

**Analysis of Workers' Compensation and Employment Insurance
for Platform Delivery Workers in Korea
: Lessons for Cambodia**

By

LEE, Yoonji

CAPSTONE PROJECT

Submitted to

KDI School of Public Policy and Management

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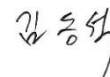
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Abstract

Analysis of Workers' Compensation and Employment Insurance for Platform Delivery Workers in Korea : Lessons for Cambodia

By
LEE, Yoonji

A sudden surge of platform delivery workers due to the COVID-19 pandemic has become a global phenomenon; therefore, a social discussion on their protection needs to be urgently addressed. This study aims to analyze the situations of social security systems for platform delivery workers in Korea and Cambodia, mainly focusing on Workers' Compensation Insurance (WCI) and Employment Insurance (EI). Furthermore, considering the similarity in the WCI structures between Korea and Cambodia, this paper provides policy implications for Cambodia, which still lacks development on social protection for platform delivery workers.

This paper is based on recent key literature and interviews with administrators working for WCI and EI to investigate social insurance in Korea and Cambodia. The Korean government has recently executed specific social security policies, through WCI and EI, to protect platform delivery workers. Likewise, there is an active conversation ongoing in Cambodia on the need to protect platform delivery workers, as the nation has a weak policy capacity to build social security systems. Although the Korean case faces some limitations due to their ambiguous labor status and the legal landscape set by traditional labor relationships, the country is making efforts to create a social safety net for all working people. This study expects to give policy implications for Cambodia to establish better social security systems for platform delivery worker using Korea as a model.

Keywords: Platform delivery workers, Social Security Insurance, Korea, Cambodia

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I. Introduction

The ongoing COVID-19 pandemic has induced the rise of platform delivery workers around the globe. Physical constraints caused by the social distancing measures such as lockdown have made people use more local, service-oriented tasks such as express delivery in a particular geographical area. In a survey conducted by the ILO (2021a), location-based labor platforms¹ have increased in scale more than ten times over the last ten years, and the delivery sector has been predominant among digital labor platforms across the countries (See Table 1).

Table 1

Number of digital labor platforms in 2020 globally

Category	Delivery	Taxi	Online web-based	Hybrid
Number	383	106	283	5

Source. From “World Employment and social outlook 2021,” by ILO, 2021, (https://www.ilo.org/global/research/global-reports/weso/2021/WCMS_771749/lang--en/index.htm)

In such a situation, workers in the delivery business are more likely to be exposed to various work-related injuries and occupational safety issues such as vehicle-related accidents and diseases including coronavirus. However, they often don’t have enough access to social protection systems for them because existing social safety nets are provided mostly in traditional labor settings (ILO, 2021a). Workers in platform labor are in the grey area

¹ Location-based platforms are defined as the platforms in which individual worker performs their tasks within a specified physical location, such as taxi, delivery, and home services (ILO, 2021a).

between employers and employees, even though they perform their jobs similarly to standard workers (Park, 2019). For this reason, social protection for platform labor has become a new challenge in our society. To address these challenges, the Korean government has actively conducted public discussions on social insurance such as Workers' Compensation Insurance (WCI) and Employment Insurance (EI). Specifically, it has recently announced a series of laws to expand protection coverage for platform delivery workers.

Cambodia is also going through difficulties with social security for platform delivery workers because there are no laws to protect them. According to the Cambodia Labor Force survey 2019 conducted by the National Institute of Statistics in Cambodia (2021), the number of employments in transportation and storage is 364,863, ranked 2nd in the Cambodian service industry. Furthermore, the COVID lockdown in Cambodia has accelerated the usage of delivery platforms. The number of e-wallet accounts for digital payment jumped to 9.56 million in 2020 compared to 5.2 million in 2019 (Turoton & Phorn, 2021). Despite this situation, the Cambodian government is still struggling to develop policies to protect platform delivery workers.

Meanwhile, since 2008, Korea has continued to offer Cambodia policy consultations on its social security systems based on the Korean WCI system (COMWEL, 2015). As a result, Cambodia's WCI structure has become analogous to Korea's. This fact shows that the Korean practice would be effective in developing WCI/EI policies for platform delivery workers by strengthening Cambodia's policy capacity. Therefore, following these experiences, Cambodia can establish stable WCI/EI systems for its platform delivery workers.

This year, Korea Workers' Compensation & Welfare Service (COMWEL) which is the government organization in charge of WCI and EI is proceeding with a policy

consultation project for the Establishment of the WCI Rehabilitation and Medical system in Cambodia to strengthen the nation's social protection systems. Thus, the WCI/EI policy analysis for platform delivery workers in both countries is essential for developing ODA projects and sustainable social welfare systems in Cambodia.

This study aims to examine WCI and EI policies for platform delivery workers in Korea and Cambodia. There is a large body of literature that points out the importance of providing social security for such workers; some extant research covers the WCI and EI in Spain (Ramirez, 2020), the United States (IAIABC & NAIC, 2021), Germany and Russia (Chesalina, 2018). However, not many studies give attention to specific countries in Asia. To my best knowledge, this is the first paper that formally examines social protection policies for platform delivery workers in both developed and developing countries, studying the cases of Korea and Cambodia.

There are three research questions that this paper seeks to address: 1) what is the similarity of the WCI structure between Korea and Cambodia? 2) what WCI and EI systems for platform delivery workers exist in Korea and Cambodia? 3) what is the policy implication for platform delivery workers in Cambodia based on the Korean case? Furthermore, the paper conducts a literature review on each country's WCI/EI policies and interviews with administrators working on social protection policy in Korea (COMWEL) and Cambodia (NSSF) to answer the research questions.

The remainder of the paper is structured as follows. Chapter II provides detailed information on the research methods applied, while Chapter III is devoted to literature review. Chapter IV presents the context of WCI/EI policies related to platform delivery workers in Korea and Cambodia. Lastly, the paper provides a conclusion and some policy recommendations for Cambodia.

II. Research Methods

This study used a literature survey and interviews as research methods. First, it investigates the background and figures related to WCI and EI in Korea and Cambodia based on the existing literature. Then, it illustrates the current situation of social security systems for platform delivery workers in both countries. The literature survey covers Korean and Cambodian government policies, publications, research, and news articles.

I conducted online interviews for two days, from February 23 to February 25, 2022, as shown in Table 2. Half of the six interviewees work for the Korea Workers' Compensation and Welfare Service (COMWEL), while the rest were government officials from the National Social Security Fund (NSSF). Due to the social distancing measures, the interviews were conducted online. The extent of the interviews ranged from 20 minutes to 1 hour.

Table 2
Basic information of COMWEL and NSSF interviewees

No.	Organization	Department	Position	Region
1	COMWEL (Korea Workers' Compensation & Welfare Service)	Planning of eligibility	Director	Ulsan, Korea
2		Support for workers in special types in Chungcheong district	Deputy director	Daejeon, Korea
3		Support for workers in special types in Seoul district	Manager	Seoul, Korea
4	NSSF (National Social Security Fund)	Customer Services and Public Relations	Director	Phnom penh, Cambodia
5		International Cooperation	Head	Phnom penh, Cambodia
6		International Cooperation	Deputy head	Phnom penh, Cambodia

Questions were prepared to better understand the current WCI and EI policies for platform delivery workers in both countries and to receive policy recommendations from each government worker. The key questions are as follows.

Table 3

Key questions

Korea	<ul style="list-style-type: none">- How was the situation when designing the case law for platform delivery workers?- Does the WCI/ EI policy work well for platform delivery workers, and are there any restrictions?- What are your policy recommendations for Cambodia?
Cambodia	<ul style="list-style-type: none">- Are there any social protection policies for platform delivery workers in Cambodia?- Are platform workers classified as employers or employees?- Are there social needs to establish the WCI/ EI for platform delivery workers?

While questions for COMWEL members focused on the practices and effectiveness of the WCI and EI systems for platform delivery workers, Cambodian interviewees shared their views on current issues in their social protection policies. With these questions, this research finds out hands-on work experiences to better understand the social situation in both countries.

III. Literature Review

The upswing of the digital platform economy and the increasing number of platform workers is a global phenomenon. The issue of social protection for platform workers and their labor position has become a debated topic in both developed and developing countries. Therefore, over the last few years, social security for platform deliverers has become one of the most discussed issues in the International Labor Organization (ILO, 2017; Behrendt et al., 2019; ILO, 2020; ILO, 2021a).

A large volume of literature has investigated the current situation of platform workers and discussed the methods of extending their social protection (Forde, 2016; Risak, 2017; Stefano & Aloisi, 2018; Francesco et al., 2019; Jeong, 2019; Cherry & Rutschman, 2020). However, these studies mainly refer to findings from developed countries such as

OECD countries, the European Union, the United States, and Korea (but see Kim, 2020; Raman et al., 2021). Only few studies to date have focused on developing countries.

Another strand of studies on the platform economy and social security deals with platform workers in the delivery sector (a comprehensive review is in ILO, 2022). In addressing the topic of social security for platform delivery workers, researchers and policymakers have considered several approaches including establishing new laws (Shin, 2019; Lobel, 2020; Oh et al., 2020). For example, Korea has expanded its social security programs to adopt the Law of exceptional special cases for platform delivery workers (COMWEL, n.d.). Shin (2019) and Lobel (2020) state that AB5 legislation is a national effort to reclassify platform delivery workers as employees of California's legal landscape. Likewise, it is no surprise that the recent agreement between social partners and the Spanish government set a legal framework to protect the labor rights of delivery workers working for digital platforms (Prado, 2019). The Riders' Law classifies food delivery riders as employees, better known as the Ley Rider.

While previous studies have conducted research only on developed countries, the scarcity of data concerning developing countries results in a few shortcomings in the literature on developing countries. This capstone project refers to existing work conducted by ILO, OECD and various researchers from developed countries; however, to my best knowledge, it is the first paper that formally examines social protection policies for platform delivery workers in both developed and developing countries, studying the cases of Korea and Cambodia. Considering the overall situation, giving policy recommendations to Cambodia from the Korean model might be meaningful for both countries.

IV. Findings

4.1 The Similarity of WCI structure in both Korea and Cambodia

Cambodia launched the Workers' Compensation Insurance system in 2008 with the help of Korea, which also supported the country in designing the WCI. The invitational trainings in 2005 and 2006 marked the beginning of the Korea's support for developing the Cambodia's WCI system (COMWEL, 2015). They mainly focused on the operation of the WCI system based on the Korean model, such as legal standards and procedures. In 2007, Korea sent COMWEL staff directly to Cambodia for specific policy consultations. In the meaningful year of 2008, Cambodia finally stipulated the WCI policy based on Korean support. After Cambodia implemented the WCI system, COMWEL oversaw the specific consulting on all sectors to establish the WCI system in Cambodia from 2008 to 2010. Operational regulations were adjusted considering the Cambodian situation. For example, the contribution rate to get insurance was set at 1.78% initially, but reflecting the status of employers in Cambodia, it was later fixed at 0.8%. COMWEL also offered promotional know-hows on raising people's awareness of the WCI to prevent the Cambodian government from having financial difficulties in operating the WCI (COMWEL, 2015).

Korea tried to stabilize the WCI policy by giving lectures on the Korean case of the overall operation of the WCI. As a result, both countries came to share similar basis of WCI structure. Table 2 provides more detailed information regarding the analogous structure of WCI system in Korea and Cambodia. Both are immunized from the Labor law of each country and both compensation provision operates based on the no-fault rule for any work-related accident regardless of the will or carelessness of employers (Kim, 2011). This means that the Korean case of social security systems for platform delivery workers would also be a good example to set Cambodia's social insurance policies.

Table 4*Similarity of the WCI structure between Korea and Cambodia*

Country	Legal status (legislation)	Subject to report/pay	Obligation type	Standard of compensation	Resource (rate)
Korea	WCI Act (1963) under Labor Standard Law (1997)	Employers	Mandatory	No-fault rule	Contribution (Different depending on industrial sectors)
Cambodia	Social Security Law for employees (2002) under the Labor Law (1997)	Employers	Mandatory	No-fault rule	Contribution (0.8%)

Note. The first Labor Standards Act in Korea was enacted in 1953, and the current Labor Standards Act was newly enacted in 1997.

Source. Edited from by Kim, 2021; Noh et al., 2011

4.2 Korea

The current situations of platform delivery workers related to the WCI and EI

A flood of needs for delivery services due to social distancing measures from the COVID-19 pandemic leads to a 30% increase in platform workers belonging to delivery businesses (Kim et al., 2021a). According to the statistics on platform workers in 2021², the number of platform workers in broad meaning of who conducted their job using smartphone or online platforms over three months³ is estimated to be 2,200,000, accounting for 8.5% of the working population aged between 15 and 69 (Kim et al., 2021b). In the same research by Kim et al. (2021b), the number of platform workers in narrow meaning is about 660,000. The scale of platform delivery workers in the total platform market is estimated at 82.3%. It

² The detailed survey is downloadable from Korea Employment Information Service: <https://keis.or.kr/user/extra/main/3878/publication/reportList/jsp/LayOutPage.do?categoryIdx=126&pubIdx=7972&reportIdx=5621>

³ There is a need to defining platform workers in two ways: first is a broad meaning of platform workers that platform workers conducted their work using smartphones or online platforms; the second one is a narrow meaning of platform workers who except for respondents among the broaden meaning of platform workers answered, ‘I am doing my job assigned by labor platforms, not my choice (Kim et al., 2021: 15-16).’

means that over half of platform workers in Korea are associated with transport-associated work such as delivery or designated driver services (Chang, 2021).

About 59.8% of platform workers perform their job within Korean capital areas such as Seoul and Gyeonggi province (Kim et al., 2021b). The city government of Seoul has conducted a survey on platform delivery workers in its district in 2021 and found that only 42.9% of platform delivery workers have joined the WCI. In other words, over half of the platform delivery workers are not treated as recipients of the WCI benefits despite their exposure to various job accidents (Park, 2021). Moreover, other research in Seoul indicated that 73.3% of food delivery workers, 90.8% of parcel delivery workers, and 83.2% of quick-service workers had not joined the WCI (Kim et al., 2021a).

Regarding the EI, many platform delivery workers are categorized as non-regular workers. The unemployment rate of non-regular workers was 8.5% during the pandemic era, which was higher than that of regular workers at 3.5% (Hwang, 2020). The most common cause of platform delivery workers' unemployment is contract termination (Jang & Hwang, 2021). The second reason is the non-payment of wages. Last but not least, platform delivery workers suffer from forcible layoffs (Kim et al., 2021b). On top of that, the risk of reduced earnings for non-regular workers is higher than that of permanent employees (Jang & Hwang, 2021). This is confirmed in Hwang's survey (2020), which found that most platform delivery workers experience more significant concerns about unemployment or poverty than other temporary or part-time workers. These concerns should be addressed by strengthening a social safety net. However, the harsh reality is that over 80% of platform delivery workers were not insured by EI policies (Kim et al., 2021a). The same survey reveals that platform delivery workers expressed willingness to be covered by labor protection insurances such as WCI and EI (Kim et al., 2021a).

So far, this part has provided some necessary figures and described the overall situation of platform delivery workers. Until recently, our society has overlooked social protection for new forms of employment. The Korean government has been making efforts to revise laws that would expand the WCI and EI for platform delivery workers. The following sections present the history of WCI and EI expansion for platform delivery workers and describe the effect of policies.

WCI policies for platform delivery workers in Korea

The Korean government established Workers' Compensation Insurance in 1963 and implemented it in 1964 to promptly and adequately cover employees who get injured at the workplace (Song, 2010). The WCI stipulates the following: 1) All business owners are obligated to join the insurance 2) Only the mining and manufacturing industries with 500 or more full-time workers were applied 3) Insurance benefits consist of six types: medical care, temporary layoff, disability, survivor's benefits, lump-sum payment for insurance and funeral expenses (Korea Ministry of Employment and Labor (MOEL), 2021). The following year, the workplace with more than 200 full-time workers had to register for the WCI. From 1986 to 1988, the entity required to join the WCI gradually expanded to an enterprise with more than five full-time employees. Most industries could be covered by the WCI, with just one full-time worker on July 1, 2000 (MOEL, 2004). In 2018, COMWEL announced that the applying condition for the number of workers was abolished. All workplaces with workers, whether full-time or part-time, should join the WCI and have a duty to protect their employees from job accidents. The minimum number of workers necessary for a company to join the WCI got smaller and smaller.

However, the WCI coverage didn't reach new types of employment such as platform labor. Most platform delivery workers sign a business contract under the concept of individual self-employers. Platform delivery workers do not belong to any types of typical

workers. Therefore, current social insurance is unable to protect platform delivery workers based on the legal framework because the initial system is designed to only focus on the traditional relationship between employers and employees (Han & Sin, 2020).

The first attempt to protect non-regular workers occurred after the IMF intervention. According to COMWEL staff interviews, there was a controversy between labor and business groups regarding the issue of protecting atypical workers. However, they agreed to at least enact social protection for non-regular workers from threats of economic poverty and industrial accidents. The revision of the law for the WCI was finally passed by congress in 2007, stating that special types of workers who are not considered as typical employees but perform their jobs like workers can be protected under the Labor law (Chang, 2014; MOEL, 2021). In the beginning of the policy, insurance benefits applied to only four special types of occupations, such as insurance consultants and golf caddies. Platform delivery workers may have been eligible for the WCI benefits since 2012, as presented in table 6.

Table 5
History on Special types of workers eligible for the WCI

Implementation date	Occupation
2008.7.1.	Insurance consultants
2012.5.1.	Parcel delivery workers Quick delivery service working for a main workplace
2016.7.1.	Designated driver for a main workplace
2020.7.1.	Owner for freight delivery
2021.7.1.	Software technician (Freelancer)

Note. The Introduction on the WCI on special types of workers, by COMWEL, search in 2022/2/18. (<https://www.comwel.or.kr/comwel/paym/spec/mean.jsp>)

However, platform delivery workers continued to face unsolved issues in receiving WCI benefits. In the case of regular workers, the subject to pay the insurance premium is their employer. In contrast, platform delivery workers had to settle with their employers because of the uncertainty of their employment status. For this reason, special types of

workers who do not want to pay insurance fees may be easily excluded from WCI if they submit some simple application.

As of September 2020, about 80% of special types of workers had applied for the WCI exemption and were not receiving WCI benefits despite accidents still happening at work (Kim & Hwang, 2021). As mentioned before, while the number of platform delivery workers has increased, the Korean government could no longer observe their difficulties. As a result, COMWEL announced that platform delivery workers will not be able to apply for WCI exemption starting from July 1, 2021. The only exceptions include injuries, diseases, pregnancy, and maternity leave. It means that the WCI is mandatory for platform delivery workers in Korea and is protected by social protection systems.

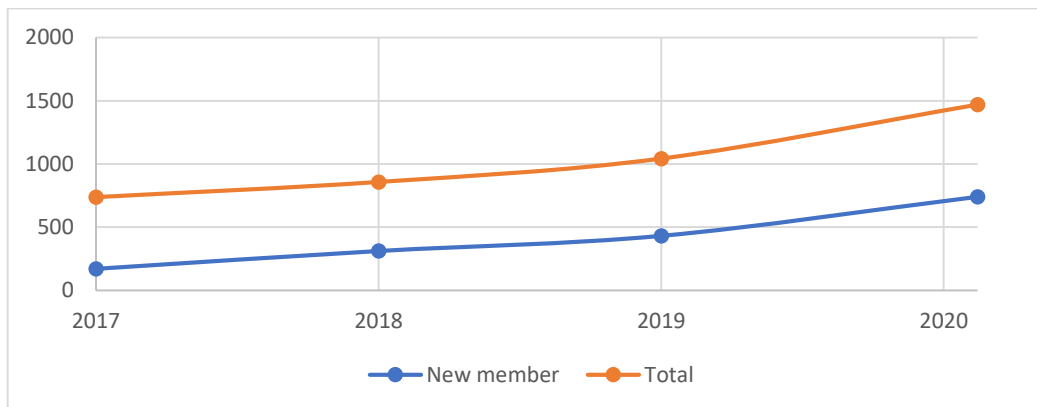
Nevertheless, there is another barrier to platform delivery workers joining the WCI. This is a condition that only drivers working for mainly one workplace are eligible for the WCI. All interviewees from COMWEL pointed out that the term “the main workplace” is improper in the current systems of labor platforms. The Korean government is preparing to abolish the statement “offer labor mainly for a single workplace without using other platforms” with an organization of the labor and management (Korean Government, 2020). By 2023, Korea is expected expand eligibility for the WCI to include platform delivery workers who work in labor platforms (COMWEL inside data, n.d.).

EI policies for platform delivery workers in Korea

Employment Insurance, on the other hand, cover more platform delivery workers than WCI does. According to the interviewee (No.1), EI systems have removed the “working for main workplace” standard. Figure 1 shows that the number of employers who joined the EI in the delivery sector has increased annually (COMWEL, 2022). The growth in numbers indicates the significance and necessity of EI policies not only for employers but also for platform delivery workers.

Figure 1

The number of employers applied the EI in delivery sector



Source. Statistics, by COMWEL, 2022,

(<https://www.comwel.or.kr/Researchinstitute/lay1/bbs/S1T13C16/G/36/list.do>)

The EI in Korea was enacted on Dec. 27, 1993, to support the unemployed, prevent sudden layoffs, promote the working ability to enhance productivity, and find a new position (MOEL, 2005). Then, since July 1, 1995, the EI was enforced including several types of assistance, such as allowance for employers to maintain workers to place them in jobs; vocational training to improve employability; financial support in case of job losses; and subsidies to parents who are on maternity leave (COMWEL, n.d.). In other words, it was a very active policy that guaranteed the stability of workers in the labor market.

Only offices with over 30 full-time employees could join the EI. As a consequence of the economic triggered by the IMF in 1997, the EI became a national priority to protect the unemployed. To prevent the social impact of mass unemployment, the Korean government eased the criteria for EI to workplaces with one or more full-time employees in 1998. However, the EI has also been established based on traditional labor relationships, so it could not cover non-regular workers.

Before enacting the special case of law for platform delivery workers, there was an optional way for platform delivery workers to receive the EI benefits (Sung, 2016). From 2012, employers owning SMEs with 50 or fewer employees could optionally join the EI.

Even though platform delivery workers provided their labor like traditional workers, most of them were classified as employers. They could secure themselves employers' position, not employees.

Because of this history, starting from January 1, 2022, platform delivery workers are subject to the EI within the legal landscape. Employers who provide labor platforms to platform delivery workers are obliged to join the EI for their drivers. That is, the standard for platform workers is now the same as for typical workers, unlike the optional EI regime for employers. Platform delivery workers may have unemployment coverage and parental allowance benefits. As for the special case, this law still treats platform delivery workers as non-standard employees but recognizes them as the same workers who offer their labor to get a stipend (COMWEL, n.d.). This could be an excellent start to broadening the possibility of recognizing platform delivery workers as regular employees on a formal scale.

Conclusion

After implementing special measures for platform delivery workers, workers in special types of employment have a high WCI rate: 99.8% in 2021, compared to 28% in 2020 (COMWEL, 2022). Taking into consideration that most platform delivery workers are classified as special types of employment, it is an eye-opening progress for Korea to provide protection for all working people. Furthermore, as of July 8, 2022, there are 58 labor platforms using platform delivery workers, and they have submitted the information of 170,000 platform delivery workers to get benefits from the EI. In other words, the country is on its way to improving the social security net for platform delivery workers. Starting from July 1, 2021, COMWEL has been operating centers in Seoul, Busan, Gyeonggi-Incheon, and Daejeon to deal with the WCI and EI for platform delivery workers.

Currently, the Korean government pushes ahead with the roadmap of WCI and EI for all working people. The existing WCI and EI system works for typical employees who

receive regular stipends and work in their primary workplace. This policy standard would apply to all working people depending on their income (COMWEL inside data, n.d.).

Over the past years, Korea has undergone trials and errors in protecting new types of workers. Moreover, it has been actively promoting social protection systems not only for new types of employers but also for all working people. Given Korea's experience in developing the WCI and EI systems for platform delivery workers, we can conclude that the Korean example can serve as a lesson for Cambodia in establishing a social safety net for all workers.

4.3 Cambodia

The progress level of Cambodia's social protection system

Before investigating social protection systems for platform delivery workers in Cambodia, the Social Protection Indicator (SPI) showed the progress of Cambodia's social security systems within Asian countries. The Asian Development Bank coined the term "Social Protection Indicator," a measurement of the performance of social protection programs within and across nations (ADB, 2016). The formula for SPI is shown below.

$$SPI = \frac{\left[\frac{\sum \text{Expenditure on social protection}}{\sum \text{Expected recipients}} \right]}{GDP \text{ per capita}}$$

Source: ADB, The social protection indicator: assessing results of Asia, 2016.

For easier understanding, the formula could be interpreted as the following: if the rate of total expenditure on social protection and total potential beneficiaries goes up faster than GDP per capita, the SPI rises. The total spending on social security consists of three components; social insurance for unemployment or illness; social assistance such as child welfare and disability benefits; and labor market programs such as skills development and training programs (ADB, 2016). According to ADB (2016), the relationship between the SPI rate and the advancement of the social protection system is positive.

Table 6 is the data from the ADB’s Social Protection Indicator. As we can see, it contains figures for Asian countries including Korea and Cambodia. The SPI of Korea was recorded at 5.1%, which exceeded the average of Asian countries, 3.7%. On the contrary, Cambodia’s SPI was 1.2%, which was quite below the average. The country also has a low social insurance score.

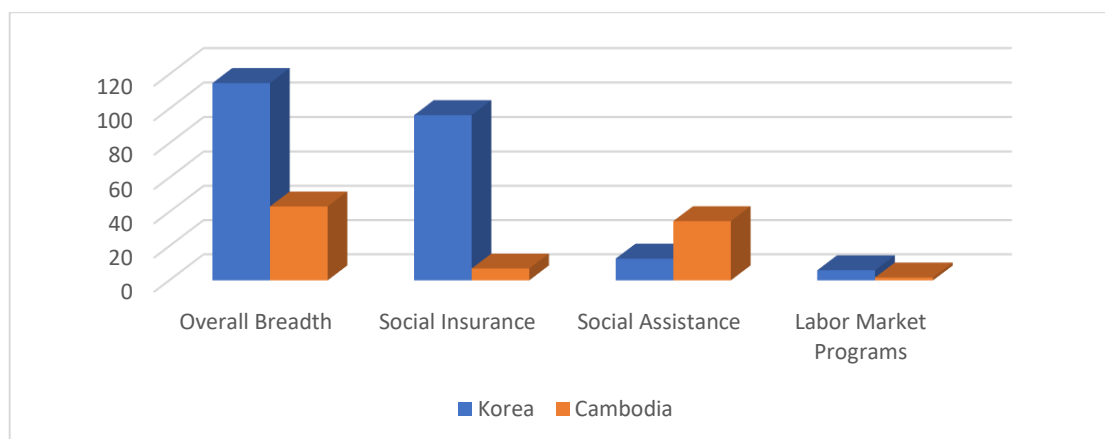
Table 6
The SPI of overall Asian countries, Korea, and Cambodia, 2012 (%)

Country	SPI	Social insurance	Social assistance	Labor market programs
Overall	3.7	2.7	0.9	0.1
Korea	5.1	4.0	0.9	0.1
Cambodia	1.2	0.3	0.8	0.03

Note. From “ADB Social Protection Indicator,” by ADB, 2012, (<https://spi.adb.org/spidmz/>)

Furthermore, ADB (2016) states that Korea has notable universal coverage because Korean social insurance programs provide a lot of workers with social security such as unemployment benefits. In comparison, the overall scope of Cambodia’s social protection system was too low in 2012. All figures and statistics show that Cambodia needs urgent social protection policies to protect all working people, including platform delivery workers.

Figure 2
Overall Breadth of the SPI in Korea and Cambodia, 2012 (%)



Note. The social protection indicator: assessing results for Asia, by ADB, 2016, p.50.

(<https://www.adb.org/sites/default/files/publication/192966/spi-asia-2016.pdf>)

An analysis on WCI/EI policies for workers in Cambodia

Like Korea, Cambodia also faces emerging platform-related businesses and workers (ILO, 2019). According to the Cambodia Labor Force survey 2019, conducted by the National Institute of Statistics in Cambodia (2021), the number of workers in the transportation and storage sector is 364,863, which makes it 2nd in the service sector. As for the informal sector, the rate of workers in transportation and storage is estimated to be 94.5% (Cambodia, 2021). Almost 9 out of 10 workers in the informal sector cannot have social security benefits like unemployment allowances and compensation from job accidents. Then, is there any social insurance device to protect workers in Cambodia?

Cambodia has developed its social insurance system for workers in four parts: Industrial Accidents, Pension, Health, and Employment. Article 36 of the Kingdom of Cambodia Constitution states, "Khmer citizens of both sexes shall have the right to enjoy social security and other social benefits as determined by law"; Article 75 says, "The State shall establish a social security regime for workers and employees" (The Constitutional Council of Cambodia). The pith of the social protection system in Cambodia has been established based on Labor and Social Security law (Ko et al., 2020).

Regarding the WCI, Chapter IX in Cambodian Labor law defines work-related accidents and workers; employers take responsibility for managing work-related injuries, and employees have a right to receive appropriate medical treatments (Cambodia Labor Law, 1997). Under this Law, Social Security Schemes was enacted in 2002 (Ko et al., 2020). Both employers and employees must join the WCI. The WCI benefits included medical care, daily allowance, pension or allowance for disability, funeral benefits, and survivors' pension (The Law on Social Security Schemes). Those systems are close to those of Korea.

Furthermore, the Cambodian government elaborated its first "National Social Protection Framework 2016-2025 (SPPF)" in 2017 to build a coherent and innovative social

protection system as a national strategy (OECD, 2017; ILO, 2018; Ko et al., 2020). The government perceived the importance of expanding the social safety net to allow more workers to receive benefits under the legal and policy provisions (RGC, 2017). While the focal targets are still working children and civil servants, the government is expanding the range to get social protection benefits with the advent of new forms of employment like platform delivery workers would be critical.

According to research on social protection for Tuk-tuk drivers, only 2,000 tuk-tuk drivers were working in Phnom Penh in 2007 (DEFT, 2018). After ten years, the number of tuk-tuks increased by five times to 10,000 in same region. According to the latest updates by Boken (2020), the number of tuk-tuk drivers is about 50,000. The lockdown measurement due to COVID-19 has also accelerated platform delivery services in Cambodia (Turoton & Phorn, 2021). Most tuk-tuk drivers pointed out that they are willing to pay the amount of insurance premium to get the WCI benefits (ILO, 2018). However, the position of platform delivery workers is also ambiguous in Cambodia. Therefore, it is hard to get social protection benefits as workers.

One of the NSSF interviewees said that the status of platform delivery workers is determined by whether they have delivery companies such as Grab, Foodpanda and Tuk-tuks. Platform delivery workers working for labor platforms must pay premiums and get coverage. However, the social protection coverage does not reach platform delivery workers in the informal sector. The official information is needed to establish the WCI enrollment standard, but it is challenging to know the exact working conditions, such as wages and working hours to evaluate premium fees and benefits. Cambodia is willing to protect platform delivery workers in the formal sector if they belong to the labor platform. However, the country faces difficulties with identifying the status of workers just like in Korea. Apart from this, Cambodia has another challenge: platform delivery workers in the informal sector.

An interview with NSSF staff revealed that there is a private way which platform delivery workers use to compensate for work-related injuries in Cambodia. If platform delivery workers who join these private organizations (with 100-200 platform delivery workers) get injuries, they can request medical expenditure from the government. Sadly, it is not an official social protection coverage for platform delivery workers with the legal framework.

As mentioned above, Cambodia seems to have EI systems, but it is not operating well yet. The unemployment rate in Cambodia was 1.2% in 2019 and 0.3% in 2020 (ADB, 2021; ILO STAT, n.d.). The low unemployment rate doesn't mean the Cambodian labor market is working well. First, low-wage work is typical in Cambodia, accounting for over 30% of the working population (OECD, 2017). Second, the population growth rate was relatively low compared to neighboring nations and there was a shortage of human resources due to result of the Killing Fields (Ko et al., 2020). Hence, Cambodia needs a comprehensive employment measure such as Korea's EI systems.

Article 73 of Labor Law about termination of the labor contract stipulates the possibility that workers can get compensation from employers if they are fired. If there is a premature termination of the contract, employers should reimburse the amount of the employee's wage. However, covering platform delivery workers and a national scheme to address unemployment is incomplete in Cambodia.

How does the Cambodian government see this situation? In preparing for the "National Employment Policy" for 2015-2025, Cambodia is trying to establish a policy to provide a stable employment market and opportunities. Moreover, regarding SPPF (2017), the Royal Governments of Cambodia emphasize the necessity of EI and have a strong will to realize the EI in the social security system. There are still limitations in setting the EI for platform delivery workers, but Cambodia is resolved to cover all employments.

Conclusion

As it is clear from the literature review and NSSF interviews, there is no specific WCI/EI system for platform delivery workers in Cambodia. There are a few protections, but Cambodia has a weak social safety net for new types of employment. Yet, although the Cambodian situation is relatively lagging, there are active social movements and governmental efforts to protect platform delivery workers. One interviewee (No.4) shared his working experiences developing social protection for platform delivery workers. NSSF has conducted a feasibility study on the protection of platform delivery workers signing MOU with Grab. This MOU is for 2000 tuk-tuks in Cambodia, extending coverage to workers in the informal sector by May 2022. All interviewees from NSSF well-perceived that social protection for all working people is crucial worldwide including in Cambodia.

Revising procedures, policies, and laws is challenging to follow in this fluid labor environment. NSSF administrators commented that Cambodia needs a more advanced system for new types of employment like Korea. Cambodia strives to expand the social protection coverage to platform delivery workers. The Cambodian government should go beyond simply covering platform delivery workers and actively follow platform delivery workers' situations and conduct conversations with social actors such as management and labor to strengthen capacity building in dealing with progressive policies.

V. Policy Implication & Conclusion

The Cambodian government has recently sought to improve a social safety net for the Cambodian people. The government has conducted an annual statistical survey on social and economic sectors to ensure better living conditions for Cambodia (Cambodia, 2021). This policy research was necessary to identify domestic issues, improve laws and systems, and promote new systems regarding social security. To encourage social security systems and

expand protection coverage for platform delivery workers, this paper suggests a few policies that can establish consistent policies in Cambodia.

Whether work in the main workplace or not

One of the main barriers to covering all platform delivery workers in Korea is the “working for mainly one workplace” standard. Through this research, Cambodia has a similar labor legal system to Korea in which employers are responsible for protecting their employees. In this context, the matter of classification of drivers using labor platforms is crucial. Classification of platform workers is a global issue, but it is evident that platform delivery workers offer their toils to labor platforms.

Based on the practice of Korean EI policies, the Cambodian government needs to set the policy based on the wages of working people, not identify their main affiliated businesses. At first, the Cambodian government converts labor platforms in the informal sector into formal ones. Labor platforms operate online, so it is easy to track their business. If finding the biggest labor platforms is picky, the government should concede their work individually. It will help all platform delivery work have better conditions in terms of transparency and be able to engage in the formal sector legally. The Cambodian government could increase the national budget by collecting insurance premiums from platform delivery workers to register in the formal sector.

Law for special cases of platform delivery workers

The Korean government has expanded social protection coverage for platform delivery workers gradually. However, acknowledgment of their labor status, like standard workers, is a still controversial issue. It is important to gradually expand the social protection systems, so platform delivery workers can be within the scope of social security rather than admitting them at once. Cambodia should begin special provisions based on standards and direction for recognizing the labor of platform workers like Korea.

Current WCI and EI systems in Korea have restricted occupations eligible for insurance, such as platform delivery workers. It reveals the limit point of social protection systems in Korea, so the Cambodian government should offer social protection coverage to all working people in the non-standard workplace. With the profession gradually expanding, Cambodia could reduce social impact to manage their systems well, and platform delivery workers could benefit from lowering their risks within the legal landscape.

Government level

With the improvement of the social protection systems for platform delivery workers, regardless of the employment form or occupational status, it will be answered flexibly, responding to future changes in the labor market (Nam, 2021). It can be achieved by public consent, and efforts at the government level can make it happen. The interviewee from COMWEL (No.1) expressed regret over the process of exemption of the WCI systems. At the time of the labor-management agreement, it was the utmost effort from the government's point of view, which had to listen to the opinions of both the management and labor. However, it took about ten years to remove the article to cover all platform delivery workers. With this practice, compromising opinions is also essential, but the Cambodian government should have a solid standard to achieve better protection for all working people.

Perhaps in the future, the “newer” forms of employment will emerge, and it will be very challenging to design social security systems for them. Like the German government's labor goals, Korea and Cambodia should set the basis of respect for all human labor. It is the key to responding to further rising unprecedented employment. By establishing a substantial safety net for all working people, government and workers will benefit from these social security policies. Thus, the current policies require existing social protection systems to guarantee the fundamental rights to social security for all (Behrendt et al., 2019).

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