



THE NATIONAL INSURANCE BOARD

ADJUSTMENT OF SICK LEAVE PAY BY EMPLOYER
WHEN EMPLOYEE IS ENTITLED TO
SICKNESS BENEFIT, INJURY BENEFIT
OR MATERNITY BENEFIT

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THE LAW

Regulation 17 of the National Insurance (General Benefits and Assistance) Regulations, 1974 reads as follows: —

“17. (1) Where apart from this regulation an insured person would be entitled to receive both sickness benefit and sick leave payment from his employer under any agreement with his employer, the insured person shall, if requested so to do by his employer, inform the employer of the weekly rate of sickness benefit payable to him.

(2) Where that weekly rate of sickness benefit —

- (a) is less than the weekly rate of sick leave payment which the insured person would be entitled to receive from his employer under any agreement mentioned in paragraph (1) hereof, the employer may reduce the weekly rate of the said sick leave payment by an amount equal to the weekly rate of sickness benefit; or
- (b) is equal to, or exceeds, the weekly rate of sick leave payment which the insured person would be entitled to receive under any agreement mentioned in paragraph (1) hereof, the employer shall not be bound for the time being to make any sick leave payment under the said agreement.”

That regulation applies to sickness benefit. Identical regulations apply to injury benefit and to maternity benefit.

This Leaflet summarises the rules about the rates and payment of sickness, injury and maternity benefits, so as to help those concerned to understand the adjustments which may be made under the regulations; and to make them correctly.

No reduction may be made in sick leave pay for the three waiting days for which National Insurance benefit is not payable.

SICKNESS BENEFIT

1. Who gets sickness benefit? Anyone who has paid 50 contributions and has a count of 40 paid or credited contributions as at 3 (b) below.

2. What are the rates of sickness benefit?

In Group 1: \$10 per week.	In Group 4: \$36 per week.
2: \$20 " "	5: \$45 " "
3: \$30 " "	6: \$54 " "

3. Which rate of sickness benefit is paid?

- (a) The Group in which sickness benefit is paid may not be the same as the Group in which contributions are currently being paid.
- (b) Normally the rate of benefit is calculated by reference to the last contribution card which finished in June and was entered in the Board's Central Record by the end of September each year. The actual rate is decided by counting the number and Group of contributions paid on that card (or credited for weeks of incapacity or maternity benefit). Benefit is then paid in the Group with the largest number — or the higher Group if there is an equal number in two Groups.
- (c) The rate found to be payable at the end of June would be applicable to any subsequent claim made until the following June.
- (d) There are special rules for unusual cases, such as young people with a short insurance record; children of school age who are injured at work; disablement pensioners.

AT LAW, THE EMPLOYEE IS OBLIGED TO TELL HIS EMPLOYER, ON REQUEST, WHAT RATE OF BENEFIT HE RECEIVES.

4. For what days is sickness benefit paid?

Sickness benefit is paid for each full day of incapacity but NOT for partial days; NOT for any Sunday; and NOT for the first three days of illness, called waiting days; unless the claimant was receiving benefit at some time in the previous eight weeks.

Example A: Employee last worked on Thursday before falling sick: First three waiting days are Friday, Saturday and Monday. First paid day: Tuesday.

Example B: Employee last worked Tuesday morning and went off sick: First three waiting days are Wednesday, Thursday and Friday. First pay day is Saturday.

INJURY BENEFIT

1. Who gets injury benefit? Any employed person who is incapacitated because of an accident at work, or a prescribed disease.

2. What are the rates of injury benefit?

In Group 1: \$13.50 per week.	In Group 4: \$36 per week.
2: \$24 " "	5: \$45 " "
3: \$30 " "	6: \$54 " "

3. Which rate of injury benefit is paid?

(a) The Group in which injury benefit is paid may not be the same as the Group in which contributions are currently being paid.

(b) Normally the rate of benefit is calculated by reference to the last contribution card which finished in June and was entered in the Board's Central Record by the end of September each year. The actual rate is decided by counting the number and Group of contributions paid on that card (or credited for weeks of incapacity or maternity benefit). Benefit is then paid in the Group with the largest number — or the higher Group if there is an equal number in two Groups.

(c) The rate found to be payable at the end of June would be applicable to any subsequent claim made until the following June.

(d) There are special rules for unusual cases, such as young people with a short insurance record; children of school age who are injured at work; disablement pensioners.

AT LAW, THE EMPLOYEE IS OBLIGED TO TELL HIS EMPLOYER, ON REQUEST, WHAT RATE OF BENEFIT HE RECEIVES.

4. For what days is injury benefit paid?

Injury benefit is paid for each full day of incapacity caused by the accident, but NOT for Sundays or the first three days, called waiting days. The day of the accident is the first waiting day, if the claimant did no work on that day, after the accident.

Example A: Employee had accident Thursday but worked on to end of day. First waiting day: Friday; first paid day: Tuesday.

Example B: Employee had accident Tuesday mid-day, stopped work. First waiting day: Tuesday; paid from Friday.

MATERNITY BENEFIT

1. Who gets maternity benefit?

Any woman who has paid 50 contributions and has a count of 40 paid or credited as at 3(b) below, or a count of 30 paid or credited for the 40 weeks before benefit begins.

2. What are the rates of maternity benefit?

In Group 1: \$10 per week.	In Group 4: \$36 per week.
2: \$20 " "	5: \$45 " "
3: \$30 " "	6: \$54 " "

3. Which rate of maternity benefit is paid?

- The Group in which maternity benefit is paid may not be the same as the Group in which contributions were recently paid.
- Normally the rate of benefit is calculated by reference to the last contribution card completed by the employer in June. The actual rate is decided by counting the number and Group of contributions paid on that card (or credited for weeks of incapacity). Benefit is paid in the Group with the largest number — or the higher of two Groups with an equal number.

AT LAW, THE EMPLOYEE IS OBLIGED TO TELL HER EMPLOYER, ON REQUEST, WHAT RATE OF BENEFIT SHE RECEIVES.

4. For what period is maternity benefit paid?

Maternity benefit is paid for a continuous period of complete weeks — beginning not earlier than the Monday of the sixth week before the week in which the baby is expected, and continuing for six weeks thereafter, but NOT for any week in which the woman does paid work.

Example: A woman continues to work close to the date of her confinement. Her confinement occurs on a Wednesday; her maternity benefit will commence the following Monday.

NATIONAL INSURANCE CONTRIBUTIONS DURING PERIODS OF SICKNESS, INJURY OR MATERNITY BENEFIT

- For every contribution week (beginning Monday) the whole of which a person is incapable of work and is receiving sickness or injury benefit (or if he has waiting days plus benefit) a National Insurance contribution is credited to him. Similarly, a woman receives a credit for each whole week during which she is receiving Maternity Benefit.
- The employer should NOT pay any contribution, or deduct an employee's contribution from sick leave pay, or any other source while the employee is receiving benefit.

3. If the incapacity lasts for only part of a week, a contribution is due to be paid (calculated in relation to the pay, including sick leave pay, received for the week).
4. The Board allows for refund of contributions, but contributions, improperly paid, may be refused.

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