

Legal Opinion

Group Personal Accident Policy Vs. National Social Security Fund

Group Personal Accident Policy

1. Optional – private fund, managed by insurance company
2. Scope of coverage:
 - Any personal accident Only, regardless of work-related or non work-related accident.
 - Certain extended cover: Disappearance, Medical Expenses – Triple Indemnity, Funeral Expenses Subsidy – US\$ 150, Snake bites and insect bites
3. Period of Cover: one year, subject to further renewal
4. Insured: Any natural person or business entity
5. Situation of risk:
 - working hour only
 - 24 hour worldwide
6. Premium Charge:
 - Rate: 0.25%-0.45% applied to group or person.
 - premium charged per year
7. Sum Insured: as desired subject to approval from insurance company
8. Benefits:
 - Death – Full sum insured (Lump sum)
 - Permanent Disablement – up to percentage stated in the Policy of the sum insured

National Social Security Fund

1. Compulsory by law – public fund, managed by NSSF
2. Scope of coverage:
 - Occupational risk Only: work-related accident and occupational diseases
3. Period of Cover: within working capacity period
4. Insured:
 - All workers defined by the provisions of the Labor Law.
 - Trainees, person who is attending for rehabilitation centre and apprentice.
 - State workers, public workers and every personnel who is 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.
 - Personal work in self-employed profession.
 - Seasonal or occasional workers.

Only enterprises or establishment with 8 or more than 8 employees stated above can join the scheme.

5. Situation of risk:
 - working hour only
 - within kingdom of Cambodia
6. Contribution fee
 - Contribution rate: 0.8% of monthly average wage of the employees stated in the Prakas 108, up to the highest amount Riel 8,000.00 per employees (US\$ 2.00).
 - Contribution fee paid per month
7. Sum Insured: Wage subject to contribution Riel 1,000,000.00 (US\$ 250.00)
8. Benefits:
 - Emergency Service
 - Caring Services and Treatment – Unlimited

<ul style="list-style-type: none"> - Temporary Total Disablement (N/A) - Temporary Partial Disablement (N/A) - Medical Expenses – up to stated amount in the Policy Schedule 	Amount
<ul style="list-style-type: none"> ▪ Permanent Disablement – up to percentage stated in the Policy of the sum insured 	<ul style="list-style-type: none"> ▪ Benefits for Temporary Loss of Working Ability (TLWA): (pay lump sum) Daily severance will be paid provided hospitalized for 4 days and it will be paid on the 2nd day of the hospitalization day. <ul style="list-style-type: none"> - TLWA : 180 days down - Daily severance pay = 70% × Daily Average Wage. - Caretaker as ordered by doctor. ▪ Benefits for Permanent Loss of Working Ability: (pay quarterly) <ul style="list-style-type: none"> - Permanent loss of working ability less than 20% has the right to receiving the lump sum - $LS = DAW \times 70\% \times LLWA \times 20\% PVM$ <ul style="list-style-type: none"> *LS = Lump Sum *DAW = Daily Average Wage *LLWA = Level of Loss of Working Ability *PVM = Present Value Multiplier - Permanent loss of working ability from 20% and over has the right to compensation - $P = DAW \times 70\% \times (LLWA - 1/5 \text{ LLWA}) \times PVM$ <ul style="list-style-type: none"> *P = Pension - Caretaker for 100% permanent disablement.
<ul style="list-style-type: none"> ▪ Additional payment for Caretaker: N/A 	<ul style="list-style-type: none"> ▪ Additional Payment for the Victim's care taker: <ul style="list-style-type: none"> - Allowance for care taker = 50% × Daily Severance Pay of the victim. (For temporary disablement as ordered by doctor) - Additional payment for the care taker is 50% of the pension of the victim. (For 100% permanent disablement)
<ul style="list-style-type: none"> ▪ Funeral Expenses Subsidy – US\$ 150 	<ul style="list-style-type: none"> ▪ Contribution for funeral – Riel 1,000,000.00 (US\$ 250.00)
<ul style="list-style-type: none"> ▪ Beneficiary Benefits: sum insured in lump sum 	<ul style="list-style-type: none"> ▪ Beneficiary Benefits – for spouse, children, parents or elderly in burden as stated in law.
<ul style="list-style-type: none"> ▪ Rehabilitation Service: N/A 	<ul style="list-style-type: none"> ▪ Rehabilitation Service: <p>Employee sustaining working accident causing permanent loss of working ability has the right to:</p> <ul style="list-style-type: none"> - receive tools or artificial limb as determined by official doctor or doctor organized by the NSSF. - skills coordination service and vocational training according to the setting in the separate Prakas of the Ministry of Labor and Vocational Training.
<p>9. Additional Benefits:</p> <ul style="list-style-type: none"> - Disappearance - Medical Expenses – Triple Indemnity - Funeral Expenses Subsidy – US\$ 150 - Snake bites and insect bites 	<p>9. Additional Benefits: N/A</p>

- No claim Bonus

The above will be paid in accordance with the sum insured.

10. Hospital or clinic

The treatment can be any hospitals or clinics in Cambodia or abroad.

11. N/A

12. Payment Process:

- the insured or insured person submit the claim for payment process.
- payment process with 14 working days.
- issue directly to the insured.

13. Claim of Benefits:

- Insured/insured person
- Beneficiary of the insured/insured person (claim made via the claim form)

14. Limitation of statute: 2 years as stated by Insurance law.

15. Long tail claim: within 1 calendar year of sustaining injury and paid by the insured/insured person.

There is no limit for the payment. The right to pension for beneficiary shall be ceased when the titular dies.

10. Hospital or clinic

The treatment can be at hospital or polyclinics recognized by NSSF. Other hospitals or clinics can be on emergency basis subject to forwarding to the recognized hospital.

11. There is NSSF inspector & governor, the Medial Committee to ensure the technical process of NSSF

12. Payment Process:

- the employee or representative submit the form as required by law to NSSF.
- NSSF will issue the payment to employee subject to the investigation whether it is an occupational risk or not.

13. Claim of Benefits:

- hospital or poly-clinic treating the victim or by employer through "Caring and Treatment Benefit Form "
- the victim or representative through "Benefits for Temporary Loss of Working Ability Form" or "Benefit for Permanent Loss of Working Ability"
- the beneficiary of the victim or his representative through "Beneficiary Pension Form "

14. Limitation of statute:

- The right to claim for daily severance pay for working accident and funeral contribution shall cease after 1 year.
- The right to claim for pension shall be ceased after 5 years.

15. Long tail claim: exist for occupational diseases only (not yet specified).

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