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LAW ON PENSIONS AND BENEFITS PROVIDED BY THE FUND OF SOCIAL INSURANCE

Ulaanbaatar,, 7 June 1994

(amended according to the Laws of 22 January 1996,
16 January 1997 and 21 January 1999)

CHAPTER ONE

General Provisions

Article 1. Purpose Of The Law

The purpose of this Law is to govern relations respecting pension and benefit entitlements and payments from the Fund of Social Insurance to the insured contributing to the pension and benefits insurance as prescribed in the Law on Social Insurance.

Article 2. Types Of Pensions And Benefits Provided By The Fund Of Social Insurance

1. Pensions to be provided to the insured by the Fund of Pensions Insurance shall be of the following types:

- 1/ retirement pension
- 2/ invalidity pension
- 3/ survivor's pension

2. Benefits to be provided to the insured by the Fund of Benefits Insurance shall be of the following types:

- 1/ sickness benefit
- 2/ maternity benefit
- 3/ funeral grant

Article 3. Contribution Period

1. Pensions and benefits to be provided under this Law shall be subject to the contribution period.

2. In determining the total contribution period, other periods prescribed in the Law as crediting shall be added up to the estimation of the whole period where employer and the insured person paid contributions of pension and benefits insurance.

3. The periods hereunder shall be included in the estimation of a total

Work schedule

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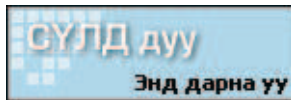
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contribution period, provided the relevant public institution, business unit or organization paid contributions to the Funds of Pension and Benefits Insurance:

- 1/ period where a contracted employee or civil servant was involved in study at the initiative of a business unit or organization and stayed out of work;
- 2/ period of army service as a soldier or sergeant;
- 3/ period of child care leave;
- 4/ period of staying out of work due to an illegal removal from work, detention in legal custody or imprisonment at no fault;
- 5/ period of staying out of work due to an illegal dismissal from work;
- 6/ period of staying out of work due to involvement in civil defense and other mobilizations;
- 7/ other periods designated in the Law.

4. The procedure for payment of contributions for the period specified in Section 3 of this Article shall be set up by the Government.

CHAPTER TWO

Retirement Pension

Article 4. Eligibility For Retirement Pension

1. The insured person, having paid contributions of pension insurance for not less than 20 years in total shall be eligible for a retirement pension on attainment of 60 years old. Women, having paid contributions of pension insurance for not less than 20 years can be eligible for a retirement pension on attainment of 55 years old, if they wish so.
2. Women, who have paid contributions of pension insurance for not less than 20 years and raised 4 and more born and adopted children under 3 years old until the age of 6, having attained 50 years old shall be eligible for a retirement pension at their own request.
3. Insured persons who have worked underground or in hazardous, hot and arduous working conditions, having satisfied the following requirements shall be eligible for a retirement pension:
 - 1/ Men who have worked underground for not less than 10 years out of 20 years of pension insurable service in total, having attained 50 years old;
 - 2/ Men who have worked in hazardous, hot working conditions for not less than 10 years out of 20 years of pension insurable service, having attained 50 years old, as well as women who have worked in the same conditions for not less than 7 years and 6 months out of 20 years of pension insurable service, having attained 45 years old;
 - 3/ Men who have worked in arduous conditions for not less than 12 years and 6 months out of 20 years of pension insurable service, having attained 55 years old, as well as women who have worked in the same conditions for not less than 10 years out of 20 years of pension insurable service, having attained 50 years.
4. The eligibility for a retirement pension of an insured person who has not yet attained the age indicated in Section 1 of this Article, and who stopped paying contributions of pension insurance on satisfaction of the requirement for contribution period designated in the same Section shall be retained until he/or she attains the qualifying age.
5. Men and women, having attained 60 and 55 years old respectively shall be entitled to a retirement reduced pension in proportion to the total insurance period, provided that they have paid contributions of pension insurance for a number of years ranging from 10 to 20.

Article 4. Eligibility Obtained

Contracted employees shall obtain eligibility for a retirement pension on termination of their employment service.

Article 5. Rate Of Retirement Pension And Its Increment

1. The retirement pension shall be 45 per cent of the monthly average insurable wages or similar thereto earnings (further referred to as "wages") of an insured person.
2. The retirement pension shall be increased by 1.5 per cent of pensionable wages for each year additional to 20 years of pension insurance.
3. The retirement pension of an insured person who was on receipt of disability pension shall be increased by its 1 per cent for each year of total invalidity.
4. The minimum full retirement pension shall not be less than 75 per cent of the minimum monthly wage (further referred to as "guaranteed wage", fixed by the Government, and the minimum reduced pension shall not be less than 50 per cent of the same wage.

Article 6. Length Of Retirement Pension

The payment of a retirement pension shall commence on the date of attaining the retirement age where the insured person claims for it prior attaining the qualifying age, but where the insured person claims for it on attaining the retirement age, payment shall commence from the day on which the insurer received the claim and end with the following month in which the pensioner dies.

CHAPTER THREE**Invalidity Pension****Article 7. Eligibility For Invalidity Pension**

1. The insured person who has lost not less than 50 per cent of his capacity for work permanently or for a long duration due to a non-occupational disease or accident shall be eligible for an invalidity pension, provided that he has paid contributions of pension insurance for not less than 20 years, or for a period of three years out of five, immediately preceding the date of commencement of invalidity.
2. The insured person who has not satisfied the contribution period specified in Section 1 of this Article shall be eligible for an invalidity reduced pension in proportion to the total contribution period, provided that he has paid contributions of pension insurance for not less than three years in total.

Article 8. Determination Of Invalidity

1. Invalidity shall be classified as total or partial.
2. The percentage of an insured person's loss of capacity for work and its length shall be determined by the Medical Labor Accreditation Commission.
3. The schedule of diseases for the purposes of determining invalidity shall be approved by the State Central Administrative Body responsible for health matters.

Article 9. Rate Of Invalidity Pension

1. The insured person who has lost his/her capacity for work suffering from total invalidity shall be entitled to an invalidity pension calculated from his wages at the rate set out in Sections 1 and 2, Article 5 of this Law.
2. The insured person who is suffering from invalidity, having lost not less than 50 per cent of his/her capacity for work shall be entitled to an invalidity pension calculated at the rate of proportion to his wages as prescribed in Sections 1

and 2, Article 5 of this Law.

3. The minimum invalidity full pension shall be equal to the minimum retirement full pension, the minimum invalidity reduced pension shall be equal to the minimum retirement reduced pension.

Article 10. Length Of Invalidity Pension

The invalidity pension shall be paid from the date of commencing invalidity and ending with the day of rehabilitation, or with the following month in which the pensioner dies.

Article 11. Invalidity Restoration And Pension Repayment

1. Pensions for a period of not exceeding two months shall be repaid on restoration of invalidity of an insured person who failed to get it determined by the Medical Labor Accreditation Commission on reasonable grounds.

2. When the length of loss of capacity for work is extended, or loss of capacity for work of the insured person is restored due to his/or her non-rehabilitation, pension for this period can be repaid. If there occurs a change in the percentage of loss of capacity for work, the amount of pension to be repaid can be equal to his previous pension.

3. Where the insured person who was on receipt of an invalidity pension becomes incapacitated again within six months following rehabilitation, his/or her pension will be determined based on the wages and contribution period used for his previous pension.

CHAPTER FOUR

Survivor's Pension

Article 12. Eligibility For Survivor's Pension

1. Where a breadwinner who has met the requirement for the contribution period designated in Section 1, Article 7 of this Law dies due to a non-occupational disease or accident, the family dependent members listed hereunder shall be eligible for a survivor's pension:

1/ born and adopted children (applicable to a child born after father's death) under 16 years old (19, if they are students), regardless of whether there is another person legally responsible for maintenance;

2/ grandchildren and his/her younger sisters and brothers under 16 years old who have no other person legally responsible for maintenance;

3/ grandchildren and his/her elderly and younger brothers and sisters, who were under care of the deceased, born incapacitated or incapacitated prior attaining 16 years old;

4/ fathers of 60 years old, mothers of 55, or incapacitated parents and husband or wife, or his/her grandparents, elderly and younger brothers and sisters who have no other person legally responsible for maintenance;

5/ children under 8 years old, parents and husband or wife (regardless of age and working capacity) who are out of employment owing to involvement in caring their grandchildren or younger sisters and brothers who have no other person legally responsible for.

2. The persons mentioned underneath shall be eligible for a survivor's pension like the family dependent members designated in Section 1 of this Article:

1/ The family dependent members of an insured person who died while he was on receipt of a retirement pension or invalidity pension, as well as who totally lost his capacity for work in the months preceding the death;

2/ step-parents be treated like one's own parents in the event of the death of a step-son or step-daughter who was the bread-winner;

3/ a child who does not get any alimony from its own parents by a judicial decision be treated like his or her own child in the event of the death of its step

father or step mother;

4/ the family dependent members of an insured person whose disappearance confirmed by a judicial decision remaining in force;

3. The family dependent members of a deceased bread-winner shall be eligible for a survivor's reduced pension in proportion to his total contribution period, provided that he has paid contributions of pension insurance for not less than five years in total and contributions were continuous in the last year.

Article 13. Entitlement Of Survivor's Pensions To Persons Suffering From Invalidity

The survivor's pension can be entitled to a person suffering from total invalidity for its length, in case of the death of his bread-winner, or absence of other types of pension.

Article 14. Rate Of Survivor's Pension And Its Increment

1. The survivor's pension shall be calculated at the following rate from the wages of an insured deceased in proportion to the percentages designated in Sections 1 and 2, Article 5 of this Law:

Number of dependents % of wages

3 or more 100

2 75

1 50

2. The survivor's pension shall be increased by its one per cent for each year of total invalidity where the bread-winner who was on the receipt of an invalidity pension dies.

3. The survivor's minimum full pension shall be 50 per cent of the guaranteed wage per person, 75 per cent for two persons and 100 per cent for 3 persons or more. But the survivor's minimum reduced pension should be not less than 50 per cent of the same wage.

Article 15. Length Of Survivor's Pension

The survivor's pension shall be payable to children under 16 years old (19, if they were students) from the date of a bread-winner's death, to persons suffering from invalidity for the length of loss of capacity for work and to persons of retirement age up to the end of the following month in which he dies.

Article 16. Aggregate Entitlement To Survivor's Pension

The survivor's pension shall be payable to the family dependents as a whole. But the amount of a pension can be divided equally among the dependents if they so request.

CHAPTER FIVE

Sickness Benefit

Article 17. Eligibility For Sickness Benefit

1. The insured person shall be eligible for a sickness benefit, provided he/or she has paid contributions of benefits insurance for a period of 3 months and more prior to the loss of capacity for work caused by a non-occupational disease or accident.

2. Women (insured) who give birth prematurely before the expiry of 196 days of pregnancy, or who have an abortion shall be eligible for a sickness benefit.

Article 18. Rate Of Sickness Benefit

1. The sickness benefit shall be calculated at the following percentages from the wages of the last three month full-time employment, taken account of the contribution period of an insured person:

 Contribution period (years) % of wages

up to 5 years 45
 from 5 up to and including 14 year 55
 15 years and more 75

2. The sickness benefit shall be provided per each day of work.

Article 19. Length Of Sickness Benefit

1. The sickness benefit for the first six days of incapacity for work shall be paid by employer, commencing from the seventh day until the day on which capacity rehabilitated or eligibility for an invalidity pension acquired, benefit shall be paid from the Fund of Benefits Insurance.

2. The maximum length of a sickness benefit on one occasion shall not exceed 78 days including the first 6 days of incapacity for work. But in case of malignant tumor or tuberculosis contracted for the first time, the sickness benefit can be paid for a period of 156 days.

3. The sickness benefit shall not exceed 156 days in total, in case of repeated sickness of an insured person in a calendar year.

4. The insured person who has exhausted his/or her entitlement to sickness benefit shall not be eligible for another such benefit until three monthly contributions have been paid to the Fund of Benefits Insurance.

5. The length of incapacity for work shall be determined by the Medical Care Quality Control Commission of a specialized medical institution, in the absence of such a commission by the chief physician, manager or physician.

CHAPTER SIX

Maternity Benefit

Article 19(1). Eligibility For Maternity Benefit

1. Mothers, who have paid contributions of benefits insurance for not less than 12 months, of which six continuously prior to the maternity leave shall be eligible for a maternity benefit.

2. Mothers, who satisfy the requirement for contributions specified in Section 1 of this Article, who give birth prematurely before the expiry of 196 days of pregnancy and who have an abortion or interruption of pregnancy through medical intervention, also who give birth to a baby able to survive, although it was born prior the expiry of 196 days shall be eligible for a maternity benefit.

3. Working mothers, who give birth while they were on a child care leave as stipulated in legislation shall be entitled to a maternity benefit. This is applicable to two births of a mother remaining on leave.

Article 19(2). Rate & Length Of Maternity Benefit

1. The maternity benefit shall be paid out of the Social Insurance Fund for a period of four months to mothers involved in contracted employment or civil service at the rate of 70 per cent their last twelve month insurable wages or similar thereto earnings.

2. The maternity benefit shall be paid out of the Social Insurance Fund for a period of three months to mothers voluntarily insured by benefits insurance at the rate of 70 per cent their last twelve month insurable wages or similar thereto earnings.

3. The maternity benefit shall be provided for each day of work.

CHAPTER SEVEN

Funeral Grant

Article 20. Eligibility For Funeral Grant

1. The funeral grant shall be payable to an insured person on death caused by a non-occupational disease or accident, provided that he/or she has paid contributions of benefits insurance for not less than 36 months in total.
2. The funeral grant shall be payable to an insured person on death caused by an employment injury or occupational disease, regardless of the contribution period.
3. The funeral grant shall be payable to the beneficiaries of pensions and benefits specified in the Social Insurance Law on death.

Article 21. Rate Of Funeral Grant

The rate of a funeral grant shall be equal to the aggregate of six month guaranteed wages.

CHAPTER EIGHT

Pension And Benefit Entitlements & Payments

Article 22. Determination Of The Pensionable Wages

1. The pensionable wages of an insured person shall be determined based on the wages or similar earnings assessed from contributions paid for any consecutive five years out of the last 20 year pension insurable service as below:
 - 1/ where the insured person paid contributions at a monthly interval, the aggregate of five year wages or similar thereto earnings shall be divided by the total number of insurable months of the same period;
 - 2/ where it was impossible for the insured person to pay contributions at a monthly interval, the aggregate of five year wages or similar thereto earnings shall be divided by 60.
2. Where the insured person is entitled to a pension, having met the requirement for contributions of not less than five years, the pensionable wages shall be determined by dividing the aggregate of wages or similar thereto earnings assessed from the paid contributions by the total number of insurable months.
3. In determination of the pensionable monthly averages of prior 1991 wages or similar thereto earnings, the wages or similar thereto earnings of an insured person shall be adjusted by the index illustrated in comparison of the wages of pension claim date of an insured person and the minimum guaranteed wage for 1991.

Article 23. Assessment Of Reduced Pension

In assessment of a reduced pension, the amount of an insured person's monthly pension, which would have been entitled to on satisfaction of contributions requirement specified in this Law shall be divided by the total number of months of the required contributions and multiplied by the total number of months for which contributions were paid.

Article 24. Time Limits For Making Claims For Pensions And Benefits, Their Resolution

1. The claim for a pension and relevant documents designated in the Law shall be compiled and submitted to the Social Insurance Organization within the time limits specified below:
 - 1/ in the case of a retirement pension, the date on which the insured person wishes to be entitled to;

2/ in the case of an invalidity pension, 14 days from the date on which the insured person was incapacitated, should it be the case of reasonable grounds within three months;

3/ in the case of family dependents' claim, 14 days following the death of a bread-winner, should it be the case of reasonable grounds within three months.

2. The employer shall be obliged to furnish the documents required from him without any delay.

3. The Social Insurance Organization shall make a decision on the claim for a pension within 30 days from the day of receipt of a claim and relevant documents.

4. Benefit claims and relevant documents designated in the Law shall be compiled and submitted to the Social Insurance Organization within the following time limits;

1/ in the case of a sickness benefit, 4 weeks from the day on which the insured person became sick, should it be the case of reasonable grounds within 6 months, as for the maternity benefit, 4 weeks from the date on which the mother received the delivery certificate, should it be the case of reasonable grounds within 6 weeks;

2/ in the case of a funeral grant, 4 weeks from the day of the death of an insured person, should it be the case of reasonable grounds within 6 months;

5. The Social Insurance Organization shall make a decision on payment of a sickness and maternity benefit within 21 days and funeral grant within 24 hours from the date of receipt of claims.

Article 25. Documents Compiled For Pension And Benefit Entitlements

1. The documents specified below shall be compiled for pension entitlements:

1/ social insurance booklet;

2/ service history booklet where the insured person was involved in employment prior to 1995;

3/ documentary information on wages, if the insured person wishes his/or her pension be calculated from the earnings related to employment prior to 1995;

4/ in respect of invalidity pension entitlement, decision on the incapacity of an insured person, taken by the Medical Labor Accreditation Commission;

5/ in respect of survivor's pension entitlement, birth certificates of the family dependent members and information on the family;

6/ birth certificates of children in respect of pension entitlement under the qualifying condition specified in section 2, Article 4 of this Law.

2. The sickness benefit and maternity benefit shall be paid on the basis of the social insurance booklet and delivery certificate provided by a medical institution and the funeral grant shall be paid on the basis of death certificate.

3. The social insurance central organization shall set out the procedure for compiling and checking the documents necessary for pension and benefit entitlements.

Article 26. Pension And Benefits Payment

1. The Social Insurance Organization shall pay out pensions at a monthly interval through the bank providing services.

2. Where a person is unable to come personally to receive his/her pension owing to justifiable reasons such as aging, sickness etc., his/her pension shall be granted to the authorized person, or the Social Insurance Organization shall deliver it at home.

3. Pensions of mentally handicapped persons or children under 16 years old shall be granted to their parents or caregivers. In case of the absence of such persons, the pensions can be granted to the legitimate guardian.
4. The pensioners staying in nursing homes can get 30 per cent of their pensions.
5. The Social Insurance Organization can transfer the pension money of a pensioner to the savings account, if he/or she wishes so.
6. The sickness benefit and maternity benefit of an insured person covered under section 3, Article 4 of the Social Insurance Law shall be paid by the employer on behalf of the Social Insurance Organization and deducted afterwards from the contribution dues.
7. The sickness benefit and maternity benefit, as well as funeral grant described in Section 3, Article 4 of the Social Insurance Law shall be paid by the Social Insurance Organization.
8. The sickness benefit exceeding one month shall be paid per each 14 days.

Article 27. Suspension Of Pension And Benefits Payment

Pension payment shall be suspended, if it is proved that the pension entitlement and payment were made because of compilation of false documents where the qualifying conditions were not satisfied.

CHAPTER NINE

Miscellaneous Provisions

Article 28. Revision Of Pensions Rate

1. Pensions rate shall be revised in the following cases:
 - 1/ where the pensioner claims a revision of his pension following appearance of change in his pension insurable service and wages.
 - 2/ where the percentage of loss of capacity for work and number of the family dependents were subjected to a change.
2. The Social Insurance Organization shall take a decision on the claim to revise the rate of a pension within 30 days since the receipt of the claim with relevant documents, and if the claim was received before the 15th of a given month, the revised pension shall be granted from the 1st day of the same month, if the claim was received after the 15th of a given month, the pension shall be granted from the 1st day of the following month.
3. Pensioners are obliged to notify the Social Insurance Organization of changes described in Paragraph 2, Section 1 of this Article.

Article 29. Deductions On Pensions And Benefits

1. Pensions and benefits can be deducted in the following cases:
 - 1/ in cases of the decision taken by a court or Social Insurance Organization on recovery of a pension or benefit paid without justifiable grounds or excess obtained due to compilation of forged documents or failure to fulfill the obligations designated in Section 3, Article 28 of this Law;
 - 2/ other payments except prescribed in Paragraph 1, Section 1 of this Article where the court takes a decision on recovery from the recipient's pension or benefit;
2. The defaulted official shall be responsible for pension and benefit paid due to the misconduct of officials in the Social Insurance Organization.
3. Deduction on one case shall not exceed 50 per cent of the amount of pension or benefit.

4. Deduction shall be prohibited in other cases than herein specified.

Article 30. Index For Revising Pension Rate

The index for revising the rate of a pension in relation to changes in the living cost shall be determined by the Government on the basis of the proposal forwarded by the Social Insurance National Council.

Article 31. Pension Provided To Mongolian Citizens Returning From Abroad And Foreigners

Matters related to pension entitlements and payments to Mongolian citizens returning home for a permanent residence, having resided abroad on his/or her own or still residing abroad in the same way, as well as foreigners not employed since arrival in Mongolia for a permanent residence shall be decided in compliance with the terms of social security agreement concluded between Mongolia and the country concerned, or international treaties.

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