

Government Circular No. 1379.

G.O. Ref. 20011/3.



## Sick Leave (Deductions from Pay) Regulations.

---

His Excellency the Lieutenant-Governor has laid down the following Regulations regarding temporary and unestablished employees:—

### PART I.

APPLICABLE TO WHOLE-TIME TEMPORARY AND UNESTABLISHED OFFICERS (OTHER THAN MANUAL WORKERS) WHOSE REMUNERATION EXCEEDS £250 PER ANNUM AND WHO ARE EXCLUDED ON THAT GROUND FROM COMPULSORY INSURANCE UNDER THE NATIONAL HEALTH INSURANCE ACTS.

1. No sick-pay shall be allowed to such officers before the completion of three months' service (exclusive of periods of sick or other leave without pay).
2. After a qualifying period of three months, sick-leave on full pay may be allowed up to a maximum of six weeks until the end of twelve months' service, and thereafter up to a maximum of three months in any period of twelve months, subject to the provisions referred to below.
3. In the case of officers covered by this Part of the Regulations whose remuneration does not exceed £350 per annum, the provisions of Paragraphs 11 and 12 will apply *Mutatis Mutandis*: the deductions referred to in those Paragraphs are not normally applicable to such officers.
4. In cases covered by Paragraph 13 of these Regulations the grant of sick pay will be subject to the proviso therein prescribed.

### PART II.

APPLICABLE TO WHOLE-TIME TEMPORARY AND UNESTABLISHED EMPLOYEES, IN RECEIPT OF REMUNERATION NOT EXCEEDING £250 PER ANNUM, OF THE FOLLOWING CLASSES:—

Clerical classes of all grades and shorthand typists.  
Hospital Staff.  
Technical Officers.  
Laboratory Assistants.

5. No sick-pay shall be allowed to such employees of less than six months' service (exclusive of periods of sick or other leave without pay).

6. After a qualifying period of six months, sick-leave may be allowed on full pay subject to the provisions as regards deductions, etc., in Part IV of these Regulations, up to a maximum period:—

- (a) in the case of employees over 18 years of age, of ten weeks in any period of twelve months;
- (b) in the case of employees between the ages of 16½ and 18 years, of eight weeks in any period of twelve months; and
- (c) in the case of employees under 16½ years of age, of six weeks in any period of twelve months.

### PART III.

**APPLICABLE TO WHOLE-TIME TEMPORARY AND UNESTABLISHED EMPLOYEES OVER 18 YEARS OF AGE, IN RECEIPT OF REMUNERATION NOT EXCEEDING £250 PER ANNUM, OF THE FOLLOWING CLASSES:—**

Messengers, including Custodians, Attendants, Caretakers, Cleaners, etc.

7. No sick-pay shall be allowed to such employees of less than one year's service (exclusive of periods of sick or other leave without pay).

8. After a qualifying period of one year, sick leave on two-thirds pay may be allowed subject to the provisions as regards deductions, etc., in Part IV of these Regulations, up to a maximum period of six weeks in any period of twelve months.

### PART IV.

**APPLICABLE TO ALL EMPLOYEES COVERED BY PART II OR III OF THESE REGULATIONS.**

#### **RATES OF DEDUCTION FROM SICK-PAY.**

9. The rates of deduction to be made from sick-pay, save as provided in Paragraphs 10 and 11, are as follows:—

- (a) In the case of employees over 18 years of age, the ordinary rates of deduction from full pay under Part II and from two-thirds pay under Part III of these Regulations are 15/- a week (men) and 12/- a week (women); these deductions are waived where employment is continued after the age of 65; but if any employee shows, e.g., by the production of his "Member's Record Card," that he has not been in insurance for two years, the following modification may be made, viz., during the first six months of insurance deductions from sick-pay may be waived, and from the seventh month to the end of the second year of insurance deductions may be made at the reduced rates of 9/- a week (men) and 7/6 a week (women), the ordinary rates of deduction, 15/- a week (men) and 12/- a week (women), becoming operative immediately on the completion of two years of insurance. In applying this modification, account will be taken solely of the period of compulsory insurance under the Acts (including any period of insurance prior to entry into Government Service). Any period of insurance as a voluntary contributor will be disregarded.
- (b) In the case of employees under Part II of these Regulations between the ages of 16½ and 18 years, the rates of deduction from sick-pay are 9/- a week (boys) and 7/6 a week (girls).
- (c) In the case of employees under Part II of these Regulations under 16½ years of age, deductions from sick-pay (if any) may be waived.

### **"THE FIRST THREE DAYS" OF SICKNESS.**

10. As regards "the first three days" of sickness, however, when no sickness benefit under the Insurance Acts is payable, the deductions referred to above may be waived, on condition that any sick-absence is wholly covered by medical certificate. The rule governing the payment of sickness benefit under the Insurance Acts during "the first three days" is that no sickness benefit is payable until there is a single absence of more than three working days. When such an absence occurs, sickness benefit is payable from the fourth day, and from the beginning of any further absences, even if less than three days, provided each further absence occurs within a year of the end of the preceding absence; but when there has been a break of more than a year between two absences, the three days' rule applies again.

### **INJURY LEAVE.**

11. In cases of absence on account of injury on duty or "industrial disease," in respect of which the employee is entitled to compensation or hurt pay under the Workmen's Compensation Acts or schemes thereunder, and is thus ineligible for sickness benefit under the National Health Insurance Acts, sick-pay within the limits prescribed in Paragraph 6 or 8 (as the case may be) may be allowed (where this is more favourable than compensation rate) without the deductions referred to above, such pay being inclusive of the compensation payable. The waiver of deductions under this paragraph will not, however, apply during periods when compensation is not payable, e.g., the first three days of absence when the total absence is less than four weeks.

12. Any period during which sick-pay, inclusive of compensation as above, has been allowed for injury leave, will be counted towards the sick-pay limits prescribed in Paragraph 6 or 8 (as the case may be). When, however, the effect of this Regulation is to render an employee ineligible for sick-pay during any subsequent absence within twelve months due to ordinary illness, the following payment will be made in respect of such absence, viz., sick-pay at a rate not exceeding the amount of compensation payable under the Workmen's Compensation Acts during the former absence due to injury (less the deductions ordinarily required from sick-pay), but only for a period not exceeding that for which sick-pay inclusive of compensation was allowed during the former absence.

Any period during which compensation rate only is allowed will not be counted towards the sick-pay limits prescribed in Paragraphs 6 or 8 (as the case may be).

### **EMPLOYEES PASSING BEYOND INSURANCE LIMITS.**

13. In the case of employees who during temporary Government service pass beyond insurance limits, the grant of sick-pay under Part I of these Regulations shall remain subject to the deductions referred to above, until the expiration of twelve months from the date of ceasing to be compulsorily insurable.

### **DEDUCTIONS TO BE MADE STRICTLY AS HEREIN PROVIDED.**

14. The deductions referred to above will be made throughout the period for which sick-pay is given, save as provided in Paragraphs 10 and 11, and at the fixed rates stated (in any case to which the modification under Paragraph 9 (a) applies strictly according to the period which has elapsed since the date of entry into insurance), without regard in any individual case to whether sickness benefit under the Insurance Acts is actually received or not, or to the rate of benefit actually drawn. Broken periods will be calculated on the basis of six or seven days to the week, according to the basis on which the employee's pay is calculated.

## **“EXEMPT” PERSONS.**

15. In the case of a person holding a certificate of exemption from compulsory insurance under the National Health Insurance Acts, the Government is liable to pay the like contributions as would have been payable as employers' contributions if such person had been an employed contributor. Although an exempt person is not entitled to sickness benefit under the Acts, he will receive the same sick-leave privileges as he would have received if he had not been exempt, the foregoing provisions for deductions from sick-pay, as well as for the waiver of deductions under Paragraphs 10 and 11, being thus applicable in his case in ordinary course, save only that the conditional modification in ordinary rates under Paragraph 9 (a) and the deductions under Paragraph 13 will not apply.

## **PART V.**

16. Employees within insurance limits who do not belong to classes covered by Part II or Part III of these Regulations receive no sick-leave privileges, but are left to the ordinary provisions of the National Health Insurance Acts.

The only exception to this arrangement is in the case of Boy Messengers who may be allowed, after six months' service, not more than 16 days' sick-leave on three-quarters pay in any twelve months up to the age of 16½ years.

By Order,

B. E. SARGEAUNT,

Government Secretary and Treasurer.

Government Office,

Isle of Man.

1st October, 1932.