



# CASTLEREAGH BOROUGH COUNCIL

## SICKNESS SCHEME

### 1. Application

- a) This is a scheme to supplement State Insurance Benefit and Statutory Sick Pay by the payment of allowances during absence from work through sickness, disease or disablement arising either in the normal course or through accident not associated with employment with the Council (hereinafter called “normal sickness”), or out of and in the course of such employment, but not attributable to an employee’s own misconduct (hereinafter referred to as “industrial disease or accident”). Absence shall be regarded as due to industrial disease or accident when it accords with the provisions of paragraph 24.
- b) The Scheme is intended to secure that, during the absence and for the periods referred to in paragraph 5, the employee shall receive by way of the allowance and Statutory Sick Pay or State Insurance benefit not more than the sum of his/her normal weekly wage, as defined in paragraph 7. Any other state benefit or pension which an employee would receive when at work is not affected by this scheme.

### 2. Conditions for Admission to Scheme

- a) Medical Examination
  - (i) As a condition of admission to the Scheme, the Council may require an employee, on engagement, to submit him/herself to a medical examination by a registered medical practitioner nominated by the Council, and to be recommended by such medical practitioner for admission, provided that this condition will not apply to an employee who had, prior to the commencing date of this Scheme, been admitted to an existing Scheme and had remained continuously employed with a local authority. The Council shall notify the employee in writing, after such a medical examination, he/she is not admitted to the Scheme.
  - (ii) In the absence of such a requirement or such a notice by the Council, an employee shall be deemed to be admitted to the Scheme subject to his having established the qualification for benefit referred to in paragraph (b) below.
- b) Service
  - (i) To become entitled to an allowance an employee must, subject to paragraph 4, have completed six consecutive months’ service at the date of the first day of sickness absence. The following shall count as service for the purpose of qualifying for entitlement:

- a) Service with any public authority to which the Superannuation Interchange Rules apply.
- b) Periods of unpaid sickness absence or other unpaid leave of absence so long as the engagement continues.

(ii) “Service” means continuous service, save that a break in service for less than six weeks shall be disregarded. If any one break in services extends to more than six weeks, service prior to such break and any other service which has been disallowed for the purpose of the sick pay entitlement shall not be taken into account for the purpose of calculating continuous service.

(iii) Any break in service before taking up employment with the local authority must not exceed six weeks.

### **3. Sickness and Accident Allowances to be Treated as Separate Entitlements**

The allowances in respect of (a) normal sickness and (b) absence due to industrial disease or accident are entirely separate, and periods of absence in respect of one shall not be set against the other for the purpose of absence of paragraph 6 of the Scheme.

### **4. Employees Excluded from the Scheme on Medical Grounds or for Lack of Service**

Where an employee, excluded from the Scheme on medical grounds or for lack of service, is absent due to industrial disease or accident, he shall be entitled to an allowance based on the assumed six months’ continuous service or, if his/her actual service is longer, as if he had been admitted to the Scheme on the date of his appointment.

### **5. Allowance**

- a) Within any span of twelve months payment of allowance shall be for the following periods according to length of service:

During 1 <sup>st</sup> year of Service	1 month’s full pay and (after 4 months service) 2 months half pay
During 2 <sup>nd</sup> year of Service	2 months full pay and 2 months half pay
During 3 <sup>rd</sup> year of Service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> and 5 <sup>th</sup> year of Service	5 months full pay and 5 months half pay
After 5 years Service	6 months full pay and 6 months half pay

Provided that the Council may, at its discretion, extend the period of allowance in an individual case if the circumstances so justify.

**Note:**

The extension of the period would be automatic where an employee is absent on account of industrial disease or accident on more than one occasion, resulting in a total absence on that account in excess of that period.

- b) In the case of “full pay” periods the allowance shall be of an amount which, when added to:
  - (i) Sickness benefit receivable under the Social Security Acts 1975-1982.
  - (ii) Statutory Sick Pay
  - (iii) Compensation payments under the Workmen’s Compensation Acts and the Employers’ Liability Acts; or
  - (iv) Any payments under the Acts amending, altering or affecting those Acts or at Common Law will secure to the employee the equivalent of his normal weekly wage.
  
- c) In the case of “half pay” periods the allowance is:
  - (i) Where an employee is entitled to statutory sick pay, a sum equal to half normal pay plus an amount equivalent to the statutory sick pay entitlement and other benefits receivable under paragraph 5(b) (iii) and (iv), so long as the total sum does not exceed full normal pay:
  
  - (ii) Where an employee is excluded from statutory sick pay, a sum equal to half normal pay, provided that it does not, when added to any benefits receivable under paragraph 5(b), exceed full normal pay.

**Note:**

The words “state benefit” and “sickness benefit” shall be deemed to include invalidity benefit under the Social Security Acts, 1975-1982, where receivable.

**6. Calculation of Period of Allowance**

- a) The period during which the allowance shall be paid in respect of any period of absence shall be ascertained by deducting from the employee’s entitlement any period, or the aggregate of periods, of paid absence during the twelve months immediately preceding the first day of absence. As provided in paragraph 3, sickness absence and absence due to industrial disease or accident shall be treated separately for this purpose.
  
- b) A period of absence due to injury sustained by an employee for which he recovers damages from a third party shall be treated on terms of paragraph 16 of the Scheme.

## **7. Normal Weekly Wage**

- a) The normal weekly wage shall be the weekly rate ordinarily payable to the employee for a normal working week. For this purpose it will include any additional payments made to the employee to cover special working conditions.
- b) Where an employee is conditioned to a working week of more than 39 hours as a normal feature of his employment, the normal weekly wage shall be the weekly rate ordinarily payable to him in respect of such a working arrangement.
- c) Where an employee on the day immediately prior to absence due to sickness is, and has been, receiving, for a period of not less than four consecutive weeks, a group or grade rate of wages which is higher than his normal rate of wages, such higher rate shall be taken as the normal weekly wage.

## **8. National Insurance Benefit and Statutory Sick Pay**

The National Insurance benefit and SSP to be taken into account for the calculation of the allowance shall be the full benefit to which the employee is entitled on the basis that he has satisfied, so far as possible, the contribution conditions and, so far as he/she is required by the Council to do so, the conditions for the reporting of sickness and the claiming of benefit and SSP under the relevant legislation. The employee shall be under an obligation to declare his entitlement to benefit and any subsequent alterations in his/her circumstances affecting such entitlement.

## **9. Widows and Married Women opting out of National Insurance**

Widows and married women exercising their right to be excepted from the payment of full rate National Insurance contributions shall be deemed to be insured in their own right for all National Insurance benefits detailed.

### **Note:**

From 6 April 1983 widows and married women exercising such a right shall be entitled to receive statutory sick pay.

## **10. Disabled Pensions – Treatment Allowances**

Where an employee enters hospital and receives a treatment allowance, the dependency element only of the treatment allowance shall be taken into account for the calculation of the allowance and the employee's personal element shall be ignored.

11. Where the total of State benefits and SSP paid to an employee exceeds the amount of benefits received by an employee during a week of full normal employment that excess shall be taken into account in calculating an allowance under the Sick Pay Scheme. However, where a widowed or

widowed mother has opted out of paying full National Insurance contribution the amount taken into account when calculating an allowance under the sick pay scheme will be the amount by which total state benefit and SSP receivable had full contributions being paid exceeds the benefit received by an employee in a week of full normal employment.

## **12. Employment not Attracting National Insurance (Health) Contribution**

Where an employment does not attract a National Insurance contribution it shall nevertheless be regarded as attracting State benefit or the minimum level of SSP for the purpose of calculating an allowance under this scheme.

## **13. Employee whose Wife is Working**

When, as a result of his wife being at work, a husband receives no allowance for her in the calculation of his State benefit, only the benefit actually receivable shall be taken into account in the calculation of the allowance.

## **14. Sickness During Holidays**

An employee who falls sick during the course of his annual leave shall be regarded as being on sick from the date of his doctors statement and shall be entitled to take the balance of his holiday at a later date after his return to work, provided the balance of holiday is taken before 31 March, following the absence.

## **15. Exclusion from Benefit**

- a) An employee whose absence on account of sickness is due to or attributable to:
  - (i) His own misconduct, or
  - (ii) Active participation in sport as a professional, or
  - (iii) Injury whilst working on his own time on his own account for private gain, or for another employer,

shall not be entitled to an allowance under this scheme, except at the discretion of the employing authority.

- b) Where the absence is due to participation in sport as an amateur, the employee shall be entitled to an allowance. Where the employee is covered for this risk by a form of insurance or other benefits which include and element in respect of loss of wages, the Council shall be entitled, if desired, to take account of such element in assessing the allowance.

## **16. Accident – Third Party Claim**

- a) An employee who is absent as a result of an accident will not be entitled to an allowance if damages may be receivable from a third party. In this event, the Council may, having a regard to the circumstances of the case, advance to the employee a sum not exceeding the allowance provided

under this scheme, subject to the employee undertaking to refund, from any damages received, the total amount of such allowance or such part thereof as the Council may, having regard to the amount of damages recovered, determine after consultation with the employee or his representative.

- b) Any period of absence in such a case where a refund of the moneys advances is made in full shall not be taken into account for the purpose of paragraph 6 of the scheme. Where however, the refund is made in part only, the employing authority may at its discretion decide to what extent, if any, the period of absence shall be taken into account for the purpose if paragraph 6 above.

## **17. Certification of Sickness**

- a) An employee shall not be entitled to claim an allowance unless:
  - (i) Notification is made immediately to the officer prescribed for this purpose by the Council;
  - (ii) Further notification is furnished to the Council as may be required by it but not later than the fourth day of absence;
  - (iii) A doctor's statement is furnished to the Council not later than the eighth day of absence;
  - (iv) Subsequent doctor's statements are submitted to the Council at the same intervals as they are required for national Insurance purposes in those cases where sickness absences extend beyond the period covered by the initial statement and at similar intervals during a period of entitlement to statutory Sick Pay;
  - (v) On return to work a statement is signed detailing the reasons for absence for all absences up to and including seven days.

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(Operative from 6<sup>th</sup> April 1983)

- b) In cases where the first doctor's statement covers a period exceeding fourteen days or where more than one statement is necessary, the employee must, before returning to work, obtain a final statement as to his fitness to resume duties

### **Notes:**

- a) Production to the authority of the official statement(s) required by the Department of Health and Social Security shall be permissible.
- b) A local authority may, at its discretion, accept a statement of a Christian Science practitioner in a particular case according to its merits.

- c) Absence on account of sickness on the day before or the day following a public or extra-statutory holiday must be supported by a self certificate.

### **18. Medical Examination During Period of Absence**

- a) An employee shall, if required by the Council at any time during any period of absence, submit to a medical examination by a registered medical practitioner nominated by the Council. In the event of a difference in medical opinion as to the employee's fitness for work, the matter shall at the request of the Council or of the employee be submitted to an independent medical referee chosen jointly by the Council and the employee.
- b) In the event of the referee pronouncing the employee as fit to resume work, the allowance under the scheme shall cease with effect from the date on which the referee determines that the employee should return to work.

### **19. Payments not to Admit Liability under Workmen's Compensation Acts, etc.**

Any payments under this Scheme shall not be an admission of liability under the Workmen's Compensation Acts, the Employers' Liability Acts and Acts amending, altering or affecting those Acts or at Common Law.

### **20. Personal Injury Allowances to Merge**

Any allowance under this Scheme shall be reduced by an amount equivalent to any monies received by an employee under any scheme made under the Personal Injuries (Emergency Provisions) Acts.

### **21. Contact with Infectious Diseases, etc. – Person Deemed to be Incapable of Work**

- a) An employee who is not incapable of work, but who is deemed in accordance with the Social Security Acts 1975 – 1982 to be incapable of work, shall be entitled to an allowance under the Scheme; for this purpose paragraph 2 (b) of this Scheme shall not apply.
- b) A period of absence on this account shall not be reckoned against the employee's entitlement to allowance during absence due to normal sickness or industrial disease or accident.

### **22. Victims of Crimes and Violence**

- a) Where an employee is absent from work because of an injury in respect to which a claim will lie to the Criminal Injuries Compensation Board and where the employee is otherwise qualified to receive sickness and accident allowances in accordance with the Scheme, an accident allowance shall be

disburse to the employee without his being required to refund any portion of it from any sum which the Compensation Board may award.

- b) Where an award has been made by the Compensation Board, the Council may discount, wholly or partly, the period of absence occasioned by the injury in calculating the employee's future entitlement to sickness and accident allowances as the Council may see fit on consideration of all the material circumstances.

### **23. Reimbursement of Cost of Doctors' Statements**

Where for the purposes of qualifying for an allowance under this Scheme the Council requires a doctor's statement from an employee, the Council shall reimburse the employee the cost of such a statement on provision of a receipt.

### **24. Industrial Disease or Accident**

Where an employee is absent from work as a result of an industrial disease or accident (as defined in paragraph 1(a)) the employee shall be entitled to the provisions of the sickness pay scheme relating to industrial disease or accident, provided that the employee, has complied with the following conditions:

- a) Any accident arising out of an in the course of employment with the Council must be reported and recorded in accordance with the procedures laid down by the Council. The accident will be subject to investigation and report by an officer authorized for the purpose by the Council;
- b) Where an employee seeks medical advice about an illness which is suspected or alleged to result from the nature of his employment he/she reports accordingly to the Council at the first opportunity;
- c) Certification of absence due to industrial disease or accident is made as required under the supervision of paragraph 17;
- d) In the case of the first, and any subsequent absence, due to industrial disease or accident an employee shall submit, at any time during such absence, if so required by the Council to a medical examination by a registered medical practitioner nominated by the Council. In the event that the Council's doctor is not satisfied that the absence is due to an industrial disease or accident the employee shall have right of appeal to an independent medical referee chosen jointly by the Council and the employee;
- e) Failure to meet these conditions will render the employee liable to exclusion from the provisions of the occupational sickness pay scheme relating to industrial disease or accident. However, the employee shall have right of appeal through the normal machinery where differences arise out of application of this paragraph.