



**KINGDOM OF CAMBODIA
NATION RELIGION KING**



Royal Government of Cambodia

No: 32 អនក្រ.បក

Sub-Degree

On

**The Social Security Scheme of Pension Money Section For
The Persons Who Are Under the Provisions of Labor Law**

Chapter 1

General Provisions

Article 1 - This sub-decree aims to launch a social security scheme on pension section for persons who are under the provisions of the Labor Law by defining mechanisms, conditions, and procedures for registration, payment of contributions, conquest rate, claiming and granting allowance.

Article 2 - This sub-decree applies to all persons who are under the provisions of the Labor Law, including persons working in two or more places.

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Article 3 - The technical terminology used in this sub-decree has the following definitions:

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Workers refer to all types of workers and nationalities of the economic sector in the system, including persons who are under the provisions of the Labor Law.

The average wage that has paid contribution refers to the average distribution of contributed wages in a period not exceeding last 120 (one hundred and twenty) months prior to the due date, has the right to claim allowance for pension.

Contributed wages refers to the pre-tax wages of the worker that will be taken for calculating for the payment of the contribution.

Contribution request refers to the cash that NSSF members have requested for contribution calculation of voluntary contribution pension scheme.



Pension contribution refers to the cash that NSSF member and employer have paid to NSSF in accordance with the provisions of this sub-decree, which is usually calculated as a percentage of each member's salary for the expenses in providing allowance to the members and the operating expenses of the social security scheme on pension section.

Inheritance: the property is any inheritance that persons (heir) has left after death.

Inheritance: people who have died. Inheritance in this sub-decree refers to retirement pension, disabled old pensioner or NSSF members who have died.

Voluntary contribution of social security scheme on pension section refers to social security scheme on pension section that obligated members in the obligated contribution scheme are voluntarily paid in case:

1. NSSF Members who lost a job with a salary prior to the age of 60 (sixty) years old and able to continue.
2. NSSF members who are 60 (sixty) years old and intends to pay a continuous contribution in order to receive a higher retirement pension than the actual retirement pension that the applicant is entitled to receive under the obligated contribution scheme.
3. NSSF members who have higher income than the wage ceiling which the applicants are obligated in the obligated contribution scheme, and the payment of contributions in this

section applies only to the portion of the salary that is higher than the ceiling salary under the full financing system in BOSS or can join with other operators.

Senility Allowance refers to the allowances that are provided to NSSF member only when the applicant does not meet the conditions for receiving the old age pension.

Successor refers to the person who inherits the rights and duties of the deceased through succession, which is stated in the form of requesting to join voluntarily through the full financing system.

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Succession: the transfer of the rights and duties of the deceased to one or more of the successors in accordance with the will as defined in this sub-decree.

Remain: the allowance that fails to claim in case of force majeure.

Chapter 2

Competent Institutions

Article 4 - The National Social Security Fund (NSSF) is the only operating institution that has the authority to manage and administer the social security scheme on pension section as stated in this sub-decree.

Chapter 3

Conditions and procedures for registration in the social security scheme on pension section according to obligated contribution scheme

Article 5 - All employers or owners of enterprise/establishment who employ one or more workers shall be obligated to register in NSSF in the pension section within at most 30 (thirty) days after this sub-decree comes into force. Except for enterprises/institutions that are already registered in the social security scheme for health care and employment risk section.

The form and procedure in registering enterprises/establishments shall be determined by a Prakas of the Minister of Labor and Vocational Training.

Article 6 - Employers or owners of enterprise/establishment as stated in the article 5 of this sub-decree shall be obliged to register workers in NSSF at most 3 (three) days from the date of employment, except for workers who are already registered. The registration of workers shall be in accordance with the data in the Khmer Identity Card or passport for expat workers.



Procedures, form and manner of registration shall be determined by a Prakas of the Minister of Labor and Vocational Training.

Article 7 - NSSF shall issue membership cards to all registered workers in accordance with the data in the Khmer Nationality Identity Card or Passport for expat workers only.

The NSSF membership card shall be provided free of charge. In case of loss or damage, NSSF member shall immediately notify to employer or owners of the enterprise/establishment or NSSF and apply for a duplicate card within at most 30 (thirty) days.

Procedures and procedures for the issuance of duplicate certificates of membership cards shall be determined by a Prakas of the Minister of Labor and Vocational Training.

Chapter 4

Contribution rates, manners, and procedures of the contribution payment for social security scheme on pension section according to obligated contribution scheme.

Article 8 - Pension contributions are a joint burden between the employer or owners of enterprise/establishment and the workers. For the first 5 (five) years, this contribution shall be determined at the rate of 4 (four) percent of the contributed wages as determined below:

- 2(two) percent is the burden of the employer
- 2(two) percent is the burden of workers

In case that enterprise/establishment pays in foreign currency, the monthly salary is calculated in Riel Currency at the average monthly exchange rate based on the exchange rate of the National Bank of Cambodia that notified by NSSF.

CAMFEBA – Unofficial Translation

Contributed wages that stated in the first paragraph of this article shall be determined by a separate sub-decree.

Article 9 – The payment of pension contributions shall be made on monthly basis. All employers or owners of enterprise/establishment are obliged to collect and pay pension contributions which are their share and workers' share into NSSF account at the partners bank within 15th day of the following month.

In case that employers or owners of enterprise/establishment are able to pay the annual contribution, shall apply to NSSF. This annual contribution payment shall be made in the following month from the date of the month which has requested to pay the contribution. The payment of contributions is made annually; employers or owners of enterprise/establishment are required to pay contributions according to the calendar year. NSSF shall adjust the contribution amount in the early of the following year.

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Article 10 - All employers or owners of enterprise/establishment who pay monthly contributions, shall be obliged to provide a report about all number of workers to the NSSF within at most the 20th (twenty) day of the following month.

All employers or owners of enterprise/establishment who pay annual contributions are obliged to provide a report about all number of workers to the NSSF with the following schedule:

1. In case there is no movement in and out of its workers, the employer shall report every 12 (twelve months).
2. In case there is a movement in and out of its workers, the employer shall report within at most 15th (fifteen) day from the date of the change.

The form and procedure of reporting about the number of workers shall be determined by a Prakas of the Minister of Labor and Vocational Training.

Article 11- Employers or owners of enterprise/establishment shall provide the paybook or payroll in electronic form or other monthly payment documents as well as other relevant documents to NSSF for review upon request.

Article 12 - employers or owners of enterprise/establishment who are under the provisions of the Labor Law; are obligated to notify NSSF of any closure, suspension, relocation of the enterprise/establishment or modification of legal status of the employer within at most 30 (thirty) days prior to closure, suspension, relocation of the enterprise/establishment or modification of the legal status of the employer.



The form and procedure of closure, suspension, relocation of enterprise/establishment or modification of the legal status of employers shall be determined by a Prakas of the Minister of Labor and Vocational Training.

Chapter 5

Conditions, Forms and Procedures for Claiming and Providing the allowance on pension section according to obligated contribution scheme

Article 13 – NSSF members, who are workers, have the right to receive pension senility if they meet the following conditions:

1. have registered in the pension section
2. At least 60 (sixty) years old and
3. Have paid a pension contribution of at least 12 (twelve months).

The provided pension senility is calculated according to the following formula:

$$PS = PR \times AW$$

PS is the pension senility of the applicant to be received.

PR is the pension rate to be received as defined in the Annex 1 of this sub-decree

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AW is the average wage that has paid contribution by the applicant.

In case NSSF members, who are workers, do not meet the conditions in point 3 of the first paragraph above, shall receive senility allowance. The provided senility is calculated according to the following formula:

$$S = SAC(1+OO)$$

Senility is senility of the applicant to be received.

OO is the official consumer price index.

SAC is the sum of the amount of contributions that has paid for the pension money scheme.

Article 14 – NSSF members who are workers, have fallen into incapacity, are entitled to receive incapacity pension if they meet the following conditions:



1. Have registered in the pension section
2. Have paid a pension contribution within at least 60 (sixty) months prior to the date of incapacity.

The provided incapacity pension is calculated according to the following formula:

$$IP = AS \times AW$$

IP is the incapacity pension of the applicant to be received.

AS is the pension rate to be received as defined in Annex 1 of this sub-decree

AW is the average wage that has paid by the applicant.

The minimum level of incapacity pension shall be equivalent to 45 % (forty-five percent) of the average wage of payment of contribution by the applicant.

Article 15 - Assignee of the Uttarajivi Pension (Uttarajivi means survivors who are spouses, children and parents (husband or wife) or the elderly who affected by occupational hazards until death), are entitled to receive the Uttarajivi pension unless if there is a death of an applicant who is a senility pensioner, incapacity or NSSF members who have paid contribution on pension section within at least 60 (sixty) months.

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The provided Uttarajivi pension is calculated according to the following formula:

$$UP = 45\% \times SP \text{ or } 45\% \times IP$$

UP is Uttarajivi pension that assignee to be received

SP is senility pension

IP is incapacity pension.

The Uttarajivi pension is divided as follows:

- For spouse 50% (fifty percent)
- For children 50% (fifty percent)

In the case that assignee has only spouse or child, is entitled to receive 100% (one hundred percent).

Article 16 -- Assignee of the Uttarajivi Pension is entitled to receive the cremation allowance upon the death of the senility pensioner. If this case is not fulfilled by the assignee of the Uttarajivi Pension, the cremation allowance may be given to the person who arranges the cremation for the applicant.



The conditions for receiving the cremation allowance shall be determined as follows:

- Notify the NSSF of the death of senility or incapacity of pensioner within at most 2 (two) weeks from the date of death.
- Fill in the cremation request form along with the death certificate or other documents that are recognized by the NSSF.
- The NSSF shall issue a decision to provide cremation allowance within at most 2 (two) weeks from the date of receipt of the application.

Procedures and forms for the provision of cremation allowance are determined by the Prakas of the Minister of Ministry of Labor and Vocational Training at the request of the Board of NSSF.

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Article 17 – NSSF members who have fulfilled the conditions to receive the senility pension allowance shall fill out this claim form within three (3) months before the date whereon the applicant has the right to claim. In case NSSF members who shall receive senility allowance, shall fill out the claim senility allowance form within one (1) month after the age of 60 (sixty) years.

NSSF members who have fulfilled the conditions to receive the incapacity allowance pension shall fill out the allowance claim form within one (1) month from the date of becoming incapacity. In the event that the incapacity person is unable to claim the allowance due to extreme weakness, the request shall be made by the legal representative of such incapacity person.

Assignee of the Uttarajivi Pension shall complete this allowance claim form within 3 (three) months after the date of death of the applicant who is senility or incapacity pensioner or NSSF member who has paid contributions at least 60 (sixty) months.



Assignee of the Uttarajivi Pension or the person who arranges the cremation of senility pensioner shall fill in the claim form of the allowance cremation within no later than 3 (three) months after the date of the death of the senility or incapacity pensioner.

The allowance of senility or incapacity pensioner and Uttarajivi Pension shall be counted from the date of claim. In case of failure to claim due to force majeure, the applicant is able to claim the remaining. This remaining shall be provided by the decision of the Board of Directors of the NSSF.

The claim form of each allowance shall be determined by the Director General of the NSSF.

Chapter 6

Social Security Scheme on Pension section by voluntary contribution scheme

Article 18 – NSSF members who have fulfilled any of the following conditions, have the right to apply to NSSF to participate pension section by voluntarily contribution scheme:

1. Loss of employment that has wages before the age of 60 (sixty) years old and has ability to continue paying contributions.

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2. Be 60 years old and intend to continue paying contributions in order to receive a higher senility pension than the actual senility pension that the applicant is entitled to receive by the obligated contribution scheme.

3. Have a higher income than the ceiling wage which the obligated applicant in the obligated contribution scheme. The ceiling wages shall be determined by a separate sub-decree.

Article 19 – NSSF Members may apply for registration of voluntarily contribution scheme on pension section at NSSF by the applicant in person. The form and manner of registration workers shall be determined by the Director General of NSSF. The NSSF shall issue an administrative certificate to confirm about the identity of the voluntary pension.



Article 20 – The contributions of voluntary contribution scheme on pension section are the direct liability of the applicant who has registered in this section. The contribution rate of this section shall be equally determined to the contribution rate by obligated contribution scheme. The cash of the contribution shall be implemented by the requested contribution amount of the applicant in person.

The requested contribution cash for NSSF members who lost their job before the age of 60 (sixty) years old and are able to continue paying contributions, shall be determined to be equivalent to the average wage for the last 6 (six) months from the date of loss of employment.

For NSSF members who have fulfilled the conditions in point 1 or 2 of article 18 of this sub-decree, shall implement the procedure of payment of contributions in this section for at least 6 (six) months.

For members of the CPPCC the conditions in point 3 of article 18 of this sub-decree shall be implemented in accordance with the full financing system.

Article 21 – NSSF members, who have participated in the voluntary contribution scheme on pension section, are obligated to pay the contribution based on the voluntary pension identification number issued by the NSSF into NSSF account at partners bank.

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The mechanism for the payment of contributions of this section shall be utilized in the same way as the mechanism for the payment of contributions for pensions by obligated contribution scheme as stated in article 9 of this sub-decree.

Article 22 - NSSF members of the voluntary contribution scheme on pension section shall be obligated to notify the NSSF about any termination or suspension of the contribution of this section at most 30 (thirty) days.



The form and procedure for requesting to terminate or suspend the payment of contributions shall be determined by the decision of the Director General of the NSSF.

Article 23 – NSSF members, who are registered workers in the voluntary contribution scheme on pension section and have fulfilled the conditions in points 1 or 2 of Article 18 of this sub-decree, are entitled to senility pension, incapacity pension, Uttarajivi pension and cremation allowance.

The calculation of senility pension allowance, incapacity pension and Uttarajivi pension shall be implemented in the same way as the obligated contribution scheme on pension section.

Article 24 – NSSF members, who are registered workers in the voluntary contribution scheme on pension section and have fulfilled the conditions in points 3 of article 18 of this sub-decree, are entitled to receive only one-time senility pension. The senility pension is divided as follows:

- 1/3 One-third of the contribution amount that has totally paid, including the result of investment, shall be provided the allowance payment to the pensioner only one-time upon retirement.
- 2/3 (two-third) of the contribution amount that has totally paid, including the result on investment, shall be provided in monthly to the pensioner according to the following formula:

$$SP = RC/NM$$

$$NM = (EA-RA) \times 12$$

NM is the number of months that the applicant expects to live after retirement age.

SP is the senility pension of the applicant to be received.

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RC is the remaining cash 2/3 of the amount of cash contribution that has totally paid plus the result of investment.

EA is the expected age

RA is the retirement age that is determined by the law.

Expected age is in accordance with statistics issued by the National Institute of Statistics of the Ministry of Planning.

Board of Directors of NSSF shall determine the result of investment of the cash pension fund via the full annual financing system in accordance with the investment guidelines of the Social Security Regulator.

Article 25 - The successors of NSSF members or the successors of senility pensioner in pension section via the full annual financing system are entitled to receive only one-time sponsorship.

The money that successor shall be received is the amount of total money contribution of paid in full through the financing system, including the investment proceeds of the contributions of the members. Or the old-age pension of the full financial system remaining after the death of the heirs.

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Article 26 – NSSF Members, who have fulfilled the conditions in point 1 or 2 of article 18 of this sub-decree, shall fill in the claim form of senility pension allowance, incapacity allowance, uttarajivi allowance, and cremation allowance as stated in article 19 of this sub-decree.

NSSF Members, who have fulfilled the the conditions in point 3 of article 18 of this sub-decree to receive senility pension via the full financing system, shall fulfill the claim form of senility pension allowance pension within three (3) months before the date whereon the applicant has the right to claim.

Successor of NSSF members or senility pensioner on pension section section via the full financing system shall fulfill the claim form of inheritance within at most three (3) months after the date of the deceased's death.

The senility pension allowance incapacity allowance and uttarajivi pension shall be counted from the date of claim. In case of failure to claim thereby force majeure, the applicant may claim the remaining. This remaining shall be provided by the decision of the Board of Directors of the NSSF.

The form of each claim allowance shall be determined by the Director General of the NSSF.

Chapter 7

Co-rule

Article 27 - The pension money of allowance, senility pension, incapacity pension and Uttarajivi pension shall be calculated monthly. The NSSF shall prepare to provide monthly allowance monthly on pension section in fortnightly by providing the first fortnight within at most on the 15th day of each month and the second fortnight within at most on the 30th day of each month. If the date of retirement is not on the first day of the month, the remaining days shall add to the next month.

Article 28 - Medical Council of the NSSF shall be obligated for assessing or deciding about incapacity situations. The organization and functioning of the Medical Council of the NSSF shall be determined by a separate sub-decree.

Article 29 – The NSSF shall study analyze and evaluate the financial risk of pension section within at most once every 5 (five) years. The NSSF have the right to request data related to financial risk assessment from the relevant institutions or entities.

Article 30 - The allowance of pension section shall be adjusted annually based on the decisions of the Board of Directors of the NSSF in accordance with the official use consumer price index of the Ministry of Planning. The annual official use consumer price index is calculated by summing the monthly index of the year divided by twelve.

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The adjustment on allowance of pension section shall be made in the following year; counted from the date that the applicant receives pension money in the first year. The adjustment shall be calculated according to the following formula:

$$ALA = ALA-1(1+CPI)$$

ALA is an allowance to be adjusted in the following year.

ALA-1 is an allowance that had adjusted in the previous year.

CPI is a consumer price index in the following year.

Article 31 – The NSSF members, who work in two or more places, shall pay contributions in the same month. The contribution year is calculated by including numbers of all the months that the NSSF members have paid contribution.



Article 32 - The accumulation rate of senility pension and the accumulation rate of incapacity pension shall be determinedly equivalent to 1.75 percent for the 15 years of first contribution, and 1.25 percent for the subsequent contribution years.

For the NSSF members who are workers as stated in point 1 or 2 of Article 20 of this sub-decree, the year of the contribution to calculate the accumulation rate of senility pension and incapacity pension shall include both the obligated contribution scheme and the voluntary contribution scheme.

Article 33 – The start date of contribution payment of social security scheme on pension section, both obligated and voluntary, shall be determined by a Prakas of the Minister of Labor and Vocational Training at the request of the Board of Director the NSSF.

Article 34 - The contribution rate of the Social Security scheme on pension section shall be determined by the following premium stairs method:

- Phase 1: Contribution shall be determinedly equivalent to 4 percent of the wage that obligatorily links to contribution or money requested to be obligatorily link to contribution in the first 5 (five) years from the start date of the contribution payment as stated in Article 33 Above.

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- Phase 2: Contribution is determinedly equivalent to 8 percent of the wage that obligatorily links to contribution within 5 (five) years after the first phase.
- Phase 3: The contribution rate shall increase by 2.75 percent of the wage obligatorily links to contribution or money requested to obligatorily links to contribution in 10 (ten) years and the stage of 10 (ten) subsequent years.

The adjustment method of the determining rate contribution above shall be determined by the sub-decree at the request of the Board of Trustees of the NSSF with the support of the Social Security Regulator and with the approval of the National Council for Social Protection.

Chapter 8

Penalty Provisions

Article 35 - Any person who violates any provision of this sub-decree shall be punished in accordance with the provisions of the Law on Social Security Scheme and other existing provisions.

Chapter 9

Transitional Provisions

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Article 36 – The NSSF Members, who are workers have the right to receive Ayakapanhat senility pension (Ayakapanhat senility pension refers to the provision to provide special privileges to a group of persons while the applicant is included in the pension system in accordance with the provisions of this law.), shall fulfill the conditions from the date of initial launch of the pension money section as follows:

- . Be over 30 years old
- . Have paid the contribution at least 24 months in 36 months.

Ayakapanhat senility pension to be provided is calculated according to the following formula:

$$ASP = PR \times AW$$

$$PR = NY + NYA$$

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$NYA = (ANSSF - 30)/2$

ASP is the Ayakapanhat senility pension of the applicant to be received

AW is the average wage of the applicant that has paid the contribution

PR is the pension rate to be received as defined in Annex 1 of this sub-decree

NY is the number of years that have paid the contribution

NYA is the number of years to be added for Ayakapanhat senility pension that have maximum level of 15 years

ANSSF is the age of the NSSF members who first work from the first processing date of the pension money section.

Article 37 – The NSSF members are the persons, who are under the provisions of the Labor Law, with the age from 59 years, from the first processing date of the pension money section, have the right to pay the full contribution of the conditions as stated in Article 36 of this sub-decree to receive Ayakapanhat senility pension. The payment of full contributions for this Ayakapanhat senility pension is the sole responsibility of the applicant.

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Article 38 – The NSSF members are the persons, who are under the provisions of the Labor Law and have registered in this pension section, shall also implement with the legislations of the Social Security Scheme of Health Care Section and Ongoing occupational risk section.

Chapter 10

Final Provisions

Article 39 - The date of implementation on the social security scheme of the pension section for the persons, who are under the provisions of the Labor Law, shall be determined by a Joint-Prakas between the Ministry of Labor and Vocational Training and the Ministry of Economy and Finance.

Phnom Penh, 04 March 2021

Prime Minister

Samdech Akka Moha Sena Padei Techo Hun Sen

Seen and submitted

Samdech Akka Moha Sena Padei Techo Prime Minister

Deputy Prime Minister and Minister

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Minister

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ITH SAMHENG

Receiving Place:

- Ministry of Royal Palace
- Secretariat General of the Council of Constitution
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Cabinet of Samdach Aka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdach, His/Her Excellency and Deputy Prime Minister
- Article 40
- Royal Gazette
- Documents and Archives