

The Government of the Republic of the Union of Myanmar

Ministry of Labour, Employment and Social Security

Notification, No. 41/2014

3rd Waxing Day of Tagu, 1375, M.E.

( 2nd April, 2014 )

In exercise of the power conferred by sub-section (a) of section 103 of the Social Security Law, 2012, the Ministry of Labour, Employment and Social Security of the Union Government hereby issues the following rules, in coordination with the Social Security Board, and with the approval of the Union Government:

Chapter (I)

Title, Application and Definition

1. These Rules shall be called **the Social Security Rules**.
2. The expressions contained in these rules shall have the same meanings as are assigned to them in the Social Security Law, 2012. In addition, the following expressions shall have the meanings given hereunder:
  - (a) **Law** means the Social Security Law, 2012;
  - (b) **Chairman** means the Chairman of the Social Security Board;
  - (c) **Director General** means the Director General of the Head Office of the Social Security Board;
  - (d) **Medical Advisory Board** means a board of medical practitioners formed to enable to give advices in implementing the medical duties of the Social Security Board;
  - (e) **Appellate tribunal** means the Appellate Tribunal formed by the Social Security Board in order to decide upon the cases dissatisfied and

submitted by the Social Security Board and the employers; or the Social Security Board and the insured persons, or the persons entitled to the benefit; or the employer and the insured persons or the persons entitled to the benefit; relating to the settlement and decision on the disputes contained in section 89 of the Law;

- (f) **Shop** means any premises or place that operates any business of the sale of any goods in retail or wholesale, or repairing or providing service or renting it. This expression includes any of the following places:
- (i) place where any of the hair-dressing business, beauty salon, body fitness business and sports business is operated;
  - (ii) place where handicraft business, pawnshop business, restaurant business, laundering business, sewing business, photography business, copying business is operated;
  - (iii) place where any business relating to any business contained in sub-rule (i) and (ii) is operated;
  - (iv) any other place prescribed as shop by the Ministry, in coordination with the Social Security Board and with the approval of the Union Government.
- (g) **Trading Establishment** means any commercial establishment. This expression includes any of the following establishments which is carrying out commercially:
- (i) establishment where advertising business, cargo transportation business is carried out;
  - (ii) establishment where services, commercial agent business, commission business, banking and financial business is carried out;

- (iii) establishment where joint-venture business or partnership is carried out;
  - (iv) other establishments prescribed as trading establishment by the Ministry, in coordination with the Social Security Board and with the approval of the Union Government.
- (h) **Public entertainment establishment** means any establishment established and opened for the purpose of public recreation and happiness. This expression includes any of the entertainment establishments:
- (i) film production, video production, newspaper, journal and magazine production establishments, television and broadcasting business, services which apply information technology;
  - (ii) cinema, video hall, concert hall, music hall;
  - (iii) any other establishment prescribed as the public entertainment establishment by the Ministry, in coordination with the Social Security Board and with the approval of the Union Government;
- (i) **Industrial establishment and factories** means any factory building and premises where any material production, repairing or production process is carried out by or without using any kind of energy. This expression includes any of the following establishments or factories:
- (i) motor vehicle workshop, motor vehicle painting workshop, motor vehicle washing and lubricating centre, printing centre, oil milling centre goods warehouse;
  - (ii) shipyard, jetty, buoy works;

- (iii) other establishment or factory prescribed by the Ministry, in coordination with the Social Security Board and with the approval of the Union Government.
- (j) **Bank and financial institution** means an organization established in the country for the purpose to intermeddle in the financial or capital markets by collecting financial resources from other persons so as to invest by such organizations in the banking businesses, credit businesses, credit and public bonds, security certificates or other permitted financial activities;
- (k) **Services** mean any services which provide service commercially. That expression includes any of the following services:
  - (i) hotel, motel, guesthouse, lodging business or tourism business and agency services;
  - (ii) other work prescribed by the Ministry as the services, in coordination with the Social Security Board and with the approval of the Union Government;
- (l) **Transport business** means a business which transports any of the passenger or goods or both commercially. That expression includes airport, seaport, jetty, railways station and other works prescribed by the Ministry as the transport business, in coordination with the Social Security Board and with the approval of the Union Government;
- (m) **Business relating to oil and natural gas** means an exploration and exploitation business carried out in an oilfield or natural gas area prescribed by notification under the Oilfields Act;

- (n) **Investment business** means a business or jointventure business carried out by investing by a foreigner or a citizen under the Myanmar investment laws;
- (o) **Social security insurance scrutiny card** means a card issued by the relevant social security office certifying that who is the insured person in accord with law;
- (p) **Pensioner certificate** means a certificate issued by the relevant social security office to a person as the evidential document that he is being a person who has retired from service and paid contribution for 180 months and above to the general insurance system under the Social Security Act, 1954 and health and social care insurance system under the Social Security Law, 2012;
- (q) **Delivery** means delivery of child alive before the completion of 22 weeks of pregnancy period or delivery of child, dead or alive, after 22 weeks of pregnancy period;
- (r) **Natural disaster** means disasters such as fire, flood, storm, earthquake caused by natural phenomenon or by human action, accident or negligence. That expression also includes any other disaster determined as a disaster by the National Disaster Management Committee;
- (s) **Unemployed** means a person who becomes unemployed from the work due to resignation from the work voluntarily or being dismissed from work because of violation of provisions of the employment contract or being dismissed from work, not for his demand, but for permanent closure of the work or for the situation of the work, according to the nature of the work, to reduce the strength of the employees;

- (t) **Contribution** means the money paid by the employer or worker or insured person or the Union Government to the Social Security Board periodically in accord with the provisions of the Law and the rules for the purpose of matters contained in the law;
- (u) **Aid from the Union Fund** means including the followings:
  - (i) allowing to expend for the salary, allowance, pension salary and other benefits for the officials and staff of the social security offices, hospitals and clinics from the Union Fund;
  - (ii) aiding from the Union Fund if it is not sufficient in providing benefits from the social security fund and invalidity benefit fund, aiding for the social security housing project from the Union Fund as may be necessary;
- (v) **Week** means the period of seven days;
- (w) **Month** means a month of Gregorian calendar;
- (x) **Year** means the 12-month period of the Gregorian calendar;
- (y) **Form** means a form prescribed in these rules;
- (z) **Ministry** means the Ministry of Labour, Employment and Social Security of the Union Government of the Republic of the Union of Myanmar;
- (aa) **Medical-in-charge officer** means the officer-in-charge of the Medical Department of the Social Security Head Office who is appointed to take responsibility and carry out medical care administration works under the law and these rules;
- (bb) **Medical Board** means the board led by the officer-in-charge who is assigned duty by the Social Security Board to determine the percentage of the loss of the work capacity of insured person who obtained

employment injury and to decide whether or not the insured person who applies for disability benefit is a person who can work the original work permanently;

- (cc) **Medical practitioner recognized by the Social Security Board** means a medical practitioner who is carrying out duty at the hospitals, clinics owned by the Social Security Board or a medical practitioner from the hospitals, clinics with which the Social Security Board has concluded agreement and who is entitled to issue medical certificate;
- (dd) **Inspector** means a person appointed to carry out inspection, assessing and submitting the matters which is necessary to be taken action relating to the matter for the compliance of employers in implementing the provisions of the law and these rules, the matter for providing contributions by the business, department involved with the Law and the matter for the proper receiving of benefits by the insured persons.

## Chapter (II)

### Formation, Functions and Duties of the Social Security Board

- 3. The following persons shall not be assigned duty as member in the Social Security Board to be formed under section 4 of the Law. If he has been assigned duty, he shall be deemed to have been terminated from duty-
  - (a) a person being decided by the relevant court to be of unsound mind or determined by a psychiatrist according to medical certificate to be of unsound mind;
  - (b) a person being dismissed or removed from the Government service;

- (c) a person who has not been exempted from being declared as insolvent by a relevant court;
  - (d) a person who is convicted by a relevant court for an offence which is punishable with imprisonment for a term exceeding six months;
  - (e) a person who participates in any business with which the Social Security Board has concluded agreement or contract;
  - (f) a person who is not a citizen according to the Citizenship Law.
4. (a) The term of membership of the members of the Social Security Board who are not the Government servant is five years. If it is necessary, a member of the Social Security Board who expires the term may be reselected and assigned duty;
- (b) Any member of the Social Security Board desirous to resign from office, may resign by submitting in writing to the Union Government through the Ministry, together with the remark of the Chairman of the Social Security Board;
- (c) The members whose terms are expired shall continue to carry out their duties and obligations until the new members appointed in their place may carry out the duties and obligations;
- (d) Any member of the Social Security Board who is not a Government servant may be terminated from duty at any time if the Union Government considers appropriate or at the submission of the Social Security Board.
5. (a) The emblem of the Social Security Board is determined as follows:
- (b) Relating to the emblem of the Social Security Board, the words in Myanmar language, " Lu Hmu Phu Lone Yay Ah Phwe" at the upper part,

and the words in English, " Social Security Board" at the lower part of the double circle are mentioned. At the centre of the small circle, silver coin with a picture of lion is mentioned as a symbol of monetary benefit; red cross symbol at its back as a sign of medical care, and a blue shield at the back of the small circle as the sign of social protection are mentioned.

- (c) The emblem of the Social Security Board shall only be used for the matters relating to functions and duties contained in the Law and these rules, but for no others.
6. The Social Security Board shall draw up and submit the advices relating to the following matters to the Ministry:
- (a) issuing procedures for enabling assigning the functions of the Social Security Board to department, organization or person to carry out as representative;
  - (b) determining other necessary Social Security Fund in addition to the Social Security Fund and the Employment Injury Benefit Fund;
  - (c) determining the remunerations not relating to wages;
  - (d) determining, from time to time, the establishments which are applied or not applied to the provisions of compulsory registration for Social Security System and benefits;
  - (e) determining, from time to time, the workers who are not applied to the provisions of compulsory registration for Social Security System and benefits;

- (f) determining the other social security system and funds for compulsory registration and contribution, or other social security system and funds for voluntary registration and contribution;
- (g) determining the rates of contribution to each Social Security Fund, liable to be paid by the employer and worker depending upon the wage per month of a worker and the rates of contribution to the Employment Injury Benefit Fund liable to be paid by the employer;
- (h) determining, from time to time, the categories of establishments which may register and effect insurance, and the category of persons who may effect insurance voluntarily;
- (i) determining and amending the age for superannuation pension of the insured person;
- (j) determining the workers who are applied to the provisions of compulsory registration for employment injury benefit insurance system;
- (k) submitting necessary facts to enable to exempt, by notification, the areas in which immediate implementation is not yet necessary according to the work plan or any establishment involved with the Law or category of employer and worker or any establishment applied by the Law or category of employer or worker from all or any part of the provisions contained in the Law, by the President of the Union for the interest of the State;
- (l) submitting necessary facts to enable the Ministry to amend and determine, with the approval of the Union Government, by notification

the stipulated rates of contributions and benefits relating to the Social Security Fund and the Employment Injury Benefit Fund ;

- (m) submitting necessary facts to enable to issue notification by the Ministry, with the approval of the Union Government, for enabling to implement the insurance systems in phases.

7. The Social Security Board shall also take responsibility and carry out the followings in addition to the functions and duties contained in section 5:

- (a) forming the medical board with two medical practitioners each led by the medical-in-charge officer or an experienced medical doctor assigned duty by him to determine the percentage of loss of working capacity for enabling to give benefits relating to permanent disability and to determine for the disability benefit, and prescribing functions and duties thereof;
- (b) scrutinizing and reviewing the rules, and terms and conditions issued under sub-section (a) of section 103 of the Law in accord with the changing situations and submitting advice to the Ministry if there are the facts which should be amended or added;
- (c) forming the specific bodies comprising the executive committee members generally or to carry out special matters for carrying out functions and duties of the Social Security Board;
- (d) assigning duty to the Secretary to carry out insurance matters contained in the Law and other functions and duties of the Social Security Board on behalf of the Social Security Board in accord with the provisions of the Law;

- (e) submitting and requesting, to the Union Government through the Ministry in accord with sub-section (a) of section 87 of the Law, to enable to provide contribution or aid or loan from the Union Fund, by expressing reasons, if the fund is not insufficient in extending the hospitals, offices and clinics of the Social Security Board or in building Social Security settlements or in providing benefits due to unexpected matters;
- (f) submitting to the Union Government through the Ministry to enable to obtain foreign assistance or aid, obtaining approval and carrying out;
- (g) submitting to the Ministry and carrying out for purchasing, hiring, obtaining in any other means and disposing of the property owned by the Social Security Board and which are not necessary to use;
- (h) preparing the budgets according to financial year and submitting them to the Union Government through the Ministry;
- (i) submitting the accounts of the relevant financial year, accompanied with the audit report of the Union Auditor's Office, to the Ministry for approval;
- (j) preparing and submitting the draft advices, notifications to enable to be issued by the Union Government and the Ministry;
- (k) borrowing necessary funds for the Board from the Union Fund with the approval of the Union Government;
- (l) taking loans by pledging the housing with the bank for financial capital in implementing the housing project under the Law;
- (m) issuing regulations and bye-laws relating to the officials and staff of the Social Security Board.

8. The Chairman of the Social Security Board shall carry out the functions and duties stipulated by the Union Government.
9. The Secretary of the Social Security Board shall also carry out the following duties in addition to the functions and duties assigned by the Social Security Board:
  - (a) preparing the meeting agendas and implementing the decisions of the meeting;
  - (b) compiling the functional facts and subject matters required by the members of the Social Security Board;
  - (c) sending the meeting minutes to the members of the Social Security Board soonest;
  - (d) signing in the instruments concluded with the Social Security Board on behalf of the Chairman, if it is assigned by the Chairman;
  - (e) entering the approved and signed records into the register.
10.
  - (a) The members of the Social Security Board are responsible to keep the records, relating to work, confidential according to the relevant confidential status;
  - (b) The members who are not the Government servant are entitled to enjoy the allowance and honorarium, as determined by the Social Security Board from time to time, in attending the meeting of the Social Security Board or in carrying out functions and duties of the Social Security Board.
11.
  - (a) The Social Security Board shall hold its meetings once in four months in a financial year.

- (b) As of the special case, the meeting may be called if at least one third of the members' request or if the Chairman considers that it is necessary;
  - (c) The subjects which are not included in the meeting agenda may be included and considered only when they were approved by the chairman;
  - (d) At any meeting of the Social Security Board, it shall be valid only if it is attended by at least half of the members of the Social Security Board. The chairman shall adjourn the meeting if the members of the Social Security Board do not fulfill the half of the numbers of those members. If the attendees do not still fulfill the half of the number of those members although it was so adjourned and held, the meeting may be held with the permission of the Chairman and decisions may also be passed.
12. In addition to the persons who comprised in the Social Security Board, the following persons may be invited to the meeting with the approval of the Chairman:
- (a) experts and responsible persons from the international labour organizations;
  - (b) responsible persons from other Ministries relating to works contained in the Law;
  - (c) responsible persons from the Head Office of the Social Security Board;
  - (d) insured persons and other persons who may be beneficial to the Social Security Board. Formation of the executive committee and functions and duties thereof
13. The Social Security Board:

- (a) to enable to carry out its functions and duties consecutively, shall form the Executive Committee with a minimum of seven suitable persons, comprising one person each from the workers' representative, the employers' representative and an expert in labour affairs out of the members of the Social Security Board;
  - (b) in forming the Executive Committee under subrule (a), shall assign duty to the suitable persons out of the members of Social Security Board as the Chairman and Secretary of the Executive Committee;
  - (c) if it is necessary, may reorganize the Executive Committee with other suitable persons from among the members of the Social Security Board.
14. The Executive Committee shall carry out the following functions and duties in accord with the guidance of the Social Security Board:
- (a) implementing the functions and duties assigned by the Social Security Board in accord with law;
  - (b) determining the terms and conditions in providing benefit under the Law and these rules;
  - (c) arranging awareness works for the occupational safety;
  - (d) arranging and carrying out for rehabilitation training for the persons who were injured at work and become disabled, and for enabling to teach skills relating to such work for changing to suitable work;
  - (e) guiding on the purchasing, hiring, taking over by any other means under the directive of the Social Security Board, of movable property and immovable property required for the Social Security Board; selling the property owned by the Social Security Board which are not necessary to be used, or disposing in any means;

- (f) guiding, allotting, scrutiny and approving the expenditures within the allotment of the fund submitted to and approved by the Union Government through the Ministry;
  - (g) allowing to conclude agreements with the Stateowned hospitals, clinics or private hospitals, clinics or employers who manage and keep medical care programs for his insured workers;
  - (h) arranging to provide skill training, re-exercising processes and educational works for safety;
  - (i) carrying out other various matters assigned duty by the Social Security Board;
  - (j) submitting its work performance report to the Social Security Board.
15. The Executive Committee shall determine the guidance and manners relating to conciliation, decision and appeal for any dispute contained in sub-section (a) of section 89 of the Law.
16. (a) The meeting of the Executive Committee shall be held once a month regularly.
- (b) The Chairman of the Executive Committee may call for and hold a meeting if he considers it necessary or if more than half of the Executive Committee members request.
- (c) The Chairman of the Executive Committee shall act as chairman in holding meetings. If he is not able to attend the meeting, a member of the Executive Committee shall be selected and assigned duty to act as chairman.
- (d) The meeting shall be valid if more than half of the Executive Committee members are present. If more than half of the committee members are

not present, the Chairman shall adjourn the meeting. If the attendees are still less than half on the day so adjourned, the meeting may be held and decision may be passed with the permission of the Chairman. Forming the Medical Advisory Board and functions and duties thereof

17. (a) The Social Security Board shall form a Medical Advisory Board comprising the following persons, in coordination with the Ministry of Health, to enable to give advice on the matters relating to medical care of insured persons:
  - (i) Deputy Director General, Department of Health;
  - (ii) Chairman or Secretary of the Myanmar Medical Council;
  - (iii) Four professors-cum-dean of relevant subjects from the Universities of medicine;
  - (iv) Director (Occupational Health), Department of Health;
  - (v) One Medical Superintendent from the Social Security Hospitals;
  - (vi) Medical Superintendent or Deputy Medical Superintendent of the Nay Pyi Taw 1000-bedded hospital;
  - (vii) One Medical Superintendent from the private hospitals which concluded deeds with the Social Security Board;
  - (viii) Medical-in-charge Officer, Social Security Head Office
- (b) The Chairman and Vice-Chairman of the Medical Advisory Board shall be elected by the votes of majority of the members of the Board. The medical-in-charge officer of the Social Security Board Head Office shall act as the Secretary.
- (c) The term of the members of the Medical Advisory Board who are not Government servant is five years. If it is necessary, a member of the

Medical Advisory Board who expires his term of office may be re-selected and assigned duty;

- (d) If it is necessary, Medical Advisory Board formed under sub-rule (a) may be reorganized.
18. The Medical Advisory Board shall carry out the functions and duties stipulated by the Social Security Board.
19. (a) The meeting of the Medical Advisory Board may be called and held when the Social Security Board and the Executive Committee request for the advice, or when the Chairman of the Medical Advisory Board considers that it is necessary, or the majority of the members submit suggestions.
- (b) The medical-in-charge officer shall invite by expressing the matters to be discussed at the meeting, in advance, before the meeting of the Medical Advisory Board is held;
- (c) The meeting shall be valid if more than half of the members of the Medical Advisory Board attend it, If more than half of the members cannot attend, the Chairman of the Medical Advisory Board shall adjourn the meeting, and if the attendees do not fulfill half of the members on the day so adjourned, the meeting may be held with the permission of the Chairman and decisions may also be passed.
- (d) The Medical Advisory Board may, if it is necessary, invite local and foreign specialist doctors and seek and obtain advices.
- (e) The Deputy Director General and Directors of the Social Security Head Office may help, if it is necessary, at the meetings of the Medical Advisory Board. Forming the Social Security Offices, hospitals and clinics; appointing and assigning duty.

20. The Social Security Board shall form and assign duty the following departments at the Social Security Head Office, in order to carry out necessary functions and duties, and office duties of the Social Security Board in implementing the provisions contained in the Law and to supervise the performance of the functions and duties of the Social Security Offices, hospitals and clinics:
- (a) Management Department;
  - (b) Insurance Department;
  - (c) Finance Department;
  - (d) Audit Department;
  - (e) Research and Planning Department;
  - (f) Information and Technology Department;
  - (g) Medical Department.

#### **Functions and duties of the Director General**

- 21 The Director General shall be responsible to the Social Security Board and also carry out the duties contained in section 10 of the Law and the following functions and duties:
- (a) carrying out as the representative of the Social Security Board;
  - (b) drawing up of the draft rules, draft notifications, budget and annual accounts and reports, terms and conditions relating to the officials and staff of the Social Security Board, and the draft agreements to be concluded with other representatives or employers and the Social Security Board;
  - (c) managing the receipts and expenditures of the Social Security Board in accord with the financial regulation;
  - (d) allowing and issuing cash benefits in accord with law;

- (e) buying, obtaining, disposing and transferring in any other means of the moveable property and immoveable property under the guidance of the executive committee;
- (f) managing and administering the officials and staff of the social security offices, hospitals and clinics and issuing pays to them;
- (g) allowing to expend the expenditures which are not more than those stipulated in the budget;
- (h) allowing to transfer the surplus under a sub-heading contained in the budget to another sub-heading of such account;
- (i) appointing, promoting, taking action, termination and removal from work of non-officer staff;
- (j) maintaining necessary records and account books for the Social Security Board;
- (k) submitting report on the work performances of social security offices, hospitals and clinics to the executive committee monthly;
- (l) carrying out other matters assigned by the Chairman and executive committee of the Social Security Board;
- (m) issuing sanction of the Social Security Board for prosecution to the relevant township social security office for enabling prosecution of the offences contained in the Law.

22. The Director-General may cause to carry out the functions and duties contained in rule 21 by the Deputy Director-General or any suitable officer.

## Chapter (III)

### Fund and Accounts

#### Opening and maintaining fund and accounts

23. The Social Security Board shall deposit contributions of the State, employers and workers, and all other incomes to the Social Security Fund and Employment Injury Benefit Fund according to stipulation and incur the expenditures to be incurred by the Social Security Board from the said fund in accord with the stipulations.
24. (a) The account of the Social Security Board includes two main funds, the Social Security Fund and Employment Injury Benefit Fund, and three accounts shall be opened and maintained as follows according to the requirement in the implementation of work:
- (i) Social Security Fund Accounts;
  - (ii) Employment Injury Benefit Fund Accounts;
  - (iii) Administrative Accounts.
- (b) The Administration expenditure of the Social Security Board shall not be over 25 per cent of the total receipt of the contributions within a financial year.

#### Social Security Fund Accounts

25. The following incomes shall be deposited to the Social Security Fund:
- (a) social security fund transferred and received from the former Social Security Board;
  - (b) contributions, subsidies, and loans from the Union Fund;
  - (c) contributions paid by the employers and workers to the following each social security system:

- (i) health and social care insurance system;
- (ii) invalidity benefit, superannuation benefit and survivors' benefit insurance system;
- (iii) unemployment benefit insurance systems;
- (iv) other social security system;
- (v) the social security system prescribed by the Ministry, in coordination with the Social Security Board, that contribution shall be paid after compulsory registration is made; or the social security system which is prescribed that contribution may be paid after voluntary registration is made;
- (d) defaulting fees imposed in accord with the Law;
- (e) interests earned from savings, deposits and loans of the fund;
- (f) money received from the sales and renting of the Social Security Housings;
- (g) incomes and increased money from investments;
- (h) donations of well-wishers, local and abroad;
- (i) other incomes.

26. The following expenditures are included in the Social Security Fund:

- (a) expenditures included in Health and Social Care Fund:
  - (i) medical care expenses;
  - (ii) cash benefit for sickness;
  - (iii) cash benefit for maternity;
  - (iv) funeral grant;
  - (v) cash transferred to the Family Assistance Fund;
  - (vi) cash transferred to the Administrative Account;

- (b) expenditures included in the Family Assistance Fund:
  - (i) educational allowance for children;
  - (ii) aid benefit when encountering natural disaster;
  - (iii) suitable benefit for depending family;
- (c) expenditures included in the invalidity benefit, superannuation pension benefit and survivor's benefit
  - (i) invalidity benefit;
  - (ii) superannuation pension benefit;
  - (iii) survivors' benefit for death not for employment injury;
  - (iv) reimbursement made to the employer and the worker;
  - (v) cash transferred to the administrative account;
- (d) expenditures included in the Unemployment Benefit Fund:
  - (i) cash benefit for being unemployed from work;
  - (ii) cash transferred to the administrative account;
- (e) expenditures included in the Social Security Housing Scheme Fund:
  - (i) expenses for the housing project;
  - (ii) loans to purchase housing;
  - (iii) reimbursement made to the insured person;
  - (iv) cash transferred to administrative account.
- (f) other social security benefit funds prescribed from time to time by the Ministry, in co-ordination with the Social Security Board;

### **Employment Injury Benefit Account**

27. The following incomes shall include in the Employment Injury Benefit account:

- (a) the Employment Injury Fund transferred and received from the former Social Security Board;

- (b) contributions, subsidies and loans from the Union Fund;
  - (c) contributions of employer for the employment injury insurance system;
  - (d) defaulting fees imposed by Law;
  - (e) interest earned from savings, deposits, and loans of the fund;
  - (f) increased money from investments;
  - (g) donations of local and foreign well-wishers;
  - (h) other incomes.
28. The following expenditures include in the Employment Injury Benefit Fund:
- (a) medical care expenses for insured persons who suffer employment injury;
  - (b) expenses for orthopedic and prosthetic appliances for insured persons who suffer employment injury;
  - (c) cash benefit expenses for insured persons who suffer employment injury;
  - (d) cash benefit expenses for survivors of insured persons who died owing to employment injury;
  - (e) expenses for rehabilitation works and training for regaining skill;
  - (f) cash transferred to the Administrative Account.

**Administrative Account**

29. The following amount received by transfer shall be deposited to the Administrative Account:
- (a) contribution for salary, allowance, honorarium, gratuity, pension and other benefits and aid money for the administration from the Union Fund;

- (b) cash received by transfer contained in sub-rule (a), (c), (d), (e) of rule 26 and sub-rule (g) of rule 28.
30. The Administrative Account includes the following expenditures:
- (a) expenses for salary, allowance, honorarium, gratuity, pension and other benefits of officers and staff of the Social Security Board;
  - (b) expenses for buying land plot to construct social security offices, hospitals, clinics and service personnel housings, construction or buying of building;
  - (c) expenses for buying office machineries and other materials for office use;
  - (d) expenses for buying motor vehicles, ambulances, medical equipment and furniture for using as support to office, hospital and clinic;
  - (e) maintenance expenses;
  - (f) other administrative expenses.

### **Maintaining and using of funds**

31. The officers-in-charge of the various levels of the social security offices are entitled to expend the necessary expenditure for their offices with the permission of the Social Security Head Office in accord with the financial regulations and by-laws.
32. The Social Security Board shall, in order to maintain and audit the Social Security Fund and the Employment Injury Benefit Fund systematically, draw up the accounting procedures in co-ordination with the Office of the Union Auditor-General and issue the directives to each of the subordinate offices to carry out in conformity with such procedure.
33. The Social Security Board:

- (a) may incur and expend for the costs of medical care relating to social insurance system, the cost for cash benefits, the cost for housing project, the cost for administration etc. from the Social Security Fund;
- (b) may incur and expend for the costs of medical care relating to the employment injury benefit insurance system, the cost for cash benefit, the cost for administration etc. from the Employment Injury Benefit Fund;
- (c) may incur and expend for the expenditures for purchasing land to construct offices, hospitals, clinics and housing for the staff, construction and purchasing of building, purchasing office equipment and other office appliances, purchasing motor vehicles for the use of office, hospital and clinic, ambulances, medical equipment, furniture from the administration fund;
- (d) if the foreign currency is received, shall open specific bank account with a State-owned bank or other bank directed by the Social Security Board according to the relevant fund and may use it for the Social Security and Employment Injury Insurance System Benefit and for administration matters contained in the Law;
- (e) may request to obtain contributions, aids, loans from the Union Fund with the approval of the Union Government to carry out matters under this Law;
- (f) may invest the suitable amount of money from the surplus monies, in accord with rule 36, after incurring for the expenditures from the social security fund and employment injury fund.

### **Depositing receipts with the bank by classifying account head**

34. The officers-in-charge of the Social Security Offices shall:
- (a) deposit the receipts to each relevant account head;
  - (b) open a current account with any State-owned bank or any other bank directed by the Social Security Board so as to enable to deposit the income received;
  - (c) deposit the incomes received by them on the day received by them or on the earliest bank working day after having received them;
  - (d) transfer the money from the current account of their office to the account of the Social Security Head Office in accord with the directive of the Social Security Head Office.
35. The Social Security Head Office shall open accounts for the necessary expenses of the branch-offices which are insufficient in expenditure, offices and hospitals which have no income, with the contributions collected monthly and other incomes.

### **Carrying out to increase the fund**

36. The Social Security Board may, in order to increase the Social Security Fund and Employment Injury Benefit Fund, form the Investment Advisory Body comprising the representatives of worker, representatives of employer, economists and legal experts, if it is necessary to form it, after submitting to the Ministry, and may obtain the advice and carry out. At the advice of such Body, the following works which may be profitable, may be carried out, in accord with law, with the fund which are not yet necessary to be used for the time being:

- (a) the amount of money not less than 60 per cent of the saved fund shall be invested at the State-owned bank or at any other bank directed by the Social Security Board as follows:
  - (i) depositing by fixed account;
  - (ii) opening savings bank account;
  - (iii) buying savings certificate;
  - (iv) buying Government security bond, Government treasury bond.
- (b) the amount of money not more than 30 per cent of the saved fund may be invested as follows:
  - (i) investing by buying shares of the public companies which are being successful in business, investing by buying bonds, and investing by buying shares from security exchange market;
  - (ii) issuing loans to the persons who have paid contribution by specifying interest rates under the suitable terms and conditions;
  - (iii) establishing housing projects for the insured persons;
  - (iv) carrying out other investment works, in coordination with the relevant Ministries of the Union Government.
- (c) The amount of money not more than 10 per cent of the saved funds may be invested by establishing owned economic enterprises.

### **Preparing cash accounts, auditing and submitting**

37. The Social Security Board shall:

- (a) carry out regular auditing relating to the Social Security Fund and Employment Injury Benefit Fund, and also coordinate with the Office of the Union Auditor General and carry out, through the Ministry, to enable to accept the audit of the Office of the Union Auditor-General;

- (b) submit the audit report of the Office of the Union Auditor-General to the Union Government through the Ministry;
  - (c) prepare budget estimate expressing the estimated income and expenditure for the coming financial year and submit to the Union Government through the Ministry;
  - (d) submit yearly budget estimate relating to the Social Security Fund and Employment Injury Benefit Fund to the Union Government through the Ministry, obtain the approval and carry out.
38. The Director-General shall submit the balance sheets relating to investment sent yearly by the businesses invested with the Social Security Fund and Employment Injury Benefit Fund to the Social Security Board.

**Providing contribution and subsidy from the Union Fund**

39. The Social Security Board:
- (a) shall, before it is enable to establish social security offices, hospitals and clinics and appoint necessary service personnel with its own fund, submit to and request the Union Government, through the Ministry, to enable to incur the salary, allowances, honorarium, gratuity, pension, and other benefits of the service personnel appointed with the permission of the Union Government from the Union Fund in accord with section 86 of the Law;
  - (b) shall, at the time when it is enable to expend for the establishment of social security offices, hospitals and clinics; appointing of and assigning duty to necessary staff and for paying salary, allowance, honorariums, gratuity and other benefits of such staff, submit, one budget year in

advance, to the Union Government through the Ministry, that it shall not request from the Union Budget;

- (c) shall, from the time the salaries, allowances, honorariums, gratuities, pensions and other benefits are not requested from the Union Fund; submit and request, by sending the accounts, one budget year in advance, to the Budget Department after expressing the reason, through the Ministry, and through that Department to the Union Government, to enable to contribute, as the Union's contribution from the Union Fund twice a year, the contribution not less than one per cent of the wage or income of the insured person for a month;
- (d) may submit and request to the Union Government, through the Ministry, to enable to support from the Union Fund according to sub-section (a) of section 87 of the Law if it is necessary, in addition to the employer's contribution, in establishing the Employment Injury Benefit Fund.

## **Chapter (IV)**

### **Social Security System and the Employment Injury Benefit**

#### **Insurance System**

##### **Applicable establishments**

- 40. (a) The establishments contained in sub-section (a) of section 11 of the Law having the number of workers stipulated by the Ministry, in coordination with the Social Security Board, and above, and contract works or sub-contract works relating to main works of such establishment shall be applied by the provisions of the compulsory registration from the day of coming into force of the Law;

- (b) For the workers of the establishments which are applied with the provisions of compulsory registration contained in sub-rule (a), the employers shall register with the relevant township social security office by themselves or by representative within thirty days after the day of coming into force of the Law if they were establishments being operated after effecting registration under the Social Security Act, 1954; and if they were establishments established after the coming into force of the Law, within thirty days from the day of commencement of its operation;
  - (c) The establishments contained in sub-rule (a) and (b) shall submit the facts relating to the establishment in the work centre register (Form - 1) and the list of workers in (Form-1A) to the relevant township social security office after fulfilling them completely and truly.
41. Any business center which is applied by the provisions for compulsory registration contained in rule 40 shall continue to be applied by the provisions for compulsory registration for the social security system and employment injury benefit insurance system contained in the Law and these rules, even though any of the following situations arises after having registered in accord with law:
- (a) continuing to work with at least one worker and above;
  - (b) change of employer, change the original business as the joint-venture or change of the name of the business;
  - (c) carrying out the original business by transferring it to any other place;
  - (d) carrying out by changing into category of any business centers contained in section 11 of the Law or by joining with any other category of business center.

## Applicable workers

42. The following workers shall be applied with the provisions for compulsory registration for social security system and employment injury benefit insurance system contained in the Law:
- (a) all persons, except the wife, husband, children and parents depending on the employer, working at the business centers contained in rule 40 and 41 for wages, whatever their amount of wages may be or whether or not wages may be obtained, and paid or unpaid apprentices and trainees, whether their work is permanent or temporary or seasonal or hard labour work or any category of work;
  - (b) workers of the business centers stipulated by the Ministry, in coordination with the Social Security Board, with the approval of the Union Government, by notification, as applied by the provisions of compulsory registration relating to the social security system and the employment injury benefit system;
  - (c) The employer shall, when he registers his establishment or appoints a new worker, submit to the relevant social security office together with medical certificate of good health, after causing his worker to receive necessary medical examination within ten days after effecting registration or appointing new worker as such, and after fulfilling the full data about his worker completely and truly in stipulated worker registration (Form-2). In fulfilling in the worker registration (Form-2), it shall cause the worker to sign that the data mentioned are true, if he has involved in and registered with the social security in the past, it shall

cause to mention the card number of insurance scrutiny obtained at that time.

43. The employer who has registered according to law shall, when the transfer, resignation, retirement and death of workers of his establishment occurs, inform to the relevant social security office within ten days.

#### **Voluntary registration and effecting insurance**

- 44 (a). The employers and workers of the following establishments may, if desirous to obtain and enjoy the social security benefits and employment injury benefits, contribute and save the stipulated employer and worker contributions voluntarily according to rule 55 and rule 58 to the Health and Social Care Fund and the relevant Social Security Fund or Employment Injury Benefit Fund:
- (i) establishments which are not relevant to the provisions for compulsory registration contained in the Law and these rules;
  - (ii) establishments stipulated from time to time by the Ministry, with the approval of the Union Government that they may effect insurance voluntarily.
- (b) The following persons may contribute and save employer and worker contribution stipulated by rule 55 to the relevant social security fund they like, voluntarily and enjoy the relevant social security benefits in accord with the stipulations:
- (i) public who do not work at the establishments;
  - (ii) students, persons who are away from the worksite, housemaids and persons who went overseas and are doing work;

(iii) persons who carry out private business, collective business, professional business and farmers.

45. The employer of the establishments contained in sub-rule (a) of rule 44, to register his worker; and the person, contained in sub-rule(b) of rule 44, who is desirous to register voluntarily shall carry out as follows:

(a) initially, he shall accept medical examination of the doctor of the social security clinic;

(b) according to the medical examination of the doctor of the social security clinic, if the insured person is found that he is likely to be incapable to do the appointed work or suffering from the chronic disease, he shall be referred to the Social Security Hospital or relevant department of health to enable to diagnose the disease;

(c) the cost for diagnosis of disease shall be borne by the employer if it is for a worker of a establishment contained in sub-rule(a) of rule 44; or by the insured person himself if it is for the person who effect insurance voluntarily as contained in subrule (b) of rule 44.

46. The Township Social Security Office:

(a) shall issue a certificate recognizing the registration of such office with the social security office in the establishment registration (Form-3) to the employer when the employer register his business center with the social security office according to sub-rule (b) of rule 40 and sub-rule(a) of rule 44;

(b) shall accept as the insured person by the relevant social security office if it is certified that such disease is likely to be cured, according to the

- medical examination of specialist doctors of the Social Security Hospital or relevant department of health under sub-rule(b) of rule 45;
- (c) may refuse to accept as insured person if a proposer to effect insurance voluntarily is found suffering from chronic disease according to the medical examination of the specialist doctor;
  - (d) shall inspect the person who used to default to pay contribution often after having registered according to Law, whether or not he is the person who defaults to pay for any causes such as the sickness, delivering child, temporary disability, unemployment. If such person is found that he has registered dishonestly to enjoy the benefits provided by the Social Security Board, it may terminate his registration after obtaining the directive of the Social Security Head Office;
  - (e) shall issue social insurance scrutiny card (Form-4) to the insured persons according to law.

### **Keeping records and inspection**

47. The employer of the establishments registered in accord with law:
- (a) shall keep the following records relating to his establishment systematically:
    - (i) record on establishing and opening of the establishment(Form-5);
    - (ii) record on temporary opening or closing of the establishment(Form-6);
    - (iii) record on change of the employer (Form-7);
    - (iv) record on change of business (Form-8);
    - (v) record on change of business place (Form-9)
    - (vi) record on change of manager (Form-10).

- (b) shall keep the following records relating to his workers:
  - (i) record on the daily attendance of the workers;
  - (ii) record on accounts of payment of wages;
  - (iii) accounts for each worker;
  - (iv) records on appointment of new worker, causing the worker to change work, promotion, suspension, resignation from work, termination from work, removal and dismissal of a worker from work;
- (c) shall keep the following records relating to contributions and benefits in respect of social security systematically:
  - (i) lists for monthly contributions to social security fund and employment injury benefit fund;
  - (ii) list of the persons who have obtained the social security scrutiny card (Form-11);
  - (iii) record book for employment injury;
  - (iv) lists of persons who have obtained social security and employment injury benefit (Form-12);
- (d) shall submit and also accept the inspection if the lists and records contained in sub-rules (a), (b) and (c) are demanded by the inspection team or officer assigned duty by the Social Security Board or the responsible officer of the relevant social security office.

48. The insured person:

- (a) in fulfilling the registration form stipulated for him, shall sign that the facts mentioned are true and he knows it personally. If there are any

changes in the facts mentioned, he shall inform to the relevant social security office through the employer or by himself;

- (b) shall inform to the relevant township social security office if the employer fails to register him or if the facts mentioned are not true if he is a worker from a establishment contained in rule 40 and rule 41.

49. (a) The Social Security Board may cause to inquire or inspect, by sending an inspection officer or suitable person or inspection team to the relevant establishment, the following facts to enable to inquire and know, and settle and decide relating to social security and employment injury benefits:

- (i) whether or not the employers systematically keep the business records and lists which shall be kept according to Law;
- (ii) whether or not contributions for all workers are paid and whether or not due contribution is paid according to wages and income;
- (iii) whether or not the records for contributions to the social security fund and employment injury benefit fund are kept and whether or not those contributions are paid regularly;
- (iv) whether or not social security insurance scrutiny cards are issued to the insured persons;
- (v) whether or not accounts for each insured person is opened;
- (vi) whether or not the workers draw and obtain the social security and employment injury benefits truly;
- (vii) whether or not stipulated reports are submitted.

- (b) The officer or inspection team assigned duty by the Social Security Board to inquire into the matters contained in sub-rule (a) may enter

into the premises of the relevant establishment and make necessary inquiries and inspections.

- (c) The relevant employer and workers, or other persons who are required in making inquiry may be summoned and examined, and it may cause to produce the exhibit documents.

**Having the right to be applied though he changes the establishment and carry out work**

50. An insured person who has worked at a private establishment applied by the Law:

- (a) if he transfers to and carries out work at another private establishment or any State - owned establishment applied by the Law, it shall continue to be applied in accord with law;
- (b) if he is desirous to continue to stand as the insured person voluntarily in accord with law, after he has transferred to another establishment applied by the Law or after he has changed and carried out own business, he has the right to continue to stand as voluntary insured person after paying employer and worker contribution to the insurance system for which he likes to continue to be applied, by expressing wages or income which is not less than minimum wages or income declared according to region by the Union Government or Region or State Government;

51. The insured person who has worked at a State-owned establishment applied by the Law:

- (a) if he transfers and carries out work at another State-owned establishment, he shall continue to be applied in accord with law;

- (b) if he is desirous to continue to stand as the insured person voluntarily after he has transferred to another establishment which is not applied by the Law or to his own business, he is entitled to continue to stand in accord with sub-rule(b) of rule 50;
- (c) if he has transferred to any private establishment which is not applied by the Law, he shall continue to be applied by the Law and also applied to the disability benefit, superannuation pension benefit and survivors' benefit insurance system and unemployment benefit insurance system;
- (d) if he joins with any establishment which is applied or if his establishment becomes to be applied with the provisions of compulsory registration, he shall continue to be applied according to the provisions of the law.

**The persons who has the right to enjoy benefit in accord with law**

52. The insured person who has registered in accord with law, if it is in conformity with the stipulations for each category of benefit, he has the right to enjoy the relevant benefits.

**Suspension from the application of the Law**

53. (a) The insured person who has registered in accord with Law is temporarily suspended from the application of the provisions of the Law if he fails to pay the contributions for 36 months consecutively;
- (b) The person who is temporarily suspended under sub-rule (a) shall be applied with the provisions of the Law commencing from the date on which the contributions are repaid after entering into a work applied by the Law or from the date on which contributions are repaid after registering voluntarily, and he shall have the right to join with the contribution terms paid in the past;

- (c) The insured person who has registered in accord with Law shall be terminated from the application of the provisions of the Law if he has drawn and enjoyed the benefits from disability, superannuation and survivors' benefit system, or if he resigns from being insured person, or if he dies.

## **Chapter (V)**

### **Contributions**

#### **Contributions which shall be paid to the Social Security Fund**

- 54. (a) The employer shall, In order to give medical care to the insured persons, to give social security benefits in accord with the Law to the insured person and the survived dependents after his death, to defray the costs of other matters in accord with the Law and to defray the costs of administration, pay the contributions of the employers and workers monthly to the relevant township social security offices or to the bank accounts opened by the township social security offices;
  - (b) The voluntary insured person shall pay the contributions which shall be paid to relevant social security fund monthly as contained in sub-rule(a).
55. The contributions rate which shall be paid to the Social Security Fund under sub-section (a) of section 15 of the Law by the employers and workers of establishments depending upon wages per a month of the insured persons, are as follows:
- (a) It shall be paid to the Health and Social Care Fund as follows:

- (i) if the insured person is within 60 years of age at the time of initial registration, two per cent by the employer and two per cent by the worker, totally four per cent;
- (ii) if the insured person is over 60 years of age at the time of initial registration, 2.5 per cent by the employer and 2.5 per cent by the worker, totally five per cent;
- (b) 3 per cent by the employer and 3 per cent by the worker, totally 6 per cent to the disability benefit, superannuation benefit and survivors' benefit fund;
- (c) 1 per cent by the employer and 1 per cent by the worker, totally 2 per cent to the unemployment benefit fund;
- (d) at least 25 per cent by the worker to the Social Security Housing Fund.

56. The employer:

- (a) shall contribute the rates of contribution stipulated to pay under sub-rule (a) of rule 55 commencing from the date of coming into force of the Law;
- (b) shall contribute the contributions, relating to the rates of contributions stipulated to pay under subrules (b), (c) and (d) of rule 55, commencing from the date determined by the Ministry, by notification, in coordination with the Social Security Board and with the approval of the Union Government .

### **Contributions which shall be paid to the Employment Injury Benefit Fund**

57. The employer shall, in order to give medical care to the insured persons, to give employment injury benefit in accord with the Law to the insured person and the survived dependents after his death, to defray the costs of other

matters in accord with the Law and to defray the costs of administration, make monthly contribution to the Employment Injury Fund at the relevant township social security offices, or to the bank accounts opened by the township social security offices.

58. The Social Security Board shall carry out as follows to cause the establishments to determine and collect employer's contribution relating to employment injury benefit insurance system:
- (a) it shall determine one per cent of the wages or income obtained by the insured person in a month as the basic contribution for the business centre which initially involved for registration;
  - (b) if the total number of persons who enjoy occupational permanent disability benefit and survivors' benefit of the establishment contained in sub-rule (a) is less than five per cent of the workers of such establishment who effect insurance in a year, such establishment shall be continued to determine and collect at the rate contained in sub-rule (a);
  - (c) if the total number of persons who enjoy occupational permanent disability benefit and survivors' benefit of establishment contained in sub-rules (a) and (b) is happened as follows in a year, such establishment shall be warned and informed not to continue to happen as such:
    - (i) if an establishment having less than 50 workers, has two or more persons who enjoy occupational permanent disability benefit and survivors' benefit;

- (ii) if an establishment having more than 50 workers, has 5 per cent and more of the insured workers, who enjoy occupational permanent disability benefit and survivors' benefit;
  - (d) if the total number of persons who enjoy occupational permanent disability benefit and survivors' benefit of establishment contained in sub-rule(c) continues to exceed more than the stipulation contained in sub-rule (c), the contribution for that establishment shall be increased and collected at 1.5 per cent of the wages or income per month of the insured person;
  - (e) if the total number of persons who enjoy occupational permanent disability benefit and survivors' benefit in a year re-reaches to less than the stipulation contained in sub-rule (c) at the establishments in which contribution is increased, determined and collected; that establishment shall be reduced and determined to one per cent of wages or income per month of the insured person.
59. (a) The employer shall pay the rates of contribution stipulated to pay under sub-rule (a) of rule 58 commencing from the date of the coming into force of the Law.
- (b) The establishments desirous to effect voluntary insurance shall have the right to enjoy employment injury benefit by paying the employers' contribution according to the rates contained in rule 58.

**Wages and Income on which fixation of contribution shall be based upon**

60. (a) In calculating the contribution, the total wages or income per month of the insured person shall be taken into account. Such wages or income shall not be less than the wages determined under the Minimum Wages

Law or stipulations for minimum wages issued according to the area from time to time by the Union Government or Region or State Government;

- (b) As of the wages or income to pay contribution, of the apprentices and trainees who do not obtain the wages, it shall be determined as of the minimum wages stipulated under the Minimum Wages Law or the minimum wages stipulations issued by the Union Government or Region or State Government from time to time;
- (c) In determining wages or income per month of a worker for the contribution mentioned in rules 55 and 58, the money or benefits which may be mentioned as the income of a worker, except refunds for expenditures incurred by the nature of the work and travelling allowances, shall be included and determined. Such wages or income per month includes the followings:
  - (i) basic salary or basic wages;
  - (ii) subsistence allowance;
  - (iii) overtime wages;
  - (iv) other monthly additional payments paid to the worker by the employer;
- (d) If the employer has to pay contribution to the credit fund, pension fund or any other fund established for his workers or manages or maintains medical care programmes, such aids and costs shall not be deducted from the contributions which are responsible to pay according to law.

#### **Incomes which shall not be taken into calculation in determining the contribution**

61. The employer:

- (a) shall not take into calculation of the cash benefits such as sickness benefit, maternity benefit, temporary disability benefit, permanent disability benefit, unemployment benefit as the wages and income so as to determine the contribution;
- (b) shall not take into calculation of the money paid by the employer to the insured person under any existing law or employment agreement for the period contained in sub-rule(a) as the wages and income so as to determine the contribution;
- (c) shall not take into calculation of the service reward monies, annual reward monies, aids paid for religious and social festivals and lay-off damages as the wages or income for determining the contribution.

#### **Changing and determining the rates of contribution**

62. (a) The Township Social Security Office shall submit to the Social Security Head Office in January every year, together with fact and document, so as to enable to revise, determine and collect the employer's contribution of the establishments relating to employment injury benefit system, in accord with rule 58.
- (b) The Social Security Head Office shall submit to the meeting of the Social Security Board and obtain decision, so as to enable to revise, determine and collect the employer's contribution of the establishments relating to employment injury benefit system, in accord with rule 58. Such decision shall be informed to the relevant Township Social Security Office.
- (c) The Township Social Security Office shall inform and intimate the matter of revising and determining the employer's contribution relating to the

employment injury benefit insurance system of the establishments, to the relevant establishment.

### **Payment of contributions**

63. The calendar month is the basis period in determining wages and income per month for the contribution.
64. The employer:
  - (a) shall pay the contribution for the insured person if he works at least for a day in the calendar month for wages;
  - (b) shall pay the contribution which shall be paid by the insured person according to the rates stipulated in rule 55 and based upon his wages or income per month after deducting the contribution which shall be paid, from his wages and income, together with the contributions which shall be paid by him under rules 55 and 58, to the accounts of the Township Social Security Office or the bank account opened by the Township Security Office monthly not later than 15 days after the end of the relevant month;
  - (c) shall not deduct more than the contribution, which shall be paid by the insured person, stipulated to pay in rule 55 to the Social Security Fund;
  - (d) shall also submit necessary accounts and lists in contributing to the Social Security Office's accounts.
65. (a) The employer:
  - (i) shall, if he fails to pay the contribution contained in rules 55 and 58, within the stipulated period contained in sub-rule(b) of rule 64, pay 10 per cent of the contribution for a month for every day of default as addition to the contribution. Moreover, if he continues to

default to pay contribution, the said defaulting fee shall be paid for every defaulting days as addition;

(ii) shall, if he pays the reduced contribution by expressing the wages of the worker as reduced, or if he pays contribution by concealing the number of workers, or if he fails to pay the contribution deducted from the wages of the worker, pay at the rate of 10 per cent per month over the reduced contribution as the defaulting fee in addition to the reduced or deducted contribution as provided in clause (i), to the accounts of the relevant Township Social Security Office.

(b) The relevant Township Social Security Office shall, if the employer fails to pay the contribution, under sub-rule (b) of rule 64, which is liable to pay under rules 55 and 58, inform to the relevant employer to pay within the stipulated time by expressing the said contribution and defaulting fee.

66. The employer:

(a) shall, in paying contributions under rules 55 and 58, send to the relevant Township Social Security Office by entering into and fulfilling completely for each worker in the stipulated contribution list (Form-13) and after signing that it is true and he takes responsibility for it;

(b) shall affix the contribution list contained in subrule(a) at the visible place of his establishment.

## Chapter (VI)

### Medical Care

#### **Purpose of medical care**

67. The Social Security Board shall manage the medical care to increase the health, prevent the disease, carry out medical care, rehabilitate and to enable to work again with full energy of the insured persons.

#### **Right of medical care**

68. (a) The insured person has the right to take medical care and to obtain medical certificate, at the time of commencement of taking medical care for a disease, if it is in conformity with the following stipulations:

- (i) person whose registration period is only within one month, and who has not paid contribution;
- (ii) person who has two months of registration period and has paid contribution for at least one month;
- (iii) person who has three months of registration period, and has paid contribution for at least two months;
- (iv) person who has over three months of registration period, and has paid contribution for at least two months within last preceding three months;
- (v) in counting the period stipulated to pay contribution mentioned in sub-rules (2), (3) and (4), the periods in which contribution could not be paid because of the sickness, giving birth to a child, unemployment from work and temporary disability cash benefit or enjoyment of leave without pay for the whole month, may be taken into account.

- (b) If the holders of pensioner certificate are unhealthy, they have the right to take medical care in accord with the provisions of these rules.
- 69.
- (a) The Social Security Board shall, in providing medical care, give equal right, without discrimination based upon occupation, category of disease and gender etc. of the insured persons;
  - (b) The Social Security Board shall maintain social security hospitals, clinics so as to enable to take medical care by the insured persons, and it may conclude agreements with the State-owned hospitals or clinics, or private hospitals, clinics and pharmacies;
  - (c) The township social security office shall, so as to enable to take medical care by the insured person, determine the hospitals, clinics which are nearest to their residential place under sub-rule (b);
  - (d) The Social Security Board may, based upon the period of contribution or period of medical care or category of disease in accord with the advice of the Medical Advisory Board, issue directives and determine so as to reimburse the medical cost in providing medical care at the social security hospitals and clinics or in receiving medical care at the State-owned and private hospitals and clinics concluded agreement with the Social Security Board.
70. The insured person:
- (a) has the right to take medical care and to receive diagnostic investigation to enable to assist in medical care, during his sickness, at the hospitals, clinics owned by the Social Security Board and State-owned and private hospitals and clinics concluded agreement with the Social Security Board;

- (b) has the right to enjoy the costs relating to the medical care as determined by the Social Security Board after obtaining the advice of the Medical Advisory Board if he takes medical care at the hospitals, clinics owned by the Social Security Board, and also has the right to obtain free accommodation and meal and to use ambulance.
- (c) has the right to enjoy the costs relating to medical care if he takes medical care at the State-owned and private hospitals, clinics concluded agreement with the Social Security Board, as determined by the Social Security Board after obtaining the advice of the Medical Advisory Board.

#### **Medical care period relating to sickness**

- 71. (a) Except the situations referred and mentioned in sub-rules (b) and (c), the insured person has the right to take medical care up to 26 weeks at most from the commencing day of medical care.
  - (b) If a situation arises to take medical care for giving birth to a child or employment injury within 26-week period of medical care, such medical care may be taken in continuation with the original medical care.
  - (c) The maximum period for medical care of serious diseases determined by the Ministry of Health, serious diseases published and determined by the Ministry, diseases which may worsen the health if the medical care is stopped, may be extended up to 52 weeks or up to a period determined by the Social Security Board, as an special exception, at the recommendation of the specialist doctor providing medical care and continued recommendation of the medical-in-charge officer.
72. If the sickness caused by the same disease, after the termination of medical care for the first sickness:

- (a) arises within six weeks, for the purpose of counting the period of 26 weeks stipulated under sub-rule (a) of rule 71, the subsequent sickness shall be deemed to be the continuation of the former disease.
  - (b) arises again after the lapse of six weeks, the period for medical care shall be counted anew.
  - (c) if the insured person suffers another disease while he is taking medical care for a disease, such insured person shall obtain medical care for a new period of medical care relating to other disease according to terms and conditions mentioned in rule 71.
73. (a) The insured person has the right to take medical care during the period in which he is entitled to enjoy the cash benefit according to law if he is dismissed from work, but not for voluntary resignation from work, or terminated from work due to permanent lock-out of the work or for a necessary situation to reduce the organizational strength of the staff according to the nature of the work.
- (b) The doctor recognized by the Social Security Board may provide medical care to the unemployed person, for a period of unemployment which is not more than six months, if it is necessary to provide medical care more than the period contained in sub-rule (a), by submitting to the medical-incharge officer and obtaining his approval.

#### **Medical care programme**

74. The medical care provided by the Social Security Board shall be cost effective medical care.
75. (a) The insured person may, if desirous to take medical care for the sickness, take medical care by bringing the social security insurance scrutiny card

to the social security clinics, social security hospitals and the hospitals and clinics concluded agreement with the Social Security Board.

- (b) The Social Security clinics, hospitals, and hospitals, clinics concluded agreement with the Social Security Board shall provide medical care if the social security insurance scrutiny card is produced after making scrutiny in accord with subrule (a) of rule 68. If the insured person is the person who has not obtained the social security insurance scrutiny card or if he lost it though he has obtained, the medical care may be provided if it can be proved of being the insured person as the employer or insured person can properly produce the number of social security insurance scrutiny card or name, father's name, citizen scrutiny card number, and by counter-checking with computer records of the hospitals, clinics or by asking to the relevant social security branch office or Social Security Head Office.
  - (c) During the period of checking to approve under sub-rule (b), such insured person shall be provided with emergency care.
  - (d) If it is necessary to provide medical care continuously in continuous sickness, it is not necessary to ask for the documents contained in sub-rule (a) from the insured person.
76. The insured person shall be provided medical care, as a out-patient, at the clinics stipulated under sub-rule (c) of rule 69 generally, and if it is necessary for situation of sickness or important situation, he shall be referred to the social security hospitals and provided medical care as in-patient.
77. The doctor recognized by the Social Security Board, after making necessary examination on the sick insured person:

- (a) shall give medicines and medical prescriptions and, if it is necessary, may direct to examine with the specialist doctors or to hospitalize and take medical care;
- (b) shall decide whether or not he has the capacity to work;
- (c) shall issue medical certificate in Form (Hsa-1) to take leave from work and to enable to enjoy cash benefits relating to sickness, if it is considered that there is no capacity to work.

78. The doctor recognized by the Social Security Board:

- (a) shall arrange, if it is necessary to hospitalize and take medical care according to the health situation of the insured person, to enable to hospitalize and take medical care at the hospital owned by the Social Security Board or the State-owned or private hospital concluded agreement with the Social Security Board as in-patient, according to his desire;
- (b) may send him, without necessary to obtain the agreement of the insured person, to take medical care at the hospital as in-patient:
  - (i) suffering communicable disease by the insured person;
  - (ii) being his health situation is impossible to be treated and cured in other means, or being necessary to provide continuous medical care;
  - (iii) failing to comply with the medical instructions of the doctor, for many times, by such sick person.

79. The medical certificate (Hsa-1) issued by the doctor recognized by the Social Security Board shall include the determination of period in which it is considered incapable to work, the determination of the day on which re-

examination shall be made whether or not the insured person would be capable to work, and the determination of the day on which he shall re-enter into the workplace.

### **Medical records**

80. The record relating to the medical care of the insured person (Hsa-5) shall be kept systematically at the social security clinic where he takes medical care.

The said record (Hsa-5) shall, in particular, include the following facts:

- (a) date of visit to the clinic and frequency;
- (b) name of drug which is hypersensitive or allergic;
- (c) brief of the situation of the examination and finding;
- (d) brief record of medical care in hospital;
- (e) name of the disease;
- (f) instructed name of the medicine and prescriptions;
- (g) medical instructions;
- (h) medical certificate records relating to sickness, maternity and employment injury issued to him;
- (i) records of expenditure reimbursed for diagnostic investigation and medical care;

### **Incurring expense for medical care**

81. (a) The insured person, when he is sick:
- (i) has the right to take medical care at the social security hospitals, clinics and enjoy the costs of medical care allowed in accord with the stipulations of the Social Security Board;
  - (ii) has the right to take medical care at the State-owned or private hospitals, clinics concluded agreement with the Social Security

Board, and the costs for medical care shall be incurred by the said hospitals, clinics in accord with the stipulations contained in the agreement.

- (b) The Social Security Board may determine, by notification, medical expenditure for chronic disease, from time to time, in accord with the recommendation of the Medical Advisory Board.
82. The State-owned or private hospitals, clinics, medical stores concluded agreement with the Social Security Board may claim for the costs for the diagnostic investigation, purchase of medicines and medical equipment, and services incurred by them under clause (2) of sub-rule (a) of rule 81, according to the rate stipulated by the Social Security Board in accord with the stipulations contained in the agreement.
83. (a) The medical-in-charge officer shall scrutinize the costs of medical care claimed under rule 82 whether or not they are in conformity with the standard rate of cost stipulated by the Social Security Board and submit to the Director General.
- (b) The Director General may allow, after scrutiny, the costs of medical care submitted under sub-rule (a), and if it is necessary, may allow it after asking opinion of the Medical Advisory Board.
84. The Social Security Board may allow for the costs relating to the rehabilitation for bodily defects caused by sickness of the insured person after determining the standard rate at the advice of the Medical Advisory Committee.

#### **Travelling allowance for medical care**

85. The Social Security Board may, after determining suitable standard rates and after making scrutiny, allow the cost for the journey travelling beyond the

region, to hospitalize and take medical care or to be examined by the specialist doctors and to take medical care, because of the sickness of the insured person.

### **Providing medical care by concluding agreement**

86. (a) If the employer has managed to provide medical care, under particular programme, for his workers or the families of the workers; he may contact to and conclude agreement with the Social Security Board if he is desirous to continue to carry out such arrangement with the agreement of the workers.
- (b) The Social Security Board shall include the following facts in the agreements concluded with the employers who manage and keep the medical care programme:
- (i) medical care programmes which are in conformity with the medical care standards and criteria stipulated by the Social Security Board;
  - (ii) duties to be complied by the employers to enable to cooperate with the social security medical care works effectively;
  - (iii) forms and records which shall be kept in the clinics of the establishment;
  - (iv) matters to be complied with the directives for medical care issued by the Social Security Board;
  - (v) terms and conditions relating to the issue of medical certificate for providing cash benefits such as sickness, maternity, employment injury and funeral matters;

- (vi) other duties and obligations stipulated from time to time by the Social Security Board or medical-in-charge officer;
  - (c) The medical-in-charge doctors of an establishment concluded agreement with the Social Security Board shall report monthly to the medical-incharge officer of the Social Security Board Head Office, the performances relating to their medical care in the stipulated forms.
  - (d) The medical care programmes referred in sub-rule (b) may be inspected and directed by the doctor or medical-in-charge officer assigned duty by the Social Security Board;
  - (e) The Social Security Board may carry out taking action against the contracted hospitals, clinics and medical stores which do not comply with the directives issued by it and the terms and conditions contained in the agreement, and terminate the agreement.
87. The Social Security Board may carry out aiding of medicines or stipulated money to the hospitals and clinics owned by an establishment concluded agreement with the Social Security Board under rule 86.
88. The Social Security Board shall, in concluding agreement with the State-owned or private hospital or clinic, include the following facts:
- (a) medical care programmes which are in conformity with the medical care standard and criteria stipulated by the Social Security Board;
  - (b) duties to be complied by the hospitals and clinics concluded agreement with the Social Security Board;
  - (c) schedule rates of medical care costs;

- (d) terms and conditions relating to the issue of medical certificate for providing cash benefits such as sickness, maternity, employment injury and funeral matters;
- (e) reimbursement programmes for medical costs.

### **Medical preventive programmes**

89. (a) The doctors of the social security hospitals and clinics may carry out medical preventive programmes such as providing medical care by visiting to the establishments, carrying out medical check-up, rendering advice in matters relating to health, carrying out health education, inspection and supervision to comply and implement in conformity with the occupational health, and cooperation with the responsible departments etc.
- (b) The Social Security Board may cooperate with the Department of Health to enable to carry out effectively and quickly, the prevention and care of insured persons from the communicable diseases and life threatening diseases.

### **Keeping confidential of the medical data of the insured persons**

90. All data known relating to the health of the insured person shall be kept confidential by the doctors specially. Any other persons except the officers assigned duty by the Social Security Board Head Office, members of the Medical Advisory Board and Appellate Tribunal shall not be allowed to view the particulars and medical records relating to the disease.

### **The terms and conditions to be complied by the employers relating to medical care**

91. The employer:

- (a) shall send the insured worker of his establishment to the relevant social security hospital or clinic, or the State-owned or private hospital or clinic concluded agreement with the Social Security Board and allow to enable to take medical care if it is necessary to take medical care for sickness, pregnancy, employment injury and arrange and carry out necessary matters;
- (b) shall not employ the insured person who is instructed by the doctor recognized by the Social Security Board to take leave from work on medical certificate;
- (c) shall not remove from work, transfer or suspend the insured worker who is taking medical care under the programme of Social Security Board during such period. The intimation given for that purpose shall not be valid;
- (d) shall assign suitable duty to the insured worker who re-enter the workplace after receiving medical care according to his health situation and in conformity with the recommendation of the doctor recognized by the Social Security Board.

#### **Terms and conditions which shall be complied by the insured persons**

92. The insured person:

- (a) shall not carry out intentionally to make himself unhealthy;
- (b) shall, if he is unhealthy, take medical care at the social security hospital or clinic, or the Stateowned or private hospital or clinic concluded agreement with the Social Security Board;
- (c) shall follow the instructions of the doctor who provide medical care on him;

- (d) shall not carry out to slow down or affect the curing the disease while taking the medical care;
- (e) shall be suspended from providing medical care provided by the Social Security Board if he fails to comply with any terms and conditions mentioned in sub-rules (a) to (d).

#### **Medical care relating to pregnancy and delivery of a child**

- 93. The insured woman has the right to enjoy benefits contained in the provisions specifically mentioned in rules 94 to 98 for the pregnancy, delivery of a child or miscarriage matters which is not criminal miscarriage, and the rules relating to care for sickness.
- 94. The insured woman has the right to take medical care as follows when it occurs pregnancy, delivery of a child or miscarriage matters:
  - (a) pre-natal care by informing to the relevant social security clinic or hospital, or the State-owned or private hospitals or clinics concluded agreement with the Social Security Board since the day on which she considers to be pregnant;
  - (b) antenatal care;
  - (c) medical care in delivering a child or occurring miscarriage;
  - (d) periodic medical care for a necessary period after delivering a child or miscarriage;
  - (e) medical care for the newly borne child of the insured woman if such child is sick within one year after birth.

#### **The facts which shall be complied by pregnant insured woman**

- 95. The insured woman:
  - (a) shall receive pre-natal and post-natal examination;

- (b) shall comply with the instructions of doctors and skilled nurses;
- (c) may receive the maternity care at the hospitals and clinics contained in sub-rule (a) of rule 94;
- (d) shall, if she delivers a child under her own arrangement, contact with the relevant social security clinic and carry out to enable to obtain the social security benefits.

**Issuing medical certificate relating to giving birth**

96. (a) The doctor recognized by the Social Security Board shall carry out as follows basing upon the situation of birth, after examining the pregnant woman as necessary, and giving six weeks before the birth in medical certificate on birth (Hsa-2):
- (i) he shall allow eight weeks of maternity leave after birth in maternity medical certificate (Hsa-2) or remaining period to fulfill total 14 weeks in sickness medical certificate (Hsa-1) if she has to enjoy less than six weeks before the birth because of the early delivery before due date;
  - (ii) he shall allow for the remaining period to fulfill 14 weeks relating to the maternity leave in maternity medical certificate (Hsa-2) or for the remaining period to fulfill eight weeks after birth in sickness medical certificate (Hsa-1) if she enjoys more than six weeks before the birth because of the late delivery after the due date;
  - (iii) he shall allow for the remaining period to fulfill 18 weeks of maternity leave in maternity medical certificate (Hsa-2) or the remaining period to fulfill 12 weeks after birth in sickness medical

- certificate (Hsa-1) if the live twin babies are borne earlier than the due date and she enjoys less than six weeks before the birth;
- (iv) he shall allow for the remaining period to fulfill 18 weeks of maternity leave in maternity medical certificate (Hsa-2) or the remaining period to fulfill 12 weeks after birth in sickness medical certificate (Hsa-1) if the live twin babies are borne later than the due date and she enjoys more than six weeks before the birth;
- (b) If the twin babies are borne, but only one is alive, he shall allow as contained in clauses (1) or (2) of sub-rule (a);
- (c) The doctor recognized by the Social Security Board shall issue medical certificate relating to giving birth (Hsa-2) for six weeks as the maximum for the miscarriage which is not criminal miscarriage of the insured woman;
- (d) The insured person shall submit sufficient birth certificate issued by the hospital, clinic which deliver the birth or the Department of Health or local administration body on the date of birth.

#### **Adoption of child who is under one year of age**

97. (a) The insured woman shall submit the followings if she adopts a child who is under one year of age:
- (i) instrument, document for adoption by registration in accord with law;
- (ii) sufficient document or examination and certificate of skilled doctor that the age of the adopted child is not fulfilled one year of age;
- (b) The doctor recognized by the Social Security Board:

- (i) shall, if the insured woman adopts a child who is under one year of age in accord with law by registration, issue medical certificate (Hsa-2) once to allow the leave not more than eight weeks to care the child until he attains one year of age;
- (ii) in determining the leave period contained in sub-rule (a), it shall be determined until the earlier date between the date of fulfillment of eight weeks from the date of adoption and the date on which such child attains one year of age.

#### **Other diseases relating to the giving birth or miscarriage**

98. In the matters in which other diseases relating to delivery of a child or miscarriage which is not a criminal miscarriage occur, if it is necessary, it shall be continued to provide medical care as the medical care relating to sickness contained in rules 71 and 72 in addition to the medical care provided under rule 94.

#### **Giving birth by the wife of the insured person**

99. (a) The insured man shall, when his wife delivers a child, submit the following documents to obtain 15-days paternity leave as the paternity benefit in accord with law to care the newly borne baby:
- (i) household list issued by the Immigration and National Registration Department;
  - (ii) sufficient evidence on the birth issued by the hospital, clinic where his wife delivers a child or the Department of Health or local administrative body;
  - (iii) certificate of the employer on the delivery of a child by the wife of insured person.

- (b) The doctor recognized by the Social Security Board shall, after making scrutiny, issue medical certificate relating to paternity benefit (Hsa-2) when the insured man submits as contained in subrule(a).

#### **Medical certificate on death**

100. The doctor recognized by the Social Security Board shall, when the insured person dies for any cause, issue medical certificate on death (Has-4) to the person who has the right to enjoy under section 30 of the Law provided to the memorandum on death issued by the Department of Health or local administration body, if it is in conformity with the following stipulations:

- (a) person who has registration period of only within one month and has not paid contribution;
- (b) person who has two-month registration period and paid contribution at least for one month;
- (c) person who has three-month registration period and paid contribution at least for two months;
- (d) person who has over three months' registration period and paid contribution at least for two months within the preceding three months;
- (e) in calculating the stipulated period for contribution, mentioned in subrules (b), (c) and (d), the periods in which contribution cannot be paid because of sickness, delivery of a child, unemployment from work, and enjoyment of temporary disability cash benefit for the whole month or enjoyment of leave without pay for the whole month, may be taken into account.

### **The right of pensioners to take continued medical care**

101. (a) The civil service personnel who served in the establishment which is applied by the Law shall, if they paid contributions for 180 months and above to the Health and Social Care Insurance System, when they retire under the Law Relating to Civil Service Personnel or the pension rules, they have the right to take medical care in accord with the limitations contained in rule 104.
- (b) Any insured person, if he has paid contributions for 180 months and more to the Health and Social Care Insurance System and enjoyed Total Disability Benefit or Superannuation Benefit, has the right to take medical care in accord with the limitations contained in rule 104.
- (c) The insured person may, if he can produce the document that he has paid contribution for 180 months and more under the Social Security Act, 1954 and the Social Security Law, 2012; take medical care after his retirement in accord with the limitations contained in rule 104.

### **Pensioner scrutiny certificate**

102. (a) The person who can enjoy under sub-rule (a) of rule 101 may apply for the pensioner scrutiny certificate to the relevant Township Social Security Office by submitting order and the pension card of the department which allows him to retire;
- (b) The person who can enjoy under sub-rule (b) of rule 101 may apply for the pensioner scrutiny certificate to the relevant Township Social Security Office when he enjoys disability benefit or take superannuation pension;

- (c) The person who can enjoy under sub-rule (c) of rule 101 may apply for the pensioner scrutiny certificate to the relevant Township Social Security Office by submitting document that he has paid contributions, for 180 months and more totally, to the general insurance system under the Social Security Act, 1954 and the Health and Social Care Insurance System under the Social Security Law, 2012;
  - (d) The insured person shall apply for the pensioner scrutiny certificate under sub-rules (a), (b) and (c) within one year after the day of his retirement.
103. The relevant township social security office shall, when the person who has the right to enjoy in accord with rule 102 applies for pensioner scrutiny certificate, and if it is inspected and found that he has paid contributions for 180 months and more totally, to the General Insurance System under the Social Security Act, 1954 or to the Health and Social Care Insurance System under the Social Security Law, 2012, submit to the Social Security Head Office, ask for permission and issue the pensioner scrutiny certificate (Form-14).

#### **Limitations on medical care of pensioner**

104. The person who has the right to hold the pensioner scrutiny certificate issued under rule 103:
- (a) has the right to take medical care at the social security hospitals, clinics or the State-owned or private hospitals and clinics concluded agreement with the Social Security Board up to 26 weeks from the first day of medical care;
  - (b) has the right to enjoy, free of charge, when he takes medical care at the social security hospitals, clinics, the examination by doctor, nursing,

accommodation and meal, conventional and basic diagnostic investigations if he is hospitalized. However, he shall pay 50 per cent of the value or cost of medicine and medical equipment used in special examination such as laboratory investigation, radiological investigation; advanced examination, diagnosis and medical care, to the Social Security Board;

- (c) shall pay for remaining costs and other costs such as those for examination by doctor, nursing, accommodation and meal at the hospital, as 50 per cent of the value or cost due for medicine and medical equipment used in diagnosis and medical care such as laboratory investigation, radiological investigation at the State-owned and private hospitals, clinics concluded agreement with the Social Security Board shall be paid by the Social Security Board.

#### **Right for medical care on employment injury**

- 105. The insured person, in receiving medical care for the employment injury, has the right to enjoy health cares contained in the rules relating to medical care of sickness in addition to the specific provisions mentioned in rules 106 to 109.
- 106. The insured person has the right to receive medical care for the employment injury, without limitation on period, at the social security hospitals, clinics or the State-owned or private hospitals and clinics concluded agreement with the Social Security Board.

#### **Occupational diseases**

- 107. The Ministry shall in coordination with the Ministry of Health, and with the approval of the Union Government, determine the list of occupational diseases by regulation.

## **Medical care provided to the persons who are obtaining benefit relating to permanent disability**

108. The insured person has the right to continue to receive medical care, if it is necessary according to the situation of the injury or disease, even though he has changed and enjoyed the permanent disability benefit after having completed 12 months' period of enjoyment relating to the temporary disability benefit.

## **Supporting equipment for the disable body organs**

109. The Social Security Board:

- (a) shall provide to the person who injured at the establishment, necessary supporting equipment (such as crushes, artificial foot, artificial hand and wheel-chair) with the medical certificate of the skilled doctor to rehabilitate after terminating medical care or to enable to able to work when he is disable;
- (b) may determine the terms and conditions which shall be followed by the users in issuing such equipment;
- (c) shall carry out amending or substituting the supporting equipment, if it is necessary to continue to use them according to the permanent disability situation of the insured person and if it is inspected and found that they are necessary to be amended or substituted due to oldness, damage and expiry of their term generally.
- (d) If the supporting equipment necessary under subrules (a) and (c) for the insured person is made by other rehabilitation establishment which is not owned by the Social Security Board, the price of such equipment shall be reimbursed as stipulated by the Social Security Board.

## Chapter (VII)

### Health and Social Care Insurance System Cash Benefit

#### Cash benefit relating to sickness

110. The insured person:

- (a) has the right to enjoy cash benefit relating to the sickness if the reduction or termination of income occurs due to any other causes except pregnancy, delivering a child and employment injury;
- (b) has the right to enjoy cash benefit relating to the sickness only if he is a person who has worked at an establishment registered with the Social Security Board, for at least six months prior to the commencing day of the sickness or who has registered at least six months prior to the commencing day of the sickness and who has paid contribution for at least four months in the preceding six months;
- (c) has the right to obtain cash benefit relating to the sickness though he has worked at a registered establishment for consecutive six months and registration has not completed six months. However, the employer shall pay the contributions for the period defaulted for registration, together with stipulated defaulting fees to the relevant social security office and also incur the cash benefits relating to sickness of the said insured person;
- (d) has the right to obtain cash benefit if the combination of the said defaulting period and the period in which contribution is paid fulfill four months, in calculating the period for contribution contained in sub-rule (b), as the maternity or temporary disability benefit is enjoyed within six months before commencing day of sickness;

- (e) has the right to enjoy 60 per cent of the average wages obtained in the months in which contributions are paid within last four months before the occurrence of sickness, as the cash benefit relating to sickness up to 26 weeks;
- (f) has the right to enjoy cash benefit relating to sickness only if the medical certificate (Form Hsa-1) issued by the doctor recognized by the Social Security Board is submitted;
- (g) has the right to obtain cash benefit relating to sickness for each day mentioned in medical certificate (Hsa-1).

111. The insured person:

- (a) if he claims for cash benefit relating to the sickness according to the medical certificate as he suffers the sickness again due to the former disease within six weeks after having enjoyed cash benefit relating to the sickness, it shall be deemed that the period in which he cannot work again is the continuation of the former period in which he could not work for counting 26 weeks of maximum period to provide cash benefit in accord with subrule (e) of rule 110;
- (b) if he becomes unhealthy and does not work after the expiry of six weeks, such period in which he cannot work again shall be deemed as separate with the former period in which he could not work, for counting 26 weeks of maximum period to provide cash benefit.

112. The insured person shall not, if he is entitled to obtain cash benefits provided by the employer for the leave period under other laws or agreements, lose such cash benefits entitled due to the receipt of cash benefit provided by the Social Security Board. However, if the combination of the cash benefits provided by

the employer for the leave period during the period of the sickness, and the cash benefit relating to sickness enjoyable by such insured person under sub-rule (e) of rule 110 is more than the wages or income generally received by such insured person, the employer may deduct such surplus amount of money.

Claiming and issuing the cash benefit relating to sickness

113. The insured person:

- (a) may claim the cash benefit relating to sickness to the relevant Township Social Security Office by himself or through the employer attached with the medical certificate (Hsa-1) issued by the doctor recognized by the Social Security Board, claim for benefit relating to sickness (Form-15) and recommendation of the employer (Form-16);
- (b) the cash benefit relating to sickness shall be claimed within three months after the expiry of the leave period mentioned in the medical certificate.

114. The social security office shall give the cash benefit relating to sickness in every week commencing from the leave for sickness in installment or on the expiry of leave period for sickness, as desired by the insured person.

**Cash benefit relating to the sickness of the person unemployed from the work**

115. (a) The person who obtains the unemployment benefit in accord with section 38 of the Law has the right to enjoy cash benefit according to the medical certificate relating to sickness during the period in which such benefit is entitled;
- (b) The insured person is entitled to obtain cash benefit contained in sub-rule (a) only if he completes the contribution period enjoyable benefit

according to sub-rule (a) of rule 110, on the day he becomes unemployed in accord with section 37 of the Law;

- (c) In claiming benefit relating to sickness for the unemployed person, the social security office may allow the said benefit though the recommendation of the employer (Form-16) is not attached.

#### **Suspension of cash benefit relating to sickness**

116. If the insured person is working in the original work or any other work for wages during the period stipulated to take rest according to the medical certificate relating to sickness, if he suffers illness due to his criminal act or fails to comply with the instruction of the doctor recognized by the Social Security Board, the cash benefit relating to sickness may be suspended totally or partially.

#### **Cash benefit relating to maternity**

117. The insured person has the right to enjoy the cash benefit relating to maternity according to medical certificate if any of the following situations arises:
- (a) being pregnant and delivery of a child by the insured woman herself;
  - (b) occurring non-criminal miscarriage to the insured woman;
  - (c) delivering a child by the wife of insured man;
  - (d) adoption of a child under one year of age in accord with law by registration by the insured woman.
118. (a) The insured person has the right to obtain cash benefit relating to maternity only if he or she has worked at any establishment registered with the social security office commencing from 12 months before starting the maternity leave or miscarriage or effected insurance commencing from 12 months before starting the maternity leave or

miscarriage, and paid contributions for at least 6 months within last 12 months before starting the maternity leave or miscarriage.

- (b) The said insured person has the right to obtain cash benefit relating to the maternity though the insurance has not completed 12 months if he or she has worked at a registered establishment for 12 months before starting the maternity leave or miscarriage. However, the employer shall pay the contributions for the defaulting period to effect insurance, together with the defaulting fees, to the relevant social security office and incur the cash benefits relating to the maternity of the insured person.
- (c) In counting the contribution period contained in sub-rule (a), as the benefits for the maternity or temporary disability during 12 months before starting the maternity leave or miscarriage is obtained, though there are defaulted periods to pay contribution, the cash benefit relating to maternity is entitled to be obtained if the combination of the said defaulted periods and the periods in which contribution is paid within 12 months fulfills 6 months.

119. (a) The insured woman:
- (i) has the right to enjoy maternity cash benefit according to the medical certificate on delivery of a child issued by the doctor recognized by the Social Security Board in accord with rule 96;
  - (ii) in case of non-criminal miscarriage, has the right to enjoy maternity cash benefit for the period not more than six weeks according to the medical certificate of the doctor recognized by the Social Security Board;

- (iii) if a child of under one year of age is adopted in accord with existing law by registration, has the right to enjoy the cash benefit only for an adopted child for the leave period not more than eight weeks according to the medical certificate of the doctor recognized by the Social Security Board, in accord with the stipulations contained in sub-rule (a) of rule 118, at the rate of maternity benefit;
  - (b) The insured man has the right to enjoy during 15 days of paternity benefit according to the medical certificate of the doctor recognized by the Social Security Board to care the newly borne baby if his wife delivers a child and cash benefit at the rate of maternity benefit during such leave period;
  - (c) The insured person has the right to obtain maternity cash benefit for each day mentioned in the medical certificate.
120. (a) The insured person has the right to enjoy 70 per cent of average wages received within the months in which contribution is paid in the last 12 months before the month of delivery of a child as the maternity cash benefit for the maternity leave period;
- (b) The insured woman has the right to enjoy at the time of delivery of a child, 50 per cent of average wages received within last 12 months before the month of delivery of a child, if she delivers to a child; 75 per cent of the average wages if she delivers to two twin children; 100 per cent of the average wages if she delivers to three twin children as the maternity allowance.

- (c) The insured man has the right to enjoy half of the rate mentioned in sub-rule (b) as maternity allowance when his wife delivers a child if such wife is not an insured person.
  - (d) The insured man has not right to enjoy maternity allowance contained in sub-rule (c) if his wife, an insured woman, delivers a child and only his wife has the right to enjoy maternity allowance contained in sub-rule (b).
121. The insured person shall not, if he is entitled to obtain wages and salary provided by the employer during the maternity leave period under other laws or arrangements, lose such wages and salaries due to the receiving of maternity cash benefit provided by the Social Security Board. However, if the combination of such wages and salaries for the leave period and the cash benefit provided by the Social Security Board is more than the wages or income generally received by such insured person, the employer may deduct such surplus amount of money.

#### **Claiming and issuing maternity cash benefit**

122. The insured person:
- (a) shall claim the maternity cash benefit to the relevant Township Social Security Office, by himself or through the employer, attached with the medical certificate (Hsa-2) issued by the doctor recognized by the Social Security Board, original and copy of the birth certificate issued by the Department of Health or local administration body, claim for maternity benefit (Form-17) and recommendation of the employer (Form-18);
  - (b) shall claim the paternity cash benefit to the relevant Township Social Security Office, by himself or through the employer, attached with the

medical certificate (Hsa-2) issued by the doctor recognized by the Social Security Board, original and copy of the birth certificate issued by the Department of Health or local administration body, claim for benefit (Form-19) and recommendation of the employer (Form-20);

- (c) shall claim the maternity cash benefit within three months from the day of the expiry of leave period mentioned in the medical certificate.

123. The social security office shall give maternity cash benefit on the expiry of the week or on the expiry of leave period mentioned in medical certificate, as desired by the insured person.

#### **Maternity cash benefit relating to unemployed person**

124. (a) The person who has the right to enjoy unemployment benefit in accord with section 38 of the Law, shall has the right to enjoy maternity cash benefit or paternity benefit according to the medical certificate during the said period in which benefit may be enjoyed;
- (b) The insured person shall has the right to enjoy cash benefit contained in sub-rule (a) only if contribution period according to rule 118 is completed on the day he becomes unemployed in accord with section 37 of the Law;
  - (c) In claiming maternity cash benefit for the unemployed person, the social security office may allow the said benefit though the recommendation of the employer (Form 18) or (Form-20) is not included;
  - (d) The woman who is enjoying the unemployment benefit, if she adopts a child of under one year of age, shall not has the right to enjoy maternity cash benefit.

### **Suspension of maternity cash benefit**

125. If the insured person is working the original work or any other work for wages during the period stipulated to take rest according to the medical certificate relating to delivery of a child or fails to comply with the instruction of the doctor recognized by the Social Security Board, the maternity cash benefit may be suspended totally or partially.

### **Benefit for funeral allowance**

126. The Social Security Board, if an insured person dies due to employment injury or disease or any other causes:

- (a) shall give funeral allowance to carry out funeral matters which shall be carried out in terms of religion or social or local customs;
- (b) shall give the funeral allowance to the person nominated by the deceased insured person or survived wife or husband who lives together with him or her, or members of the family or persons who incurred for such funeral expenses, if it is claimed.

### **Claiming and issuing funeral allowance**

127. The employer or survivor of the deceased insured person shall inform to the relevant township social security office within 24 hours from the day of the death of such insured person or the day of the knowing the death.

128. The person who has the right to enjoy and contained in sub-rule (b) of rule 126 shall apply for the funeral allowance to the relevant township social security office within three months after the death of the insured person together with the stipulated petition for claim (Form-21) and intimation of the employer (Form-22) and attached with the following papers and documents:

- (a) medical certificate relating to death issued by the doctor recognized by the Social Security Board (Hsa-4);
- (b) copy of the death memorandum issued by the Department of Health or local administration body;
- (c) document on being the person who was nominated by the deceased insured person or copy of the household list, in which the name of the deceased insured person is included, issued by the Immigration and National Registration Department or recommendation of the responsible person of the establishment as being the person who incurred funeral expenses.

129. The Social Security Board shall give the funeral cash benefit to the enjoyable person contained in sub-rule (b) of rule 126 who submits the medical certificate on death issued under rule 100, in accord with the following stipulations:

- (a) if the deceased person who has died within one month after coming to and registering with the social security office by the employer or by the person who is desirous to effect insurance voluntarily though he has not paid contribution to the social security office, wages or income per month, which shall be received by such person, mentioned in his appointment order or employment agreement or average wages or income per month received by another worker of same level within last four months or one time of the average wages or income declared by the person who is desirous to register voluntarily at the time of registration;

- (b) If the deceased insured person is the person who has paid contribution for one month and more, it shall be calculated and allowed according to the following formula:

Funeral allowance benefit = average wages or income x Factor

Factor = (number of contributed months ÷ 18) + 1

- (c) Funeral allowance benefit allowed under sub-rule (a) shall not be more than five times of average wages or income per month obtained by the insured person.

130. The employer shall, if he does not come to and register with the social security office though the deceased person is responsible to effect insurance, pay average wages or income for a month received by the deceased person during the last four months or average wages or income per month which may be received by him as mentioned in his appointment order or employment agreement or two times of the average wages or income per month received by another worker who is of the same designation or level with him within last four months, as funeral cash benefit to the person who has the right to enjoy and contained in sub-rule (b) of rule 126 through the social security office.

#### **Funeral allowance benefit for the unemployed person**

131. (a) If the deceased person is a person who is still enjoying unemployment cash benefit, the enjoyable persons contained in sub-rule (b) of rule 126 shall have the right to enjoy the money which is calculated by the following formula based upon the one-month allowance for the unemployment benefit
- Funeral allowance benefit = unemployment benefit per month x Factor

Factor = (number of contributed months ÷ 18) + 1

- (b) The cash benefit for funeral expenses allowed under sub-rule (a) shall not exceed than the five times of the unemployment cash benefit for a month which may be enjoyed by the insured person.

**Family assistance benefit relating to educational allowance for the child who is pursuing education**

132. (a) The insured person who obtains low income has the right to enjoy educational allowance for his child who is pursuing fulltime education in accord with the following stipulations if he has less than 48 months of registration period and paid contributions for at least 36 months before the commencement of the academic year, or if he has 48 months and more of registration period and paid contributions for at least 36 months within last 48 months;
- (i) average wages or income of the insured person within previous one year is less than the income stipulated by the Social Security Board;
  - (ii) being the child who is pursuing fulltime education at the State-owned schools or the schools recognized by the State;
- (b) The insured person shall apply for educational allowance for the children to the relevant Township Social Security Office in the stipulated (Form-23) together with the following documents within three months from the commencement of the relevant academic year:
- (i) recommendation of the employer mentioning details of monthly income of the insured person within the previous one year (Form - 24);
  - (ii) recommendation of the head master of the school where the children of the insured person are pursuing primary education;

- (iii) copy of the household list issued by the Immigration and National Registration Department;
  - (c) The educational allowance for the children borne from the insured spouses whose incomes are less than the stipulated amount of income may be enjoyed only by the insured father or mother;
  - (d) The educational allowance for the children borne from the divorced mother and father may be enjoyed only by a parent who has maintenance on the children.
133. The educational allowance for a child of the insured person who is pursuing primary education is equal to 10 per cent of the average wages or income received in the months in which contribution is paid by the insured person in an academic year within last 12 months before the commencement of such academic year.
134. (a) The officer-in-charge of the Township Social Security Office shall, when the application of the insured person for education is received, scrutinize the particulars whether or not they are true and submit to the Social Security Head Office together with his remark by expressing wages or income and contribution period of the insured person.
- (b) The Director General may, after scrutinizing the application of the insured person, carry out refusing or allowing it.
135. The Social Security Office:
- (a) shall determine, by notification, the wages or income of the insured person who has the right to enjoy educational allowance benefit for the children;

- (b) may consider for extending and providing educational allowance benefit from primary level to middle, high and university education, based upon situation of its budget.

### **Family assistance benefit relating to occurrence of natural disaster**

136. The insured person:

- (a) has the right to enjoy benefit for the occurrence of natural disaster, if he has less than 48 months of registration period and paid contribution for at least 36 months or if he has more than 48 months of registration period and has paid contributions at least for 36 months within last 48 months before encountering natural disaster, and lost his property because of the natural disaster;
- (b) has the right to enjoy 40 per cent of the average wages or income received in the months in which contribution is paid within previous one year before such encountering as cash benefit;
- (c) The insured person who has the right to enjoy cash benefit because of the natural disaster, also has the right to enjoy relief property provided by the Board.

137. The insured person shall apply for the benefit due to occurrence of the natural disaster to the relevant Township Social Security Office within three months after the occurrence of such natural disaster with the stipulated (Form-25). In applying as such, the followings shall be attached and submitted:

- (a) copy of the household list issued by the Immigration and National Registration Department mentioning that he is a resident of the ward or village which includes in natural disaster affected area;

- (b) recommendation of the relevant ward or village administration body or township administration body mentioning that he is the true person who is affected by natural disaster, in the situation where document contained in sub-rule (a) is unavailable;
  - (c) photo record or sufficient document on the loss of his own property;
  - (d) recommendation of the employer on the loss of the property of insured person because of the natural disaster (Form-26).
138. (a) The officer-in-charge of the Township Social Security Office shall, when the application of the insured person for the cash assistance for encountering natural disaster is received, scrutinize the particulars whether or not they are true and submit to the Social Security Head Office together with his remark by expressing wages or income and contribution period of the insured person.
- (b) The Director General may, after scrutinizing the application of the insured person, carry out refusing, allowing and aiding relief property.

## **Chapter (VIII)**

### **Disability Benefit, Superannuation Benefit and Survivors' Benefit**

#### **Disability benefit**

139. The insured person who has paid contribution to the disability benefit, superannuation benefit and survivors' benefit fund, shall, if he is permanently disable to carry out the original work for any other causes including sickness, maternity and employment injury, apply to the relevant township social security office for disability benefit after fulfilling the stipulated (Form-27) together with the recommendation of the employer (Form-28).

140. The township social security office shall, on receiving the application of the insured person, scrutinize the following particulars relating to such insured person, and send the case file with the record to the Medical Board formed and assigned duty by the Social Security Board;
- (a) name of the insured person, father's name, National Registration Card number, number of the social security insurance scrutiny card, address, name of establishment and registration number of the employer;
  - (b) medical record of the social security clinic at which the insured person usually takes medical care and medical record of hospitalization.
141. The Medical Board shall accept the case file sent by the Township Security Office systematically. Then, such insured person shall be summoned and medical examination shall be made. If it is necessary, the opinion of the specialist doctor may be sought. If the insured person is found, after making examination as such, that he is permanently incapable to carry out original work, the complete case file shall be sent back to the relevant Township Security Office after fulfilling the stipulated medical certificate (Hsa-6) together with the approval of the medical-in-charge officer. If it is found on scrutiny that such insured person is capable to carry out original work, the complete case file shall be sent back to the relevant Township Social Security Office together with his remark with the approval of the medical-in-charge officer.
142. (a) If the insured person is incapable to carry out the original work according to the medical certificate issued by the Medical Board, such person has the right to enjoy the cash benefit in accord with subsection (a) of section 33 of the Law in installment or in lump sum according to his desire.

- (b) The employer of the establishment in which the insured person who obtains the right to enjoy the disability benefit has the right to enjoy 25 per cent of contribution paid by him to the disability benefit, superannuation benefit and survivors' benefit fund for 12 months and more, together with interest. Such interest rate is 2 per cent per annum. The employer shall, for such benefit, apply to the relevant social security office in the stipulated form (33- A).
143. The Township Social Security Office shall, if it is found that the insured person is permanently incapable to carry out the original work according to the medical certificate sent back by the Medical Board according to rule 141, scrutinize the relevant particulars relating to him and submit to the Social Security Head Office together with the record:
- (a) commencing day of registration by such insured person in accord with law, number of months and total amount of contribution paid to the disability benefit, superannuation benefit and survivors' benefit fund by the insured person and the employer;
  - (b) amount of money enjoyable by such insured person as the disability benefit;
  - (c) amount of money enjoyable by the employer.
144. The Director General:
- (a) may carry out allowing, allowing with amendment, and refusing the submission of the Township Social Security Office, after making necessary scrutiny;

- (b) shall determine the amount of money enjoyable by the insured person and the employer if it is carried out allowing or allowing with amendment;
- (c) shall mention the cause if it is allowed with amendment or refused.

### **Superannuation benefit**

145. The age of the insured person to take superannuation pension is 60 years.

146. (a) The insured person shall, when he undergoes superannuation pension, has the right to enjoy cash benefit in accord with sub-section (a) of section 34, in installment or in lump sum, according to his desire;

(b) The employer of the establishment in which insured person who obtains the right to enjoy superannuation benefit, works lastly, has the right to enjoy 25 per cent of contribution paid by him to the disability benefit, superannuation benefit and survivors' benefit fund for 12 months and more, together with interest. Such interest rate is 2 per cent per annum. The employer shall, for such benefit, apply to the relevant social security office in the stipulated form (33- A).

147. The insured person who paid contribution to the disability benefit, superannuation benefit and survivors' benefit fund shall apply to the relevant Township Social Security Office after fulfilling the stipulated (Form-29), together with the recommendation of the employer (Form-30), and attached with the following documents since 6 months in advance before he attains the age to undergo superannuation pension according to rule 145:

- (a) copy of the citizen scrutiny card;
- (b) copy of the social security insurance scrutiny card.

148. (a) The Township Social Security Office shall, on receiving the application of insured person for superannuation benefit, scrutinize whether or not it has superannuation benefit and submit the case file to the Social Security Board together with the following particulars:
- (i) name of the insured person, father's name, National Registration Card number, social security insurance scrutiny number, address, name of establishment and registration number of employer;
  - (ii) date of the commencement of registration by the insured person in accord with law, number of months paid contribution to the disability benefit, superannuation benefit and survivors' benefit fund and total contribution paid;
  - (iii) amount of money enjoyable by such insured person as the superannuation benefit;
  - (iv) amount of money enjoyable by the employer.
- (b) the Director General shall, on the submission of the Township Social Security Office, carry out in accord with rule 144.

**Survivors' benefit for death not on account of employment injury**

149. If the insured person who paid contribution to the disability benefit, superannuation benefit and survivors' benefit fund dies for any other causes not on account of employment injury before he attains the age of superannuation, survivors' benefit for such deceased insured person may be enjoyed in priority in accord with sub-sections (a), (b) of section 36 of the Law.
150. (a) The person who is entitled to obtain the survivors' benefit in accord with law, has the right to enjoy cash benefit, in installment or in lump sum,

in accord with sub-section (a) of section 36 of the Law according to his desire.

- (b) If there is a person who is entitled to obtain benefit under sub-rule (a), the employer of the establishment in which the deceased insured person works lastly, has the right to enjoy 25 per cent of contribution paid by him to the disability benefit, superannuation benefit and survivors' benefit fund for 12 months and more, together with interest. Such interest rate is 2 per cent per annum. The employer shall, for such benefit, apply to the relevant social security office in the stipulated form (33- A);
  - (c) if there is not any person who is entitled to obtain benefit under sub-rule (a), the employer of the establishment in which the deceased insured person works lastly, has the right to enjoy 25 per cent of contribution paid by him to the disability benefit, superannuation benefit and survivors' benefit fund for 12 months and more, together with interest. Such interest rate is 2 per cent per annum. The employer shall, for such benefit, apply to the relevant social security office in the stipulated form (33- A);
151. If the insured person dies due to employment injury or any other causes, the applicant for survivors' benefit shall apply to the Township Social Security Office together with the stipulated (Form-31), together with recommendation of the employer (Form-32) and attached with the following papers:
- (a) death certificate issued by the Department of Health or local administration body;

- (b) admission that the deceased person has nominated him or admission that he is entitled to obtain such benefit;
  - (c) social security insurance scrutiny card of the deceased person;
  - (d) copy of the citizen scrutiny card of the applicant.
  - (e) copy of the household list.
152. The relevant social security office shall, if the applicant contained in sub-sections (a) or (b) of section 36 of the Law applies in accord with rule 151, scrutinize whether or not he has the right to obtain survivors' benefit. If the right to obtain exists, it shall be submitted to the Social Security Head Office together with the following facts:
- (a) name of the deceased insured person, name of father, National Registration Card number, social security insurance scrutiny number, address, name of establishment and registration number of the employer;
  - (b) whether or not the deceased person is an insured person who paid contribution to the disability benefit, superannuation benefit and survivors' benefit fund;
  - (c) date of registration of the deceased insured person in accord with law, number of months and total amount of the contribution paid by the deceased insured person and the employer to the disability benefit, superannuation benefit and survivors' benefit fund;
  - (d) amount of money enjoyable as the survivors' benefit in accord with law;
  - (e) amount of money enjoyable by the employer;
  - (f) whether or not the applicant is the person who is nominated as the beneficiary;

(g) whether or not the applicant is entitled to such benefit.

153. The Director General shall, on the submission of the Township Social Security Office, carry out in accord with rule 144.

**Right to withdraw from social security system and right to redraw form the fund**

154. The insured person may, if any of the following situations arises, claim to withdraw from the social security system by the insured person or by the survivor:

(a) obtaining the right to terminate, the establishment in which the insured person is working from the application and registration in accord with law;

(b) resigning from work by the insured person before the completion of the age for enjoying superannuation pension benefit;

(c) un-ability to work his original work or any other works relating to social security system by the insured person who obtains the unemployment benefit though the period for unemployment benefit is over;

(d) transferring to any other establishments which is not applied by the Law;

(e) being no longer desired by the insured person voluntarily to continue to effect insurance.

155. (a) The Director General may, after scrutinizing on the applicant in accord with law, allow to withdraw under rule 154 from being insured person.

(b) The person who is allowed to withdraw from the social security system under sub-rule (a), if he has paid contribution to disability benefit, superannuation pension benefit and survivors' benefit fund for 36 months and more, he has the right to enjoy the cash benefit in accord

with sub-section (a) of section 70 in installment or in lump sum, according to his desire.

- (c) If the insured person withdraws from the said insurance system before the completion of 36 months of his contribution to the fund contained in sub-rule (a), though he has not right to redraw the contributions he paid, he has the right to count the contributions he paid and the period, in addition, if he re-enters the said insurance system.
- (d) The insured person shall apply to the relevant township social security office in the stipulated (Form-33) for the benefit contained in sub-rule (a).
- (e) The employer of the establishment in which the insured person who is allowed to withdraw, works lastly has the right to enjoy 25 per cent of contribution paid by him to the fund contained in sub-rule (b) for 12 months and more, together with interest. Such interest rate is 2 per cent per annum. The employer shall, for such benefit, apply to the relevant social security office in the stipulated form (33- A);

#### **Allowing after scrutiny**

156. (a) The officer-in-charge of the township social security office shall, relating to the person who is allowed to withdraw under sub-rule (a) of rule 155, submit to the social security head office after scrutiny and by mentioning the following facts:
- (i) name of the insured person, name of father, National Registration Card number, social security insurance scrutiny number, address, name of establishment and registration number of the employer;
  - (ii) date of initial registration in accord with law by the insured person;

- (iii) period and amount of contribution paid by the insured person and the employer to the disability benefit, superannuation pension benefit and survivors' benefit fund, and amount of cash benefit available.
  - (b) The Director General shall carry out on the submission of the township social security office in accord with rule 144.
157. The insured person or the survivor, after the death of the insured person shall apply the application to allow to redraw under rule 156, within 12 months from the occurrence of the following facts:
- (a) date allowing such establishment to be terminated from the application of the Law;
  - (b) date on which the insured person resigns from work;
  - (c) date on which he has transferred to any other establishments which is not applied by the Law;
  - (d) date on which it is allowed to withdraw from the insurance system;
  - (e) date on which the Medical Board approves on permanent disability for employment injury;
  - (f) date of death of the insured person due to employment injury.
158. The cash benefits allowed under sub-rules 144, 148, 153 and 156 shall be drawn within one year from the date of allowance.

## Chapter (IX)

### Unemployment Benefit

#### Person who has the right to benefit

159. The unemployment benefit is the benefit allowed in accord with law for the person who becomes unemployed from work after working at an establishment which is registered under the Law. The insured person may enjoy the unemployment benefit if he becomes unemployed from work for the situations contained in section 37 of the Law or necessary situations to layoff the strength of the employees according to the nature of the work, after having paid contributions for at least 36 months to the unemployment benefit fund.

#### Period of benefit and cash benefits

160. (a) If the unemployed person is a person who has paid contribution for 36 months, he has the right to enjoy 50 per cent of the average wages or income received in the period of contribution for 60 days totally. If the said person who has the right to enjoy has paid contributions more than 36 months, he has the right to enjoy 50 per cent of the average wages or income for additional 30 days whenever contributions increase for 12 months.
- (b) The person who has the right to enjoy, contained in sub-rule (a) has the right to enjoy total unemployment benefit only for 180 days consecutively.
- (c) If a person who obtains the right to enjoy according to sub-rules (a) and (b) obtains the right to reenter into the original work or the other establishment before the expiry of total benefit, he may include and enjoy the remaining period of unemployment benefit if he becomes

unemployed for the next time. However, such total benefit for next time shall not exceed 180 days.

#### **Claiming and allowing the benefit after scrutiny**

161. The unemployed person shall apply for the unemployment benefit to the relevant township social security office together with the claim (Form-34), recommendation of the employer (Form-35), attached with the following documents, within one month after he has become unemployed:

- (a) copy of the intimation, office order which makes him unemployed;
- (b) certificate evidencing him as being a person who has registered with the relevant township labour exchange office.

162. (a) The officer-in-charge of the Township Social Security Office shall, on receiving the application for unemployment benefit, carry out checking and scrutinizing with records of his office systematically, going to and making inspection at the establishment of the said insured person, and submit to the officer-in-charge of the Region or State Social Security Office together with the finding of inspection and assessment after calculating the enjoyable period and amount.

- (b) The officer-in-charge of the Region or State Social Security Office shall decide whether or not he allow the application contained in sub-rule (a) and, if allowed, amount of cash benefit per month and enjoyable period, and inform to the Township Social Security Office, and submit to the Social Security Head Office.

#### **Limitation on benefit**

163. (a) If the insured person has enjoyed the unemployment benefit for all periods enjoyable under sub-rules (a), (b) and (c) of rule 160, the term

of the contribution shall be calculated anew and he may enjoy unemployment benefit after contributing for next 36 months.

(b) The person who has the right to enjoy unemployment benefit shall be terminated from enjoying benefit if any of the situations contained in section 40 of the Law arises.

(c) The insured person shall, when he reenters and works at the original work or when he enters and works at any other works, inform to the relevant township social security office.

164. Relating to the right to re-withdraw from the contribution paid to the said fund for the insured person who has not enjoyed unemployment benefit, it shall be carried out as determined by the Ministry, by notification, in accord with section 100, in coordination with the Social Security Board, and with the approval of the Union Government, based upon the economic development of the State, financial sufficiency, strength of the social security fund, economic development of the departments and situations of the regional and zonal development.

## **Chapter ( X )**

### **Social Security Housing Project**

#### **Implementation**

165. The Social Security Board:

(a) shall prepare the social security housing projects for the insured persons and submit to the Union Government through the Ministry and obtain its permission;

- (b) shall submit to the Union Government through the Ministry to allow to use the suitable land plot among the land plots administered by the Union Government or Region or State Government free of charge or by determining the consideration and buying it for the social security housing projects;
  - (c) may ask the Union Government or Region or State Governments to allow to use land plots free of charge or may buy such land plots allowed by such governments with the fund or with donation money of the local or foreign well-wishers. Moreover, the housing project may be implemented also on the land plots directly donated by the local or foreign well-wishers.
166. (a) The Union Government may allow to use necessary land plots for the social security housing projects from the land plots administered by the Union Government or Region and State Government, or other suitable land plots free of charge or by causing to buy them after determining the consideration.
- (b) Each Region or State Government shall, in preparing urban projects for the development of their region or state, allocate and determine specific land plot which is near to the industrial zones where the majority of workers are working or the place to which transport is smooth, for the social security housing project. Such land plot shall have area in which market, school, hospital and park may be built.
167. The Social Security Board may expend the following monies for the necessary investment for the social security housing project:
- (a) funds for social security housing projects;

- (i) monthly contributions, interests and benefits for housing projects;
- (ii) advances from insured workers who are desirous to buy housing;
- (iii) donation monies of the local or foreigner well-wishers;
- (b) monies not more than 10 per cent of the surplus among the social security fund and employment injury fund;
- (c) grants from the Union Fund;
- (d) loans from the Union Fund;
- (e) aids, loans from international organizations, local and foreign organizations;
- (f) aids, loans from foreign countries.

168. The Social Security Board:

- (a) may construct the social security housings by itself or by contractual system or by cooperation on mutual interest with the relevant Government departments or private companies by concluding agreement after stipulating terms and conditions;
- (b) has the right to manage and sell the housings constructed under social security housing project.

**Right to buy housings**

169. (a) The insured person has the right of preemption, in accord with the stipulated terms and conditions, to buy the housing manageable by the Social Security Board, if he is a citizen or naturalized citizen of the Republic of the Union of Myanmar and has paid contribution to the housing project fund voluntarily, and if the total of his contribution and interest fulfill 30 per cent of the housing price or he can pay the amount equivalent to 30 per cent of the price of housing in lump sum.

- (b) If the insured person has paid for the period of contribution paid to the general insurance system under the Social Security System under the Social Security Act, 1954 and the period of contribution paid to the health care and social security system under the Social Security Law, 2012 exceed more than 180 months totally, and if he paid the amount of money contained in sub-rule (a) in lump sum, he has the right to buy the housing.
- (c) The Social Security Board may coordinate and manage to borrow loans, with the interest stipulated by the bank, and by pledging the housing or other sufficient titles as security, from any State-owned bank or any bank invested by the Social Security Board to increase the fund so as to enable to pay the remaining housing price by the persons, contained in sub-rules (a) and (b), who obtain the right to buy housing.
- (d) The persons who obtain the right to buy housing contained in sub-rules (a) and (b) shall pay the housing price absolutely to the Social Security Board by his own arrangement or by borrowing loans from the bank arranged by the Social Security Board according to sub-rule (c) by pledging the housing for which he obtains the right to buy or other sufficient title, in accord with the stipulated terms and conditions.
- (e) The persons who obtain the right to buy housing contained in sub-rules (a) and (b) shall repay monthly installments for the remaining housing price to the bank where he obtains loan. In paying so, the interest stipulated by the bank shall be paid in addition to the balanced money.

- (f) The insured person who obtains the right to buy social security housing shall have the situation and age for enabling to pay price of the housing in full.
- (g) The Social Security Board shall arrange to effect fire insurance, general insurance and other suitable good insurances by the person who obtains the right to buy housing, during the period of repayment to the bank for the price of the housing, with the Myanmar Insurance or any other insurance businesses.
- (h) The person who obtains the right to buy the social security housing shall pay the due money for the insurance premium which shall be paid according to sub-rule (g) and housing maintenance to the Social Security Board.
- (i) The insured person has the right to buy the social security housing once. The person who has obtained the right to buy in the past, if he is desirous to buy once again, has the right to buy newly after trusting back the housing bought previously to the Social Security Board at the stipulated price.
- (j) The insured person, if he is terminated from being an insured person before he obtains the right to buy housing though he has paid contribution to the housing project fund, or if the insured person dies, the insured person or his dependent has the right to re-obtain all money contributed to the housing project fund by the insured person with interest. Such interest rate shall be half of the interest rate of saving deposit determined by the Myanmar Economic Bank.

170. (a) The persons who obtain the right to buy social security housings according to sub-rules (a) and (b) of rule 169 shall abide by the existing laws relating to taxation in addition to the terms and conditions stipulated by the Social Security Board.
- (b) The persons who obtain the right to buy social security housings shall be evicted from the social security housing if they violate any terms and conditions stipulated by the Social Security Board.
171. The Social Security Board shall assign duty to the office-in-charge of the relevant Region or State Social Security Office, after coordinating with the Ministry of Construction through the Ministry, so as to enable to evict the violator of any stipulated terms and conditions in accord with sub-rule (b) of rule 170.
172. The relevant office-in-charge of the Region or State Social Security Office:
- (a) shall send a notice to the violator of any stipulated terms and conditions to evict from the social security housing within 30 days;
- (b) if it is not complied though the notice to evict within the stipulated days is sent, he shall submit to the relevant Region or State Government, ask for security and other necessary help and evict him.
173. The relevant Region or State Government shall, if the officer-in-charge of the relevant Region or State Social Security Office asks for help according to sub-rule (b) of rule 172, provide necessary helps to remove and evict in accord with law.

## Chapter ( XI )

### Benefits Relating to the Employment Injury Benefit Insurance System

#### Record book of employment injury

174. (a) The insured person who obtains employment injury shall inform to the employer or responsible person of the establishment by himself or through other person;
- (b) The employer:
- (i) shall maintain a record book of employment injury in (Form-36) stipulated by the Social Security Board;
  - (ii) shall enter all particulars in the employment injury record book immediately if an employment injury happens to his workers. The responsible person shall endorse the truth of the particulars so entered.
  - (iii) shall keep the record book of employment injury for five years since its first entry.

#### Reporting on and inquiring into employment injury

175. (a) The employer shall inform to the relevant Township Social Security Office immediately if his insured worker occurs serious employment injury or dies for such injury. Moreover, it shall be informed again to the relevant Township Social Security Office within 24 hours in the stipulated (Form-37) in triplicate.
- (b) The officer-in-charge of the Township Social Security Office shall, when it is informed by the employer according to sub-rule (a), go to the relevant establishment by assigning duty to the inspection officer or by

himself, inquire whether or not it is the employment injury and confirm it by recording in the stipulated (Form-38).

- (c) The officer-in-charge-of the Township Social Security Office may obtain the inspection and confirmation of the Factory and Labour Law Inspection Department whether or not the injury is caused for the failure of the employer to make occupational safety measures and protections.
- (d) The officer-in-charge-of the Township Social Security Office is considered that occupational disease is suffered for the failure of the employer to make occupational safety measures and protections, the inspection and confirmation of the skilled medical practitioners shall be sought.

#### **Safety of occupational hazard**

176. (a) The employer shall carry out holding workshops and awareness works for the safety of occupational hazards of the workers at his establishments, fencing the dangerous parts of the machinery safely, causing to use protection materials and uniforms which shall be used for the workers according to the category of the production works, arranging for sufficient vehicles so as not to take place more than the stipulated number at the ferries and causing to use only the good conditioned vehicles etc. and also comply with the provisions relating to the safety of occupational hazard issued by the State.
- (b) The employer shall, if the employment injuries and occupational diseases occur due to his failure to make arrangements and protections for the safety of occupational hazards contained in above clause (a), incur the cash and other benefits as follows in lump sum, after making

calculation, for which the insured persons have the right to enjoy as follows:

- (i) 50 per cent of the benefits enjoyable by the insured person if it occurs before the inspections and directions are made in accord with Law;
- (ii) 100 per cent of the benefits enjoyable by the insured person if it occurs due to failure to comply with the directives though they were issued on the matters to be complied with in accord with law according to the finding of the inspection.

#### **Exemption from the liabilities contained in the Workmen's Compensation Act**

177. (a) The employers applied by the Law shall be exempted from the liabilities to compensate under the Workmen's Compensation Act if his insured workers occur employment injury.
- (b) The injury caused by the criminal act or omission of the employer shall not be applied by the provisions of sub-rule (a).

#### **Rehabilitation and arranging for workplaces**

178. (a) The Social Security Board shall, in coordination with the Department of Social Welfare or other departments or organizations, carry out re-training of skills relating to work and rehabilitation so as make the disabled insured person who loss of part of body due to employment injury, integrate into the community and so as to enable to work easily by re-training.
- (b) The employer shall create opportunities in his establishment so as to make the disabled persons work and transact easily.

- (c) The insured persons who obtain cash benefit shall not refuse to participate in those processes without sufficient cause.

### **Medical certificate for the employment injury**

179. The doctor recognized by the Social Security Board:

- (a) shall give opinion whether or not disability to work or death of the insured person is caused by the employment injury. To give opinion as such, if it is necessary, the remark of the relevant specialist doctor shall be obtained.
- (b) if it is inspected and found that the insured person cannot work due to temporary disability caused by the employment injury, medical certificate (Hsa-1) shall be issued.

### **Temporary disability benefit**

180. The insured person:

- (a) has the right to enjoy temporary disability benefit according to medical certificate if he cannot carry out his work for at least one day to at most 12 months because of the employment injury;
- (b) if the employment injury benefit is registered, it may be enjoyed without restriction on the period of contribution.

181. The insured person has the right to enjoy 70 per cent of the average wages received in the periods in which contribution is paid within 4 months before the occurrence of employment injury as the temporary disability benefit. If he is a person who obtains injury during one month before the contribution has not been paid to the social security office though the employer has come to and registered at the social security office, 70 per cent of the wages which he shall obtain and mentioned in the appointment order or employment

agreement or the wages obtained by other workers who are of the same designation and level with him, shall be enjoyed.

182. The insured person shall not lose the right to obtain the said leave wages or pays as he has obtained the right to enjoy cash benefit from the Social Security Board, if he has the right to obtain wages or pays for the leave period under other laws or arrangements. However, if the total of such leave wages or pays and temporary disability cash benefit is more than the ordinary wages or income of the insured person, the employer may deduct the surplus money.
183. The Social Security Board shall:
- (a) provide the temporary disability benefit to the insured person up to 12 months if the insured person cannot work due to employment injury;
  - (b) give due money for each day in which he cannot work, in weekly installments, at the end of the week or at the expiry of the temporary disability according to the medical certificate.

#### **Re-occurrence of temporary disability**

184. If one cannot work again for the original injury within 12 months after the occurrence of temporary disability caused by employment injury, the temporary disability benefit may be continued to provide according to the medical certificate. The said additional period shall be deemed the continuation of the period originally allowed and it shall not be over 12 months totally.

#### **Claiming for and allowing the temporary disability benefit**

185. The insured person:

- (a) shall prepare and submit the claim for temporary disability benefit in the stipulated (Form-39), together with the medical certificate issued under sub-rule (b) of rule 179;
- (b) shall claim the temporary disability benefit within three months from the expiry of the period of disability to work according to the medical certificate.

186. The relevant officer-in-charge of the Township Social Security Office shall, when the insured person claims for the right to enjoy temporary disability in accord with rule 185, inspect whether or not employment injury is true and, if it is true, allow to enjoy.

#### **Suspension of temporary disability benefit**

187. If the insured person carries out any of the following acts during the period of enjoyment of temporary disability benefit according to medical certificate, the temporary disability benefit shall be suspended absolutely or for a period.

- (a) entering to work at the original work or other work for wages;
- (b) failing to receive medical care at the social security hospital, clinic or at the hospital or clinic concluded agreement with the Social Security Board during the time which is deemed necessary so as to cure the injury or disease;
- (c) failing to comply with the directive of the relevant doctor and carrying out to delay the cure of disease while receiving the medical care.

#### **Conversion into the permanent disability benefit**

188. (a) When the insured person is stopped the medical care as the injury is cured and terminated the temporary disability benefit before 12 months is complete, and if permanent impairment in capability to work or loss

of bodily organ occur, he has the right to convert and enjoy into permanent disability benefit.

- (b) The insured person has the right to enjoy by converting to the permanent disability after terminating the benefit relating to the temporary disability, if it is proved that he is suffering permanent disability according to the medical certificate while he is enjoying the temporary disability for 12 months' period.
- (c) If the insured person cannot continue to work after the completion of 12 months from the commencing day of temporary disability benefit because of the employment injury, he has the right to terminate the temporary disability benefit and enjoy the permanent disability benefit by converting to it.
- (d) The date of termination of benefit relating to the temporary disability shall be decided by the doctor recognized by the Social Security Board.

#### **Valuation of loss of working capacity**

189. (a) The Social Security Board shall, by notification, determine the percentage of loss of working capacity according to the loss of part of body or reduced working strength because of the employment injury.
- (b) The ratio of benefit relating to permanent partial disability and benefit relating to permanent absolute disability shall be equal to the ratio of capable loss of working capacity because of the employment injury.
  - (c) The extent of loss of working capacity for any loss of part of body shall not be differentiated and determined based upon the category of work.

## Claiming for and allowing the permanent disability benefit

190. (a) The insured person may apply to the relevant Township Social Security Office for the cash benefit relating to permanent disability in the stipulated (Form-40) if he loses bodily organ because of employment injury or if there is cause to reduce or loose working strength permanently.
- (b) The Township Security Office shall, on receiving the application of the insured person, send the case file to the Social Security Medical Board together with the scrutiny and approval whether or not it is employment injury.
- (c) The Social Security Medical Board:
- (i) shall examine the person who obtains permanent disability as may be necessary, express whether or not the loss of working capacity is permanent or temporary in (Form Hsa-3) and determine appraising percentage;
  - (ii) if it is considered that loss of working capacity of the insured person may change during a period, may determine the percentage as the temporary loss of capacity by limiting period. When the time so limited is due, the said insured person shall be re-examined and the percentage of loss of working capacity may be approved or amended;
  - (iii) in determining loss of working capacity percentage for the insured worker who lost more than one bodily organ because of employment injury, each part of lost bodily organ shall be taken into consideration. However, the volume of total loss of working

capacity shall not be over 100 per cent. Moreover, it shall decide whether or not it is necessary to provide permanent care to the person who has permanent absolute disability having 100 per cent loss of working capacity by another person.

#### **Benefit relating to permanent disability**

191. (a) The insured person may enjoy cash benefit relating to permanent partial disability if it is likely to cause permanent loss of partial working capacity or may enjoy cash benefit relating to permanent absolute disability if it is likely to cause permanent loss of absolute working strength because of the employment injury.
- (b) For the benefit relating to permanent disability, the cash benefit calculated basing on the decision of the Social Security Medical Board on the permanent loss of working capacity percentage on 70 per cent of average wages per month received in the periods in which contribution is paid and during four months from the day of employment injury, shall be determined as benefit for a month and it may be enjoyed in accord with rule 192.

#### **Amount of permanent disability benefit**

192. (a) The insured person has the right to enjoy the permanent disability cash benefit for the period limited and expressed by the Medical Board if it occurs temporary loss of working capacity for a limited period according to the stipulation of the Medical Board.
- (b) The insured person who was determined as the temporary loss of working capacity according to clause (2) of sub-rule (c) of rule 190, if the percentage of the loss of working capacity is reapproved after

receiving examination again when the stipulated time is due, has the right to enjoy surplus after deducting amount of money enjoyed according to sub-rule (a) from the permanent disability cash benefit which he has the right to obtain according to sub-rule (c)..

(c) The insured person, when he suffers permanent disability according to the stipulation of the Medical Board, has the right to enjoy the cash benefit according to section 58 of the Law, in installments or in lump sum, according to his desire.

193. The insured person who has obtained the benefit relating to permanent partial disability due to the loss of partial bodily organ because of the employment injury, if he loses again including the bodily organ previously lost as another employment injury occurs, has the right to enjoy by deducting cash amount previously enjoyed from the cash amount for which he has the right to enjoy according to his loss of working capacity percentage.

194. (a) If the insured person who is obtaining the right to enjoy the benefit relating to permanent disability in installments dies within the period stipulated under sub-sections (b) and (c) of section 58 of the Law, after having commenced enjoying the permanent disability benefit, the balance money, after deducting the money already enjoyed from the total amount of money enjoyable by that person, shall be issued to the survived beneficiary.

(b) If the insured person who is obtaining the right to enjoy the benefit relating to permanent disability monthly dies within 9 years stipulated under subsection (c) of section 58 of the Law, after having commenced enjoying the permanent disability benefit:

- (i) if the cause of death is not relevant with the previous employment injury, such enjoyment shall be terminated after giving benefit up to the month of his death;
  - (ii) if the cause of death is the consequential disease of the previous employment injury, the person who is entitled to enjoy the survivors' benefit has the right to enjoy the balance after deducting total cash amount which has been enjoyed by such insured person before he dies from the benefit contained in rule 196;
  - (iii) the cause of death of such person who is enjoying the benefit shall be approved by the Medical Board.
- (c) If the insured person who is obtaining the right to enjoy the benefit relating to permanent disability dies after 9 years period stipulated period contained in sub-section (c) of section 58 of the Law, after having commenced enjoying benefit relating to permanent disability, the benefit relating to permanent disability shall be suspended.
195. (a) The Township Social Security Office shall submit and ask for permission to the Social Security Head Office for the benefits contained in sub-rules (b) and (c) of rule 192 and sub-rule (b) of rule 194.
- (b) The Director General shall, on the submission of the Township Social Security Office, carry out in accord with rule 144.

**Survivors' benefit cash amount for the employment injury**

196. (a) If the insured person dies because of employment injury, the beneficiary contained in sub-section (b) of section 62 of the Law has the right to enjoy the cash benefit in installments or in lump sum according to his desire:

- (b) if there are more than one person who has the right to enjoy survivors' benefit, such benefit shall be enjoyed equally.

### **Examining and approving on the death due to employment injury**

197. Whether or not the death of the insured person is caused by employment injury shall be carried out as follows:

- (a) the township social security office shall examine and decide, as may be necessary, whether or not it is caused by the employment injury. If it is necessary, the remark of the Factory and Labour Law Inspection Department may be obtained;
- (b) in deciding whether or not it is caused by employment injury, the doctor recognized by the Social Security Board or the Medical Board shall examine and decide. If it is necessary, the remark of the skilled specialist doctor may be obtained.

### **Claiming the survivors' benefit**

198. The person who is entitled to obtain the survivors' benefit shall apply to the relevant Township Social Security Office, after fulfilling stipulated (Form-41) together with the recommendation of the employer (Form-42), and attached with the following papers:

- (a) admission that he is nominated by the deceased person or document that he is entitled to obtain such benefit;
- (b) social security insurance scrutiny card of the deceased person issued by the relevant Township Social Security Office;
- (c) copy of the citizen scrutiny card of the applicant;
- (d) copy of the household list issued by the Immigration and National Registration Department.

199. The officer-in-charge of the Township Social Security Office, on receiving the application according to rule 198:
- (a) shall approve whether or not it is true that the death of the insured person is caused by employment injury or occupational disease, by examining the testimony of eye-witnesses and medical certificates;
  - (b) shall scrutinize the records, documents of his office relating to the deceased insured person, and submit to the Social Security Head Office together with the following facts:
    - (i) name of the deceased person, father's name, National Registration Card number, social security insurance scrutiny number, name of the employer, registration number of the employer;
    - (ii) whether or not the deceased person is a person who effects insurance;
    - (iii) whether or not the applicant is the person nominated for the benefit;
    - (iv) whether or not the applicant is the person who is entitled to obtain such benefit;
  - (c) The township social security office shall allow to enjoy the benefits contained in sub-rule (a) of rule 196 with the approval of the Director General;
  - (d) The Director General shall carry out in accord with rule 144 on the submission of the township social security office;
  - (e) The beneficiary shall apply to the relevant township social security office for the survival benefit for the death of the insured person within one year from the day of death of such insured person.

200. If the employer has not come and registered at the social security office even though the injured person or the person who dies because of the employment injury has responsibility to effect insurance, the employer shall give the due amount of benefit under rules 181, 192 and 196 to the insured person or survivor through the social security office.

## **Chapter (XII)**

### **Provisions Relating Both to Social Security Fund and Employment Injury Benefit Fund**

#### **Collection of contributions and defaulting fees**

201. The officer-in-charge of township social security office:
- (a) shall collect and claim the following contributions, defaulting fees, benefits and costs from the employer as if they were the arrears of land revenue or executed a decree in a civil suit;
    - (i) defaulted contributions which shall be paid by the employer;
    - (ii) defaulted contributions which shall be paid by the worker;
    - (iii) defaulting fees which shall be paid for the defaulted contributions;
    - (iv) benefits which shall be paid and costs which shall be incurred by the employer for the insured person because of the default to pay contribution.
  - (b) in collecting under sub-rule(a), it shall be carried out in accord with the stipulated procedures.

#### **Persons who obtain wages or salary in foreign currency**

202. (a) The foreigners who are working at the establishments applied by the Law and obtain the wages or salary in foreign currency or Myanmar kyat

shall be applied by the provisions on health and social care insurance system and employment injury benefit insurance system contained in the Law.

- (b) The associate citizens and permanent residents of the Republic of the Union of Myanmar who are working at the establishments applied by the Law and obtain the wages or salary in foreign currency or Myanmar kyat shall be applied by all insurance systems contained in the Law except benefits relating to social security housing.
  - (c) Among the insured persons contained in sub-rules (a) and (b), the person who receives wages or salary in foreign currency shall pay the contribution for each relevant insurance system in foreign currency and also has the right to enjoy the benefits in foreign currency. The person who receives wages or salary in Myanmar kyat shall pay the contribution for each relevant insurance system in Myanmar kyat and also has the right to enjoy the benefits in Myanmar kyat.
203. (a) The person who receives the wages and income in foreign currency shall pay for the disability benefit, superannuation pension benefit and survivors' benefit insurance system, unemployment benefit insurance system and other social security system, after having calculated them in Myanmar kyat in accord with exchange rate officially determined by the State at the beginning of the relevant financial year and paid to the end of the financial year, and it shall have the right to enjoy cash benefits for each such insurance system only in Myanmar kyat;
- (b) the contributions for each insurance system contained in sub-rule (a) shall be paid until to the end of the financial year at the exchange rate

existed at the beginning of the next financial year and it has the right to enjoy the cash benefits in Myanmar kyat at such rate.

#### **The right to obtain benefit of deceased insured person by the survivor**

204. The Social Security Office may, if the insured person who is enjoying sickness, maternity, temporary disability benefits dies, provide the benefits which are remained to pay until such day of death to the beneficial in accord with law.

#### **Right of appeal**

205. In the intimations sent on the decisions of social security office refusing to provide benefits, it shall be mentioned that appeal may be filed on such decisions

### **Chapter ( XIII )**

#### **Appeal**

#### **Forming the Social Security Appellate Tribunal and functions and duties thereof**

206. The Social Security Board may form the Social Security Appellate Tribunal in necessary Regions and States to settle the disputes contained in section 89 of the Law.

207. The Appellate Tribunals shall be formed as follows:

- (a) a law officer not below the rank of a director assigned duty and sent by the Union Attorney General or an advocate, as the Chairman of the Tribunal;
- (b) a representative of the employer and a representative of the worker, as the members of the Tribunal;

- (c) the term of the chairman of the Appellate Tribunal is five years at the maximum and the term of the members shall be three years at the maximum.

208. The duties of the Appellate Tribunal are as follows:

- (a) the Chairman of the Appellate Tribunal shall supervise hearings of the Tribunal in accord with law, manage and carry out by taking responsibility;
- (b) the Chairman and members of the Appellate Tribunal have the right to carry out its obligations independently and shall adjudicate honestly and uprightly in accord with law;
- (c) the decision of the Appellate Tribunal shall be passed by the majority vote of the Chairman and members;
- (d) the Appellate Tribunal may summon, by issuing summon, the parties, witnesses and experts to appear before the Tribunal;
- (e) the Appellate Tribunal may accept the clarification and submission of the legal representative assigned by the parties who cannot appear by themselves;
- (f) the Appellate Tribunal shall not be necessary to follow the court's practices strictly in hearing the case, and shall hear in public transparently;
- (g) the Appellate Tribunal may hear the case in the absence of a party if he does not apply for leave in writing, fails to appear without any sufficient cause, or does not send the representative;

- (h) the Appellate Tribunal shall give opportunities to both parties in accord with law to argue before the Tribunal and deliberate the particulars of the disputes;
  - (i) the decision of the Appellate Tribunal shall be signed and approved by the Chairman and member of the Appellate Tribunal.
209. The office works of the Appellate Tribunal shall be carried out by an officer assigned duty by the Director General. Such officer shall carry out keeping of the record relating to case, arranging to sit for hearing by the members with the permission of the Chairman of the Appellate Tribunal, summoning of both parties and witnesses, recording the decisions of the Appellate Tribunal and intimation.
210. The Appellate Tribunal may, after hearing the appeal, carry out approving, repealing, amending on the decision of the Region or State Social Security Office or cause to submit after making necessary further inquiries, and decide on it.

### **Filing petition for appeal**

211. The person who is dissatisfied with the decisions of the Region or State Social Security Office shall submit the petition for appeal through the relevant social security office or directly to the Appellate Tribunal within 60 days, with the stipulated (Form-43) after receiving the letter of intimation to him. Even if the limitation is over, he may file with the sufficient ground. If there is no sufficient ground, the petition for appeal shall not be filed.
212. At the hearing of the Appellate Tribunal, the insured person or beneficiaries or the employers, by themselves or by the representative assigned by them, may

conduct the case, and an officer assigned duty by the Director General may conduct on behalf of the Social Security Head Office.

### **Bearing the cost**

- 213 (a) The Chairman and members of the Appellate Tribunal shall be allowed to enjoy remunerations stipulated by the Social Security Board from time to time for each hearing date of the Appellate Tribunal.
- (b) No cost shall be claimed from the parties. All costs relating to the Appellate Tribunal shall be borne by the Social Security Board.

## **Chapter ( XIV )**

### **Miscellaneous**

214. The Ministry may, according to the financial fidelity of the fund of the Social Security Board, and changing situation of the wages or salary of the insured person, in coordination of the Social Security Board, review the rates of stipulated contribution and rates of benefit for social security fund and employment injury benefit fund, once in three year or by determining the appropriate period; and if it is necessary, issue notification, with the approval of the Union Government, to enable to amend them.
215. The officer-in-charge of the Township Social Security Office:
- (a) shall carry out prosecution only with the permission of the Director General;
- (b) in conducting prosecution, it shall file to the relevant Township Judge by expressing the cause of the prosecution completely together with the following facts;

- (i) name of the accused, father's name, name of the establishment, address and gender;
- (ii) whether the accused is the insured worker or employer;
- (iii) document relating to the false statement or false presentation or violation of restriction contained in the law;
- (vi) provisions contained in section of the law or rule violated;
- (v) penalty liable under the section, law violated by such person;
- (vi) cause for the payment to the relevant social security fund according to the judgment of the court and account number and name of the bank which shall be paid;
- (vii) name and designation of the officer who has the authority to conduct prosecution before the court on behalf of the social security office.

216. The Social Security Rules issued under the Notification No. 142 dated 3rd December 1955 and the Social Security Regulations issued under the Notification No. 149 dated 12<sup>th</sup> December 1955 are hereby repealed.

Sd/ U Aye Myint

Union Minister

Ministry of Labour, Employment and Social Security