

**Kingdom of Cambodia
Nation Religion King**

The Royal Government of Cambodia
No. 059/ANK/BK

**ANUKRET
ON THE REGIME OF RETIREMENT PENSIONS
AND PROFESSIONAL UNFITNESS OF CIVIL SERVANTS**

The Royal Government

- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret of November 1, 1993 on the formation of the Royal Government of Cambodia;
- Referring to Reach Kret No. NS/RKT/1094/83 of October 24, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kret No. NS/RKT/1094/90 of October 31, 1994 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Reach Kram No. 02/NS/RKM/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kram No. NS/RKM/0196/17 of March 24, 1997 promulgating the Law on the Establishment of the Ministry of Social Affairs, Labor and Veterans Affairs;
- Referring to Reach Kret No. CS/RKT/0897/14 7 of August 7, 1997 on the Reorganization of the Composition of the Royal Government of Cambodia;
- Referring to Anukret No. 05/ANK/BK of March 11, 1992 on the Improvement of Wages of Civil Servants and State Workers;
- Pursuant the proposal of the Secretary of State of the Ministry of Social, Labor and Veterans Affairs, and a resolution of the Council of Ministers at their meeting on August 21, 1997.

IT IS HEREBY DECIDED

**Chapter 1
Retirement Pension Regime**

Article 1: Civil servants of both sexes shall benefit from a monthly retirement pension when they satisfy the conditions of Articles 54 and 55 of the General Statute of Civil Servants.

Article 2: Civil servants of both sexes shall receive a seniority retirement pension equaling 80% of their respective net salary when they have accomplished at least 30 service years.

This seniority pension shall be applicable in the following cases:

- civil servants that are at least 55 with at least 30 years of service;
- civil servants having more than 30 years of service and having volunteered to retire before 55.

Article 3: Civil servants having met the conditions of retirement mentioned in Article 1 above and that have at least 20 years of service shall benefit from a maximum retirement pension equal to 60% of their respective net salary. Those that have more than 20 years of service shall receive a proportional annual supplementary pension of 2% of their net salary. This proportional pension shall take into consideration the following elements:

1. it must not be higher than 80% of the seniority pension;
2. it must not be less than the net monthly salary at the pay scale of the person concerned.

Article 4: The monthly retirement pension of civil servants shall be increased by a zone allowance where the person concerned serves in an area involving heavy works, tedious works, or works affecting their personal health, and by size of the family. For children over 15, an attestation of schooling is required, as well as other expected subsidies by the State.

Article 5: Civil servants placed on retirement automatically by their ministry shall receive a one time subsidies equal to 8 months of their respective gross monthly salary.

Article 6: Civil servants of retirement age having less than 20 years of service shall not be granted a retirement pension. In such cases, the State shall refund in one payment the pension deductions previously withheld, with other additional subsidies. In such cases or in the case where the retirement pension or disability pension do not yet exist, the State will support these costs by taking into account the number of years of service until the last date of service. These subsidies shall be based on the number of years of service and shall be equivalent to the gross monthly salary of the person concerned multiplied by a minimum of 4 and a maximum of 10.

Article 7: Civil servants of retirement age having 30 years of service as provided by Article 56 of the General Status of Civil Servants and who are authorized by the State to continue their service, shall be exempt from retirement pension deductions.

Article 8: The seniority of civil servant service shall be calculated in the following manner:

The general length of service for civil servants shall be that served for the State in all regimes. In particular, civil servants working before 1975, but not having worked under the Pol Pot regime, shall have their length of service increased by 3 years, 8 months and 20 days.

The period of civil servant service shall encompass:

- the length of service as a permanent employee with full rights in the ministries;
- the internship or professional training period inside or outside of the country in the capacity as a State civil servant;
- the period of time when the civil servant was assigned by the State to work abroad;
- the period of time when arrested or imprisoned, which is not followed by a conviction;
- the period of time when undertaking military or police service; and
- the probationary training period.

The period of time while on leave without pay shall not be taken into account as a part of the service period.

Article 9: Civil servants of both sexes over the age of 55 may continue their service if they meet conditions provided in Article 63 of the General Statutes of Civil Servants and Anukret No. 40 of September 25, 1996 on the criteria for postponing retirement of civil servants.

Article 10: In case of the death of a pensioner, his/her family shall benefit from a one-time subsidy equal to 12 months of his/her monthly retirement pension for traditional funeral purposes. The spouse of the deceased, shall continue to receive a monthly subsidy until his/her death or until his/her new marriage. Children of the deceased shall also receive a subsidy like other children of civil servants, until the age of 15 years; an attestation of schooling is required of them when they are more than 15 years of age.

Chapter 2

Disability Pension Regime

Article 11: Civil servants of both sexes that are disabled with 20 years of seniority and that have not yet reached the age of retirement, shall have the right to a disability pension per the conditions provided in Article 19 of the General Statutes of Civil Servants. If they do not meet these conditions, they shall be dismissed and receive benefit from subsidies and refunds of deductions as in the case of civil servants that do not meet the conditions for retirement.

The maximum disability pension shall be fixed at 65% of net salary. It is applicable to civil servants whose disability is due to an accident while at work or on duty. The minimum disability pension shall be fixed at 50% of net salary. It is applicable to civil servants that have disability due to a sickness or to an accident. Civil servants having seniority of more than 20 years of service shall receive a minimum disability pension to which is added an annual proportional supplementary pension corresponding to 1.5% of their respective net salary. However, this proportional pension shall not be more than the maximum disability pension, nor less than 90% of the maximum net salary of the pay scale of the person concerned. Disability conditions for civil servants shall be determined by a commission as provided by Article 19 of the General Statutes of Civil servants.

Article 12: Civil servants in a disability state shall benefit from subsidies for zone allowances, allowances for hardship, family costs, and others subsidies in line with pensioners.

Article 13: Seniority of disabled civil servants shall be calculated in the same manner as that of pensioners.

Article 14: Civil servants automatically placed in a disability state shall receive a one-time subsidy equal to 7 months of their respective gross monthly salary.

Article 15: When a civil servant in a disability state dies, his family shall receive a subsidy from the State in line with that of pensioners.

Chapter 3

Management of Retirement and Disability Pensions

Article 16: Each year all ministries and institutions shall prepare for the attention of the Ministry of Social Affairs, Labor and Veteran Affairs and the Ministry of Economy and Finance, a draft budget and statistics of civil servants about to reach retirement and those about to be placed in a disability state with a view to reserve part of the budget destined to pensioners and disabled civil servants. Each ministry shall establish a draft budget and shall pay the first subsidy to pensioners and disabled civil servants. This first subsidy shall be the subject of a proposal to the Ministry of Economy and Finance.

Management and the monthly payment of retirement and disability pensions shall be the responsibility of the Ministry of Social Affairs, Labor and Veterans Affairs until the creation of a retirement and disability pension fund.

Article 17: Pensioners and disabled civil servants having in the past received their monthly retirement or disability pensions, shall have the right to an allowance for family expenses provided under Article 4 of this Anukret.

Article 18: The Ministry of Social Affairs, Labor and Veterans Affairs shall establish implementation procedures for this Anukret.

Chapter IV

Final Provision

Article 19: The Co-ministers in charge of the Office of the Council of Ministers, the Secretary of State of Social Affairs, Labor and Veterans Affairs, the Minister of Economy and Finance, the Secretary of State for Civil Service, and all ministries and institutions shall be responsible for the enforcement of this Anukret from the date of its signature.

Phnom Penh, October 6, 1997

First Prime Minister

Second Prime Minister