

Holidays, Cambodia

1.) Weekly Time-Off:

a. NORMAL WORKING HOURS:

Normal working hours should be no more than 8 hours a day, or 48 hours a week.

b. WEEKLY DAY OFF:

Employees must get at least one full day (24 hours) off per week. This should normally be a Sunday. It is prohibited to use the same worker for more than six days per week.

When (or if) it is established that having all staff take off Sunday would be detrimental to the public or jeopardize the normal operation of the enterprise, the rest must be arranged as follows:

- a). Give all staff rest on a day other than Sunday.
- b). Rest from Sunday noon to Monday noon.
- c). Rest by rotating all staff. Necessary authorizations must be requested from the Ministry in Charge of Labor.

It is permitted by law to give the weekly time off, by rotating the day off, to establishments belonging to the following categories:

1. Manufacturers of foodstuffs intended for immediate consumption;
2. Hotels, restaurants, and bars;
3. Natural flower shops;
4. Hospitals, hospices, asylums, homes for retired persons, mental institutions, dispensaries, health clinics, and pharmacies;
5. Bathhouses;
6. Publishers of newspapers, information and show business; museums and exhibitions;
7. Vehicle rental firms;
8. Enterprises supplying electricity, water and power for machinery;
9. Businesses providing land transportation other than railroads;
10. Industries using materials that rapidly deteriorate;
11. Industries where any interruption of operations could cause the product being manufactured to spoil or deteriorate; and
12. Industries performing work for safety, sanitation, or public utility.

A Prakas (ministerial order) of the Ministry in Charge of Labor shall list the types of industries containing in categories 10 and 11, as well as other categories of establishments that are entitled to benefit from rotating the weekly time off.

A Prakas of the Ministry in Charge of Labor shall determine the methods of enforcing weekly time off in factories that operate around the clock and for specialists employed in the round-the-clock manufacturing operations.

In case of urgency that the work is immediately carried out necessarily for salvageable measures or preventing imminent accidents, or to repair damages to materials, facility installations, or buildings of the establishment, the weekly time off can be suspended for staff needed to perform the urgent work.

The right to suspend this rest shall apply not only to workers of the enterprise where the urgent work is necessary, but also to another enterprise making repairs in the interests of the first enterprise. In the second typical enterprise, each worker must be given a compensatory break equal to the missed time off, in the same way as for workers in the first typical enterprise who are normally involved in maintenance and repair. The provisions of this article cannot apply to children less than eighteen years of age and to women.

Guards and caretakers in industrial and commercial establishments who cannot have their time off on Sunday must have a compensatory time off on another day of the week.

In retail food stores, the weekly break can be given from Sunday afternoon to Monday afternoon or by rotating the shift for a one-day break per week. In retail stores, the weekly break can be cancelled upon authorization from the Labor Inspector if it coincides with a local holiday. Each worker deprived of the weekly break must be given compensatory time off in the week that follows.

In enterprises where bad weather results in days off, these forced days off can be deducted from weekly breaks to a maximum of two days per month.

When the weekly break is given to the workers collectively, a legible notice indicating the days and hours of the time off must be posted in a conspicuous place. When the weekly break is not given to the workers collectively, there must be a special list including the names of the workers subject to a particular rest schedule, and indicating this break scheme.

Newly hired workers must be added to this list after a period of six days. The list must be constantly updated and made available to the agents in charge of labor control for it during their visits.

Any business owner, director, or manager who wants to suspend the weekly break must request authorization from the Labor Inspector and, except for acts of God, must do so before the work commences. They must explain to the Labor Inspector about the circumstances that justify the suspension of the weekly break, indicate the date and duration of the suspension, specify the number of workers to which the suspension applies, and indicate the plan for providing compensatory time off. If the Labor Inspector refuses to authorize the suspension of the weekly break, they must inform the business owner, director, or manager of his refusal in writing within four days upon receipt of the request. Lack of notification is considered valid authorization for suspension of the weekly break.

c. FLEXIBLE HOURS - SATURDAY AFTERNOON OFF

Employers may set the normal working hours so that employees get Saturday afternoon, as well as Sunday, off. However, the employer must not extend the normal working day beyond 9 hours in order to do this.

2.) Traditional Holidays:

Public Holidays for Calendar Year 2012

Day	Date	Holiday	Substitution Day
Sunday	1 January	International New Year Day	2 January
Saturday	7 January	Victory over Genocide Day	9 January
Tuesday	7 February	Meak Bochea Day	-
Thursday	8 March	International Women's Day	-
Fri-Sat-Sun	13, 14 & 15 April	Khmer New Year	16 April
Tuesday	1 May	International Labor Day	-
Saturday	5 May	Visak Bochea Day	7 May
Wednesday	9 May	Royal Plowing Ceremony	-
Sun-Mon-Tue	13, 14 & 15 May	King Norodom Sihamoni's Birthday	16 May
Friday	1 June	International and Cambodian Children's Day	-
Monday	18 June	Queen Norodom Monireath Sihanouk's Birthday	-
Monday	24 September	Constitution Day	
Sun-Mon-Tue	14, 15 & 16 October	Pchum Ben	17 October
Monday	29 October	Coronation Day of King Norodom Sihamoni	-
Wednesday	31 October	King Norodom Sihanouk's Birthday	-
Friday	9 November	Independence Day	-
Tue-Wed-Thu	27, 28 & 29 November	Water Festival	-
Monday	10 December	International Human Rights Day	-

a. Paid Public Holidays:

Every year, the Ministry of Labor issues a Prakas, which determines the number of paid public holidays. Approximately, there have been 26-29 public holidays.

For any public holiday falling on Saturday or Sunday, one additional day-off will be granted as the Substitution Day, if the public holiday falls on both, Saturday and Sunday, one additional day-off will be granted as the Substitution Day only.

During the holiday period, employers should pay employees their normal wages.

In addition, the law is silent on whether a company can reschedule the official public holidays to coincide with foreign holidays. If a business decides to remain open during public holidays, it is agreed that they will pay their employees 200% of their regular wage for a day's work.

This shall be taken into effect from 1 January 2012.

3.) Annual Vacation:

a. Paid Annual Leave:

All employees have the right to take annual leave.

Full-time employees get 1.5 days of annual leave per month, which totals to 18 days per year. According to the law, employees are entitled to use their leave after one year of service. However, this will lead to an accrual of leave during the first year, which would result in a back-log of leave time. Therefore, many organizations allow their employees to take their leaves on the first year. If in the event that an employment contract terminates prior to one year, the employee is entitled to an indemnity based on the 1.5 days per month scale.

Part-time employees (those working less than 48 hours per week) must be given annual leave proportional to their work hours. So, an employee working 24 hours per week must be given at least 9 days paid leave annually.

Regular Working Hours	Leave per Month (regular working days)
48	1.5
40	1.25
24	0.75

Official paid holidays and sick leave are not counted as paid annual leave.

In the event that an employee has not worked for two consecutive months, they are entitled at the termination of their contract, to compensation calculated proportion to the number of days they are physically present and worked in the enterprise.

b. Extra Leave for Long Service

Employers must give employees one extra day of leave in every 3 years of continuous service.

Years of Service	Days of Leave Per Year
1-3	18
4-6	19
7-9	20

The length of continuous service must cover the entire period during which the worker has a labor contract with the employer, even if the work was suspended without a termination of the contract. Included in the period for which the worker is entitled to paid leave each year is as follows:

weekly time off;

paid holidays;

sick leave;

maternity leave;

annual leave and notice period;

special leave granted up to a maximum of seven days during any event directly affecting the worker's immediate family.

Special leave for personal reasons is not included when calculating the eligibility period for paid annual leave if the time off was not made up.

c. Right to Use Leave

Contracts renouncing the right to take annual leave are invalid and unenforceable. Upon termination, employer must compensate the departing employee for unused annual leave. An employer also cannot force workers to use annual leave during periods of no work, unless there is such an agreement freely entered into with those employees.

d. Payment in Advance

The company is required to pay employees in advance when taking paid leave days. This means that employers must pay the employees the wages they would have received had they worked. The allowance is calculated by the average wages (benefits, bonuses, and indemnities) including the value of benefits in kind, but excluding reimbursement for expenses, that the employee had earned during the previous 12 months preceding the date of departure on leave and cannot under any circumstances be less than what would have been earned had the employee worked.

e. Payment Instead of Leave

Upon termination of employment, the employer must pay out an employee's remaining leave in full.

f. Agreements to Give Up Leave

Any agreement that says employees have given up the right to annual leave is not valid.

Although employees would often agree to take payment instead of leave, such agreements are not allowed under a strict interpretation of the law.

g. **Putting off Leave**

There are few legal restrictions on scheduling of annual leave. The law states that in principle, leave is normally given during Khmer New Year. However, employer and employee can agree otherwise, so long as they inform the Labor Inspector. The only legal restriction gives the organization the right to defer any leave request beyond 15 days to another time of year. This leaves the employer relatively free in determining its own procedures for request and schedules of leaves.

Employees on the other hand may defer annual leave, in excess of 12 days per year, until the end of their labor contract. However, annual leave cannot be deferred for more than three consecutive years without expiring.

Leave, Cambodia

1.) Sick Leave:

a. Sick Leave without Pay

Each employee has a right to sick leave. The Labor Law is generally silent on the matter of sick leave, other than requiring a company to suspend a contract for up to six months in case of illness. In other words, the employer is required to hold a sick employee's position, without pay, for at least six months.

b. Sick Leave with Pay

However, the Arbitration Council and certain Prakas have found that every business must set up internal regulations in providing sick leave to employees when they present certification from authorized and legally recognized doctor confirming their illness. Sick leave should be paid in the following scale:

Number of Months of Illness	Percentage to be Paid
1 Month	100% of wages
2 – 3 Months	60% of wages
4-N th Months	No Wages Paid

Additionally, the company must pay the employee any attendance or seniority bonuses that are interrupted during illness. If there's a certification employer must

pay the \$5 attendance bonus in proportion to the number of days worked during that month.

If an employee is absent for more than six months due to illness, the company may terminate their contract.

2.) Special Leave:

Employees have the right to request up to seven days of “special leave” for personal and family matters. While there is some uncertainty as to which events qualify, employers should not unreasonably refuse requests for the following events:

- Marriage, either of the employee themselves or a child,
- Birth of an employee’s child (Paternity Leave), and
- Death, sickness of an employee’s spouse, parent or child.

In the event of a special leave request, the organization may deduct the leave taken from the employee’s annual leave. If the employee has no annual leave remaining, then the company cannot deduct it from the next year’s annual leave. The employer may require the employee to work overtime in order to make up for the leave taken. However, when working overtime, the employee cannot work more than 10 hours per day or 54 hours per week.

3.) Maternity Leave:

a.) Expectant Mothers:

Expectant mothers are entitled to a 90-day maternity leave with pay after one year of continuous service. If the employee is an expectant mother and has not worked for one year continuous service, she is still entitled to have a 90-day maternity leave however without pay. After the maternity leave and during the first two months after returning to work, they are only expected to perform light work.

An employer may not terminate or lay-off employee just because she is:

- Pregnant
- While she is on maternity leave, or
- Immediately before taking leave.

During the maternity leave as stipulated in the preceding article, women are entitled to half of their wage, including their perquisites, paid by the employer. Employers should calculate payment on the basis of the employee’s average pay during the 12 months prior to departing on maternity leave, and not on the minimum wage or basic wage. Women fully reserve their rights to other benefits in kind, if any. Any collective agreement to the contrary shall be null and void. However, the wage benefits specified here shall be granted only to women having a minimum of one year of uninterrupted service in the enterprise.

b.) Breast-Feeding

In addition, mothers who breast-feed their children are entitled to one hour per day during working hours to do it. This hour may be divided into two periods of thirty minutes each, one during the morning shift and the other during the afternoon shift. The exact time of the breast-feeding should be agreed between the mother and employer. If there is no agreement, the periods shall be at the midpoint of each work shift.

Breaks for breastfeeding are separate from and shall not be deducted from normal breaks provided for in the labor law, in internal regulations of the establishment, in collective labor agreements, or in local custom for which other workers in the same category enjoy them.

Managers of enterprises employing a minimum of one hundred women or girls shall set up, within their establishments or nearby, a nursing room and a crèche (day-care center). If the company is not able to set up a crèche on its premises for children over eighteen months of age, female workers can place their children in any crèche and the charges shall be paid by the employer.

4.) Paternity Leave:

Paternity Leave falls under Special Leaves, which allows Fathers-To-Be to have a seven-day leave. Again, while there is some uncertainty as to which events qualify, employers should not unreasonably refuse requests for the birth of an employee's child as stated under Special Leave.

5.) Religious/Ordination Leave:

In a business environment with multi-cultural employees that have various religious beliefs, a "floating holiday" must be observed for employees. This means that aside from the Public Holidays of Cambodia, there must be a Religious Leave specifically given to a certain employee. An employer is obligated to provide reasonable accommodation for the religious practices of its employees, unless it can show that the accommodation would result in undue hardship for its business. Employees are required to give adequate advance notice of their intention to take a floating holiday. This is in general.

In Cambodia however, aside from the events mentioned in "Public Holidays" that need to be paid by employers, the law makes no mention as to how a Religious Leave given to a specific employee of different religious orientation be paid.

6.) Other Leave:

Business, Military, Sterilization, etc. would fall under Other Leaves. The law on Cambodia is silent as to how they treat such leaves in the Kingdom. The only leave that could apply to these types would be under the "Special Leave" that only allows employees to request up to seven days off that is for personal and family matters.

Special Leaves can be deducted to the employee's annual leave. If given that the employee has no more annual leave left, it cannot be deducted from the next year's annual leave, however employee could go overtime provided he or she cannot work more than 10 hours per day or 54 hours per week. Overtime could be spread out.

Welfare and Fringe Benefits, Cambodia

1.) Medical Welfare/Physical Checkup:

a.) Labor Health Service:

Enterprises and establishments must provide the primary health care to their workers. The Labor Health Service shall be led by one or more physicians who are called Labor Physicians and whose curative and preventive role consists in avoiding a deterioration of workers' health that is adversely affected by their work. In particular, they monitor the hygienic standards of the work, the risks of contagion and the workers' state of health.

Depending on the necessity of the enterprise, the labor health service can serve a single enterprise or jointly serve several enterprises. The cost of organizing and operating the labor health service is borne by the employer. For inter-enterprise services, the costs are distributed proportionally based on the number of employees at each enterprise.

As of the date set by a joint Prakas (ministerial order) of the Ministry in Charge of Labor and the Ministry of Health, there shall be physicians specialized in labor health necessarily taking up the positions of Labor Physicians.

b.) Having a First Aid and Setting-Up Infirmary:

A company with up to 20 employees must provide a first aid kit, and a nursing assistant on-site. A business with 20-49 employees must provide a bandaging room and a nurse on-site. On the other hand, if the company has more than 50 employees, it must set up an infirmary located at, or within close range of, the workplace. The infirmary must be staffed by medical professionals, in proportion to the number of employees. It must be open during regular business hours.

The infirmary should be at least 20 square-meters and must be furnished with:

- One desk,
- Three chairs,
- One filing cabinet,
- Two beds, including mattresses and linens. If there are more than 200 employees, the infirmary must provide beds equal to 2% of the workforce, up to 20 beds maximum,
- Sterilization equipment, and
- Medical Exams of workers.

Care, treatment, and food for the injured and sick persons hospitalized in the infirmary are the responsibility of the employer.

c.) Other Expenses of Employer:

- 1) the service of chemical prophylaxis on their sites;
- 2) vaccination against epidemics.

In the case of an epidemic, the Minister of Health can order extraordinary preventive measures at work sites.

2.) Work-Related Accidents Benefits:

a.) Definition of Work-Related Accidents and Sickness:

Work-related accidents are defined as any accident, which happened:

- While working;
- During working hours; or
- During the direct commute between home and work, so long as the trip was not interrupted nor a detour made for personal or non-work related purpose.

In determining whether it is a “work-related accident”, its cause is irrelevant, as is whether the employee is at fault. When it comes to compensation, however, the employee’s fault can be considered. Occupational illnesses are also considered work-related accidents, and are treated the same by the laws.

b.) Duty to Prevent Work-Related Accidents

Employers must take all “appropriate measure” to prevent work-related accidents. Though the law does not specify what these measures might be, they should be reasonable in light of the degree of risk and the costs of mitigation.

c.) Duty Following a Work-Related Accident

Immediately following a work-related accident, the employer must:

- Provide emergency,
- Remain at the scene of the accident,
- Notify the Ministry of Labor within 48 hours of the accident,
- Provide the investigating committee with relevant documentation; Permit witnesses to report to authorities,
- Pay for an investigation of the accident, and
- Take remedial steps to prevent similar future accidents.

d.) Compensation for Work-Related Accidents:

Employers must pay the medical expenses and compensate employees- and potentially their surviving families- for injuries resulting from work-place accidents. However, employees who intentionally caused the accident receive no remuneration at all. Further,

a court can reduce the compensation if it is proved that the accident resulted from an inexcusable mistake by the victim. Conversely, it can increase compensation if the accident resulted from the grave mistake of the employer.

Temporary disabilities of four days or less are compensated at the regular daily wage rate. Temporary disabilities of more than five days are compensated at the same rate, but only if the employee provides a physician’s letter certified by the Ministry of Labor.

For permanent disabilities, a doctor must assess the percentage of incapacitation. The employee will then receive an annual compensation proportional to the degree of incapacity.

Surviving family of employees who died in the workplace is entitled to the funeral costs and annual annuity. The annuity is based on the employee’s annual salary and the number of dependent family members, and is capped at 85% of salary.

Compensation for permanent disabilities and death can be paid as a lump sum, as agreed by the parties, rather than an annuity.

Disability	Compensation
Temporary: 1-4 Days	Regular Wages
Temporary: 5 Days or more	Regular Wages, with the submission of a physician’s letter certified by the Ministry of Labor
Permanent 0-20% incapacity	No compensation beyond that owed for temporary disability
Permanent 20-50% incapacity	$\frac{1}{2} \times [(annual\ actual\ earnings) \times (\% \text{ incapacity})] + 40\%$ if constant care from another person required
Permanent 50-100% incapacity	$(annual\ actual\ earnings) \times [(25\%) + (1.5 \times (\% \text{ incapacity} - 50\%))]$ + 40% if constant care from another person required
Death	Funeral costs of at least 90 times average daily wage + Annual Annuity as % of employee’s wage and proportional to the number of dependents (relatives).

3.) Life and Accident Group Insurance:

Under the Law of the Kingdom of Cambodia, employers are not required to purchase Life and Accident Insurance and/or National Social Security Fund (NSSF) if they are employing less than 8 people. However, following Cambodian Labor Law (Art. 248), employer is responsible for any work related accident and occupational illnesses/diseases, it means he shall pay for the staff’s medical bills in case they were in an accident during working hours/on their way to

workplace and on their way back home. If employer needs to transfer this kind of liability to insurance company, he shall purchase Workmen’s Compensation or Group Personal Accident insurance from an insurance company, and he shall select the insurance plan, which is sufficiently compensated to his employees when/if they get into any accidents. Furthermore, it’s compulsory by law that employer who has more than 8 employees shall purchase insurance from National Security Scheme Fund—NSSF.

Basically, it is the prerogative of the employer to purchase or not any insurance for his employees. If employer decides not to buy insurance of NSSF, it will still be the responsibility of the owner to pay for work related accidents and/or occupational risk, etc. as stated in the Work-Related Accidents Benefits. That’s why it is advisable to purchase both regardless of the number of employees working for the company.

4.) National Social Security Fund (NSSF):

- Contributions:

Employment injury is regarded as an employer’s responsibility. The reason is that the employer is the one who creates the jobs for employees, and at the same time s/he also creates the occupational risk. As a result, all contributions to this programme are borne by the employer. Employers make contribute to NSSF to cover the risk of employee injuries.

To avoid administrative complications, uniform rate, being independent of risk class or industry, has been adopted. Under partial funding method, the contribution for EII scheme is determined by 0.8% of the assumed wage based on the employee’s monthly wage before taxation accordingly. **Contribution Rate for EII Scheme**

Monthly Wage (Riel) Assumed Wage (Riel) Contribution (Riel)

Below 200,000	200,000	1,600
200,001-250,000	225,000	1,800
250,001-300,000	275,000	2,200
300,001-350,000	325,000	2,600
350,001-400,000	375,000	3,000
400,001-450,000	425,000	3,400
459,001-500,000	475,000	3,800
500,001-550,000	525,000	4,200
550,001-600,000	575,000	4,600
600,001-650,000	625,000	5,000

650,001-700,000	675,000	5,400
700,001-750,000	725,000	5,800
750,001-800,000	775,000	6,200
800,001-850,000	825,000	6,600
850,001-900,000	875,000	7,000
900,001-950,000	925,000	7,400
950,001-1,000,000	975,000	7,800
1,000,001 up	1,000,000	8,000

Article 4 of NSSF law states that: Persons covered by the Social Security Schemes prescribed by this law shall be under the Management of the National Social Security Fund and regardless of nationality, race, sex, belief, religion, political opinion, national extraction, social origin, membership or trade union or act in trade union are as follows:

- All workers defined under the Labor Law of the Kingdom of Cambodia
- State workers or Officials temporarily appointed in the public service.
- Trainee person or apprentice
- Self-employed professionals
- Seasonal or occasional workers

Under the law, if you are employed by an employer for a continuous service, it is the sole responsibility of the employer to pay for your contribution to the National Social Security Fund (NSSF). If the contract has terminated between the employer and employee, it states under the NSSF ruling, Article 5 that- Any person with the contributor membership of the Schemes for a period of six consecutive months, and no longer fulfill the compulsory conditions (as stated in Article 4) for joining the Social Security Schemes of this Law, but wishes to voluntarily continue in the pension scheme may do so. They shall apply for continued membership on a voluntary basis within three months following the date of termination of compulsory membership, or loss of status as a compulsory member.

a.) Pension Scheme:

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

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

- To be registered in NSSF in a period of at least twenty years.
- To pay in contribution at least for sixty qualifying months for Social Security Schemes during the period of at least ten years up to the date of eligibility of the pension.

Each member who has fulfilled such conditions and reaches a premature worn state, whether mental or physical, before the age of 55 that cause loss of earning capacity, may request to have an early pension. Old age and early pensions come into force at the first day of each calendar month, following the date of receipt of the claim.

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

b.) Invalidation/Disability Benefit:

NSSF member who becomes disabled before the age of 55 provided that the person concerned has fulfilled the following conditions:

- Being registered in NSSF for at least five years
- Fulfilled for six qualifying months for Social Security Schemes within the last 12 months up to the date of the beginning of the incapacity leading to the validity.

c.) Death Benefit:

In case of death, at the date of his or her death, has fulfilled required conditions above for enjoying Pension or Invalidation Benefit and has already proved for one hundred eight qualifying months, the beneficiaries (relatives or orphanage of the person involved) shall be entitled to get survivor's pension.

In case he or she did not fulfill conditions above and has not proved to be a member for hundred eight qualifying months, and death occurs, beneficiaries are entitled for survivors' allowances provided in lump sum amount of not less than monthly old age pension for the NSSF member hereof.

d.) Occupational Risk Benefit:

- Work-Accident Related
- Occupational Disease

Benefits are as follows:

- Medical Care Services whether an accident interrupts work or not
- Provide daily allowance for employment injury causing temporary disability.
- Provide disabled pension causing permanent disability.
- Provide funeral benefits and survivors' pension.

Medical Care Services are as follows:

- Medical treatment, surgery, dentistry as well as X-ray photograph, laboratory exams and other analysis.
- Supplying pharmaceutical and incidental products for treatment.
- Providing allowance for victim caring in hospital or other places.
- Supply, maintenance and repair of prostheses limbs or orthopedic necessities that requires by a doctor designated or recognized by the NSSF or any kind of improving work rehabilitation or vocational retraining.
- Work rehabilitation, vocational training, job reclassifying base on the conditions fixed by the Prakas of the Minister in charge of Social Security Schemes.
- Transport of the victim from accident site to the treatment places or residence.

In case of temporary disability, with duly confirmation from the doctor designated by NSSF the victim is entitled to receive daily allowance until he or she fully recovers or upon death. The daily wage of worker is also paid by the employer for the first absent day work aside from the allowance receive from NSSF.

Victim is entitled to Permanent Disability Pension if degree of disability according to the recognized doctor by the NSSF equals to 20% or Disability Allowance provided as lump sum if degree of disability is less than 20%.

Upon Death:

Survivors of the victim are those:

- Not discovered or separate wife or husband with legitimate marriage, registered by vital records office before the accident or before the victim died whether the marriage got after the accident.
- All children under the victim charge

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