - Prepare action plan of the National Social Security Fund
 - Verify every document to be submitted to the Governing Body for approval
 - Provide references to the Governing Body easily in decision-making
3. Proceed to implement the decision of the Governing Body
 - Send the record of the meeting to the Guardian Ministries to know
 - Send the Governing Body's decision to the Guardian Ministries to consent
 - Confirm information immediately to the Governing Body unless the decision was opposed by the Guardian Minister
 - Broadcast the Governing Body's decision to the relevant entities to implement
 - Monitor the implementation of the decision of the Governing Body
4. Lead administrative, technical, and financial section
 - A. Administrative leading
 - Manage and organize the administrative work in accordance with the rules of the National Social Security Fund
 - Manage all the real estate and properties of the National Social Security Fund
 - Manage to maintain the security and safety in the premises of the National Social Security Fund
 - Manage the capacity building of officials of the National Social Security Fund
 - Propose to the Governing Body to decide on the framework of the personnel and officers necessary for the National Social Security Fund

- Propose to the Minister of the Ministry of Labour and Vocational Training to check and decide on the recruitment, Nomination, promotion, penalty and incentive for officials who are in the framework of civil servants
- Manage all agents or officials of the National Social Security Fund in accordance with the statute or rule of Law and the decision of the Governing Body.

B. Technical leading

- Strengthen the implementation of social security policies effectively and very effective
- Prepare the legal regulations in order to ensure the implementation of the rule of Law
- Further research to improve and extend Social Security and the scope of application of these Social Security
- Update on the management of data and information technology
- Prepare social security policy

C. Financial leading

- Authorized function of the National Social Security Fund
- Oversee all financial management processes of the National Social Security Fund
- Monitor the entire accounting affairs of the National Social Security Fund
- Assign the internal audit system to ensure effective financial management and transparency
- Issue a penalty for failing to comply with applicable Laws or regulations of the enterprises in the scope of application of the Law on Social Security for those who are subject to the provisions of the Labour Law
- Issue contribution in the specified collection
- Give order for legal expenses and administrative expenses
- Direct investment program to be submitted to the Governing Body for approval

Article 3

The Director of the National Social Security Fund may transfer some or all of the rights including signature right to any deputy or head office as necessary to ensure that the debate of the National Social Security Fund is running smoothly and without disruption. Every case is still totally under the responsibility of the Director of the National Social Security Fund.

Article 4

The Director of the National Social Security Fund has a function as a representative of this institution for any protest or appeal relating to the execution of NSSF.

The Director of the National Social Security Fund shall be responsible lawfully for in all the work to protect the interests of the institution.

Article 5

The Director of the National Social Security Fund may receive other Authority as required accordance with applicable Laws and regulations, or by decision of the Governing Body of the National Social Security Fund.

Article 6

This decision takes into effect from the date of signature.

Phnom Penh, December 13, 2007
Chairman of NSSF Governing Body
(Signature and Stamp)

Seng Sakda

CC:

- Cabinet of Minister of the Ministry of Labour and Vocational Training
- Cabinet of Minister of the Ministry of Economy and Finance
- Governing Body Members for Information
- Documents and Archives

Kingdom of Cambodia

National Religion King



National Social Security Fund

No. 002 BSS-SR

Decision

On

The Rules for the Meeting of the Governing Body

The Governing Body of National Social Security Fund (NSSF)

- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Kram No. NS/RKM/0696 dated 15 June 1996 promulgating the Law on the General Statute of Public Enterprises
- Having seen Royal Kret No. NS/RKT/1297/91 dated 31 December 1997 regarding the Legal Statute of Institution of Public Administrations
- Having seen Sub Decree No.16 OrNKr.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen Sub-Decree No. 572 OrNKr/TK dated 27 July 2007 on the Nomination of Compositions of NSSF's Governing Body
- Accordance with the Adaptation of Governing Body's Plenary Meeting (First time, First Series) dated 01 October 2007

Hereby Decided

Article 1

To establish the rules for the meeting of the Governing Body of the National Social Security Fund to ensure processing and effective functioning of the meeting and transparency.

Article 2

The meeting of the Governing Body of the National Social Security Fund is run according to the follows principles:

1. Quorum

- The meeting held at the invitation of Chairman of the Governing Body, or at the request of the Director of the National Social Security Fund, or 05 or more members.
- The meeting takes place unless there is a quorum of 05 or more. If a quorum is not enough, be meeting 15 days later.
- Members of absence cannot be replaced. If any member absent 3 consecutive times without reason, the Governing Body must request to the Minister of the Ministry of Labour and Vocational Training to take legal action.

2. Meeting agendas and processes

- The agenda of the meeting and related documents are sent to all Governing Body members and officials for at least 10 days (calendar) prior to the date of the meeting. The notice of the meeting shall be at least 15 days before the meeting.
- Director of the National Social Security Fund appoints 02 recording secretaries.
- Director of the National Social Security Fund must report about the content, objectives, and importance of the documents that have been on the agenda one by one and orderly. If the complex technical issues related agenda, Director of the National Social Security Fund may invite experts or officials to describe the content of the agenda. The Governing Body members can draw up the agenda for the Governing Body to review and decide. At the beginning of the meeting, the Governing Body shall adopt the agenda of the meeting.
- The Chairman of the meeting raises each agenda for the meeting. Each speaker may contain opinions from time to time does not exceed 15 minutes.
- The meeting shall be discussed the contents of the agenda. In case any member speaks out of the content in the agenda, the Chairman of the meeting has the right to stop him/her.

3. The decision of the meeting

- After precise discussion on each issue, the meeting shall vote to decide on the contents of the agenda. Adoption is by hand. In case of equal voices, the voice of the Chairman has priority.
- Experts, accountants, financial controls, and recording secretary do not have the right to vote.
- The Governing Body's decision is recorded in sequence and numbered clearly.

4. Modality after the meeting

- The recording secretary records by reflecting the fact that the Governing Body members and consultants discussed.
- The record must have the decision of the Governing Body in sequence.
- The record must be signed by the head of the recording secretary and the Chairman of the meeting.
- The record must be sent to the Governing Ministries, the Governing Body members, and the financial controllers at most within 10 days after the closing date of the meeting.

Article 3

This decision takes into effect from the date of signature.

Phnom Penh, December 13, 2007
Chairman of NSSF Governing Body
(Signature and Stamp)

Seng Sakda

CC:

- Cabinet of the Minister of the Ministry of Labour and Vocational Training
- Cabinet of the Minister of the Ministry of Economy and Finance
- Governing Body Members for Information
- Documents and Archives

Kingdom of Cambodia

National Region King



National Social Security Fund

Internal Regulation

Kingdom of Cambodia

National Religion King



National Social Security Fund

No. 003 NSSF-SR

The Governing Body of the National Social Security Fund (NSSF)

- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Kram No. NS/RKM/0696 dated 15 June 1996 promulgating the Law on the General Statute of Public Enterprises
- Having seen Royal Kret No. NS/RKT/1297/91 dated 31 December 1997 regarding the Legal Statute of Institution of Public Administrations
- Having seen Sub Decree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen Sub-Decree No. 572 OrNKR/TK dated 27 July 2007 on the Nomination of Compositions of NSSF's Governing Body
- Accordance with the Adaptation of Governing Body's Plenary Meeting (First time, Second Series) dated 15 October 2007

Hereby Decided
Chapter 1
General Principles

Article 1

To establish internal regulations of the National Social Security Fund (NSSF) for ensuring the functioning and performance of this institution get efficiency, transparency and the principles of good governance, smooth, order, discipline, internal solidarity and refers to maintaining the integrity of the civil servants and staff of NSSF.

Chapter 2
Employment Conditions and Rules

Article 2: Employment Rules

All civil servants and staff of the National Social Security Fund must seriously respect the employment rules as follows:

a. Working Hours

- The officials must come to work punctually. The working hours shall be determined as follows:
 - Working day of 8 hours and 5 days in 1 week.
 - Morning: start at 8:00AM and finish at 12:00PM.
 - Afternoon: start at 13:00PM and finish at 17:00PM.
- Not to be prolonged in the room or office, or come into work on the holiday. If necessary which requires prolong or work on the holiday must have the permission of the Director at the request of the head of the Administrations division.

b. Sense of responsibility, compliance regulations, and internal solidarity

- Must actively work and be honest.
- Must respect and implement properly according to the Law, standard, and the regulations of the management of structural hierarchy.
- Must be responsible for the implementation of his/her tasks and to his/her deeds lead to exposure to the dignity and reputation of NSSF.
- Must have gentle attitude of professional integrity and ethical for customers to communicate with NSSF.
- Absolute ban for all types of gambling, or other infraction in surrounding area or the office of NSSF despite the break from work.

C. Professional confidentiality and keeping documents

- Must maintain professional confidentiality. No taking out the secret documents or tape to the outsiders without permission.
- Do not take the documents out of the office or campus of NSSF unless the case of distributing the documents to the Ministries, Institutions, and Establishments or relevant individuals.

Article 3: Security, public order, saving, and sanitation

All civil servants and staff must adhere to the rules of the security and public order, saving, and maintaining hygiene in the premises and office as follows:

- Do not take any weapons or explosives into the compound of NSSF or working office, unless persons who have a necessary task to protect the safety and security with special permission.
- Ban all activities that pose a fire, chaos or any damage of institution, customers, or the public.
- In working hours, do not go out of the office unless the necessary task that the management or entity entrusts.
- At the end of the working hours, must prepare documents orderly to secure by storing them in a closets or drawers that are locked properly.
- Absolutely ban of playing games in the computer.
- Must keep silent and avoid making noise in the working place.
- In the working hours, despite of the civil servants and staff who have uniforms, others must dress appropriately and dignity:
 - Wear an ID
 - Avoid overly civilized clothing style or travel clothing outside of the workplace
 - For men must wear appropriate clothing.
- Must park automobiles or bicycles orderly and in defined places.

b. Saving and caring hygiene

- Must have high mentality in saving by:
 - Do not use wastefully of electricity, water, telephone, fax, internet, and all kinds of stationery.
 - Must turn off the air conditioners, fans, lights, and water every time of stopping using.

- Keep well hygiene at work by:
 - Do not take any food into workplace, smoking, and consumption of alcohol in the office
 - Do not throw any paper debris or garbage out of the rubbish bin.

Article 4: The use of the facilities

The civil servants and staff shall be willing to help take care of materials and equipment, and other ways to work by:

- Use of modern equipment appropriately and correctly to the technical usages.
- Use of materials, and equipment for the interests of NSSF only. Do not use without necessity or remove from the installation without the prior permission of the officials who are responsible.
- Do not use tools, materials, and equipment for his/her own interests. If in case of necessary must ask prior permission from the responsible officials.
- Fraud in any money or property whether belonging to institutions, officials, or colleagues is strictly forbidden.

Article 5: Fraud and bribery

All civil servants and staff of NSSF shall not even commit fraud or bribery in any form or in any place. Such behaviors will get administrative discipline or if it is serious, the Governing Body may be asked to take measures in force.

Article 6: Rights to get rest

All civil servants and staff of NSSF have the right to rest from work on schedule as provided in Sub-Decree on the calendar of each annual official holiday.

Apart from the above holidays, all civil servants and staff of NSSF have the right to rest with a salary as follows:

- Annual leave of 18 days with hedge each turn. In case of necessary tasks cannot leave, she/he has the right to receive allowance on the basis of gross salary in proportion to the number of days that she/he did not stop. Schedule of annual leave is organized by the Administrations division.
- Rest with diseases or accidents must have a certificate from physicians.
- Maternity leave lasts for 3 months (before and after birth).
- Fatherhood leave lasts for 5 days (when his wife gives birth).
- A personal rest for marriage lasted for 5 days (only working days).

- The rest lasts for 3 days in the case of his/her own business such as son/daughter marriages, foster son/daughter marriages, sibling marriages, or dependents marriages.
- The rest lasts for 5 days in case of relatives' death or relatives by marriages death who is his/her dependent.

All those who do not have a rest in the paragraph above are not given salary and need to be paid back with the annual rest. In the event that this exceeds the annual rest, the Administrations division must note it down into his/her file.

Article 7: Applying for rest

1. All the rest of the civil servants and staff of NSSF must have his/her form and is approved by responsible officials according to the follows principles:

- The Director of NSSF must ask permission from the Minister of the Ministry of Labour and Vocational Training with a copy to the Chairman and all members of the Governing Body for information
- Deputy Directors must ask permission from the Director of NSSF.
- Office Heads or Deputy Heads must ask permission from the Director through the deputy Director who is responsible for the office.
- All civil servants and staff must ask permission from the responsible deputy Director with approved annotations of the Head of the office or his/her Acting Deputy Head.

2. All rest application forms must be copied to the Administrations division. Missing of copy to the Administrations division shall be considered absent without authorization.

3. The rest did not receive prior authorization may be except in case of force majeure or any particular case with a clear cause and effect; otherwise, she/he will get an administrative discipline.

Article 8: Administrations Discipline and the Right to Defend themselves

Any practices contrary to the terms and conditions as stated in the articles of chapter 2 will be subjected to administrative discipline measuring as follows:

1. All coming to work late is recorded in his/her personal file.
2. Rests are not asked permission in advance:
 - From 1 to 3 days a year must receive a rebuke from the Director of NSSF.
 - From 4 to 7 days a year must reduce the total salary paid in the number of days that she/he had stopped and must get 2nd warning letter from the Director of NSSF. In case she/he stops more than 7 days, the documents will be transmitted to the disciplinary council to consider and decide

- In case of consecutive absence of 15 days shall:
 - o For civil servants in the civil servant framework shall be asked to take legal action on the general status of civil servants
 - o For the contracting staff must receive a total salary reduction and transmit documents to the disciplinary council for consideration and approval.

3. In case of violation of the regulations in a different point will get urgent measures from the Director of NSSF based on the weight of each violation. If she/he still not modify, she/he will be presented to the disciplinary council for consideration and approval.

4. In the case of a fault affecting the provisions of Criminal Law or other Laws and she/he will get judicial accusing. The Director of NSSF may request suspension of work, salary, and other allowances as temporary until the final determination of the court.

5. All documents related to the rest, oral blame annotations, warning letter and the decision of the disciplinary council as well as a letter or other awards or prizes must be included in the personal file of the civil servants and staff of NSSF. This documentation must be enshrined in the archives of the Administrations division.

Article 9: The disciplinary council

The disciplinary council has 5 members:

- 3 officials are appointed by the Director of NSSF including:
 - o One acting as Chairman
 - o One acting as reporting member and
 - o One acting as member
- 2 officials in the framework with the officers of the Law but must have a higher rank or seniority older.

The disciplinary council must carry out in accordance with Article 40 of the Law on the Co-Statute of Civil Servants. For contracting staff must follow the statute of employees of NSSF.

Article 10: The Rights to Protect themselves

The persons who are accused have full rights to present evidence or witnesses to prove her/his purity. This right is implemented through the use of protesting letters to the disciplinary council for re-consideration and re-decision.

Chapter 3

The Right to receive the Social Security Scheme and overtime allowance

Article 11: The right to receive the Social Security Scheme

All civil servants and staff of NSSF who are under the civil servants framework are entitled to receive the Social Security Laws and Regulations in force.

The contracting staff and officials are eligible to receive Social Security Law on Social Security for persons defined by the provisions of Labour Law. Rights in this section detailed clarify in the statute of employees of NSSF.

Kingdom of Cambodia

National Religion King



National Social Security Fund

No. 12/12 NSSF-SR

Decision

On

The Modification of the Unit Price of Index and Family Allowance for NSSF Staff

The Governing Body of the National Social Security Fund (NSSF)

- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Kram No. NS/RKM/0696 dated 15 June 1996 promulgating the Law on the General Statute of Public Enterprises
- Having seen Royal Kret No. NS/RKT/1297/91 dated 31 December 1997 regarding the Legal Statute of Institution of Public Administrations
- Having seen Royal Kram No. NS/94 dated 30 October 1994 promulgating the Law on the Co-Statute of Civil Servants in Kingdom of Cambodia
- Having seen Sub Decree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen Sub-Decree No. 846 OrNKR/TT dated 09 August 2010 on the Nomination of the Governing Body Compositions of National Social Security Fund
- Accordance with the Adoption of Governing Body Meeting (Fifteenth time, Second Mandate) dated 30 August 2012

Hereby Decided

Article 1

This decision aims at correcting the unit price of index and family allowance for employees from 2.800 Riel to 3.600 Riel of permanent employees, contracting employees, and workers of National Social Security Fund.

Article 2

The unit price of index and family allowance as stated in article 1 above shall be implemented from January 01, 2013 on.

Phnom Penh, December 27, 2012
For Chairman of NSSF Governing Body
Chairman
(Signature and Stamp)

Seng Sakda

CC:

- The Ministry of Economy and Finance
- The Ministry of Labour and Vocational Training for Information
- The Director of the National Social Security Fund for Implementation
- Documents and Archives



National Social Security Fund

No. 13/12 NSSF

Decision

On

**Determining the Incentives of the Function of Mechanism Organization
Commission of Health Service Payment**

The Governing Body of National Social Security Fund

- Having seen Constitutional of the Kingdom of Cambodia
- Have seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the nomination of the Royal Government 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 CS/RKM/0397/01 dated March 13, 1997 promulgating the Labour Law
- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Kram No. NS/RKT/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kram No. NS/RKM/0196/18 dated January 24, 1996 promulgating the Establishment of Ministry of Economy and Finance
- Having seen Royal Kret No. NS/RKM/1297/91 dated December 31, 1997 on the Legal Statute of Institution of Public Administrations
- Having seen Sub-Degree No. 52 OrNKR.BK dated 01 April 2005 regarding the organization and functioning of the Ministry of Labour and Vocational Training
- Having seen Sub-Degree No. 04 OrNKR/BK dated January 01, 2000 on the Organization and Functioning of the Ministry of Economy and Finance
- Having seen Sub-Degree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of the National Social Security Fund

- Having seen Joint-Prakas No. 194 KB/PrK dated September 14, 2012 on the Establishment of Mechanism Organization Commission of Health Service Payment
- According to NSSF's necessary

Hereby Decided

Article 1

The incentives of the function of the Mechanism Organization Commission of Health Service Payment are determined based on the basic of the meeting of the commission.

Article 2

The incentives as stated in the article 1 above are determined as follows:

| No | Receivers | Amount of Incentive a Person |
|----|-----------------------------------|--|
| 01 | Chairman, Vice-Chair, and Members | 300.000 Riel (three hundred thousand riel) |

Article 3

In case the meeting is more than five times per month, the incentive will be offered only five times.

Article 4

This Prakas shall come into effect from the date of signature.

Phnom Penh, December 31, 2012

For the Governing Body

Chairman

Seng Sakda

CC:

- Cabinet of the Ministry of Labour and Vocational Training
- Cabinet of the Ministry of Economy and Finance
- Mechanism Organization Commission of Health Service Payment
- Governing Body Members of NSSF for Information
- National Social Security Fund for Attribution
- Documents and Archives

Kingdom of Cambodia
Nation Religion King



Ministry of Labour and Vocational Training

No. 002/13 KB/SSR

Decision

On

**The Establishment of the Road Safety Team
for Preventing the Workers**



The Ministry of Labour and Vocational Training

- Having seen Constitutional of the Kingdom of Cambodia
- Have seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the Nomination of the Royal Government 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 CS/RKM/0397/01 dated March 13, 1997 promulgating the Labour Law
- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Kram No. NS/RKT/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kret No. NS/RKM/1297/91 dated December 31, 1997 on the Legal Statute of Institution of Public Administrations
- Having seen Sub Degree No. 52 OrNKR.BK dated 01 April 2005 regarding the organization and functioning of the Ministry of Labour and Vocational Training
- Having seen Sub-Decree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- According to the necessary of the Ministry of Labour and Vocational Training

Hereby Decided

Article 1

To create the Road Safety Team for Preventing the Workers as its acronym called “RTS”. This team has the composition as follows:

1. Mr. Ouk Samvithyea Director of NSSF Chairman
Ministry of Labour and Vocational Training
2. Mr. Preap Chanvibol Director of Department of Land Transport Vice-Chair
Ministry of Public Works and Transport
3. Mr. Loy Chhin Deputy Head of Department of Order of the
National Police Superintendent Vice-Chair
Ministry of Interior
4. Dr. Neang Phearith Deputy-Director of Department of Hospital Vice-Chair
Ministry of Health
5. Ms. Kim Sathany Director of Bureau of Legal Affairs and
Human Rights Member
Committee of Municipal Road Safety
6. Mr. Mork Narith Deputy-Director of Road Traffic Police Station Member
Municipal Road Traffic Bureau
7. Ms. Bopha Phany Deputy Head of License Provision and Road Traffic
Safety Unit Member
Department of Phnom Penh Public Work and Transport
8. Mr. Kang Monika Business Development Manager Member
Garment Manufacturer Association in Cambodia
9. Mr. Sorm Oun Chairman of the National Trade Union Congress of Cambodia
Member
National Trade Union Congress of Cambodia
10. Mr. Kong Atith Vice President of the Coalition of Cambodian Apparel Workers
Democratic Union Member
Coalition of Cambodian Apparel Workers Democratic Union
11. Mr. Kong Rathanak Government Support Project Coordinator Member
HANDICAP International Organization
12. Mr. Cheav Bunrith Head of Policy Division Secretary
National Social Security Fund

Article 2

The Road Safety Team for Preventing the Workers has the responsibility to:

- Plan activities to prevent traffic accidents that can occur when workers travel
- Research, collect data, analyze the major cause brought accidents in transporting the workers
- Statistic survey of the way of transporting the workers and motorists through factories, enterprises, and nationwide
- Prepare measures to promote, educate, and introduce about the Traffic Laws and Safety for the motorists and workers
- Cooperate with the local authorities and relevant policemen including waterway traffic policemen to inspect the transportation of the workers before their departure and coordinate case workers get accidents
- Perform other duties as assigned by the Minister of the Ministry of Labour and Vocational Training.

Article 3

The Road Safety Team for Preventing the Workers shall have meeting at least once every 3 months. The Chairman can summon to have the extraordinary meetings according to the necessary job requirements. This team has a secretariat at the National Social Security Fund.

Article 4

The costs of materials and the way of functioning the Road Safety Team for Preventing the Workers are the responsibility of the National Social Security Fund.

Article 5

The team is able to find and use the source of funding, equipment and technology from development partners.

Article 6

All provisions contrary to the decision considered abrogated.

Article 7

Chairman, vice-chair, members as stated in Article 1 and the Director of the National Social Security Fund shall apply this decision to be effective from the date of signing.

Phnom Penh, January 25, 2013

Minister

Vong Soth

CC:

- Council of Ministers
- Ministry of Economy and Finance
- Secretariat General of the Royal Government
- Cabinet of Prime Minister
- Cabinet of Deputy Prime Minister
- Relevant Ministries
- Technical Council of NSSF
- Governing Body of NSSF
- Person concerned for Information
- As in Article 7 for Implementation
- Documents and Archives



National Social Security Fund

No. 03/13 NSSF

Decision

On

**Determining the Incentives of the Function of the Road Safety Team for Preventing the Workers
Members**

The Governing Body of the National Social Security Fund

- Having seen Constitutional of Kingdom of Cambodia
- Have seen Royal Decree No. NS/RKT/0908/1055 dated 25 September 2008 on the nomination of the Royal Government 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 CS/RKM/0397/01 dated March 13, 1997 promulgating the Labour Law
- Having seen Royal Kram No. NS/RKM/0902/018 dated 25 September 2002 promulgating the Law on Social Security Scheme for persons prescribed by the provisions of the Labour Law
- Having seen Royal Kram No. NS/RKT/0105/003 dated 17 January 2005 promulgating the Law on the establishment of the Ministry of Labour and Vocational Training
- Having seen Royal Kret No. NS/RKM/1297/91 dated December 31, 1997 on the Legal Statute of Institution of Public Administrations
- Having seen Sub Degree No. 52 OrNKR.BK dated 01 April 2005 regarding the organization and functioning of the Ministry of Labour and Vocational Training
- Having seen Sub Decree No.16 OrNKR.BK dated 02 March 2007 regarding the establishment of National Social Security Fund
- Having seen Decision No 002/13 KB/SSR dated January 25, 2013 on the Establishment of the Road Safety Team for Preventing the Workers
- According to NSSF's necessity

Hereby Decided

Article 1

The Incentives of the Function of the Road Safety Team for Preventing the Workers Members such as Chairman, vice-chair, members, and secretary are determined based on the number of the meeting.

Article 2

The incentives as stated in the article 1 above are determined as follows:

| No | Receivers | Amount of the Incentive a person |
|----|-----------------------------------|--|
| 01 | Chairman, Vice-Chair, and Members | 300.000 Riel (three hundred thousand riel) |
| 02 | Secretary | 150.000 Riel (one hundred fifty thousand riel) |

Article 3

In the case of the meeting is more than three times a month, these incentives will be offered only three times of the meeting.

Article 4

These incentives shall be offered from the first meeting of the Road Safety Team for Preventing the Workers.

Article 5

This Prakas shall come into effect from the date of signature.

Phnom Penh, January 29, 2013

For the Governing Body

Chairman

Seng Sakda

CC:

- Cabinet of the Ministry of Labour and Vocational Training
- Cabinet of the Ministry of Economy and Finance
- Governing Body Members of NSSF for Information
- National Social Security Fund for Attribution
- Documents and Archives

The End!