

CHAPTER 310

THE PENSION (NON-ESTABLISHED GOVERNMENT EMPLOYEES) ACT

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PENSION (NON-ESTABLISHED GOVERNMENT EMPLOYEES)

(12th September, 1967.)

3711967.

1. This Act may be cited as the Pension (Non- short title.
Established Government Employees) Act.

2. In this Act—

Interpretation

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"non-established employee" or "employee" means a person employed by the Government on a week to week or month to month basis and whose wage or salary is paid from or out of a vote in the official Estimates of Antigua and Barbuda other than a Personal Emoluments vote.

Pension to be charged on Consolidated Fund.

3. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension or gratuity under this Act.

Pension, etc. not as of right.

4. (1) No employee shall have the absolute right to compensation for past services or to pension or gratuity under this Act.

(2) Where it is established to the satisfaction of the Cabinet that an employee has been guilty of negligence, irregularity or misconduct, the pension or gratuity may be reduced or altogether withheld.

Circumstances in which pension may be granted.

5. No pension or gratuity shall be granted under this Act to any non-established employee except on retirement from Government employment in any one of the following cases—

- (a) after having attained the age of fifty-five years;
- (b) on his compulsory retirement where his services are no longer required by the Department or Ministry of Government in which he is employed;
- (c) on medical evidence to the satisfaction of the Cabinet that he is incapable by reason of infirmity of mind or body of continuing in such employment.

Pension how paid and maximum pension.

6. A pension granted to an employee under this Act shall be paid monthly in arrears and shall not exceed an amount equal to two and two-thirds times his weekly wage or two-thirds of his monthly salary, as the case may be, received at the time of his retirement.

Pension how granted and rate.

7. (1) Subject to the provisions of this Act every non-established employee in Government employment for a continuous period of ten or more years, or for periods

amounting in the aggregate to ten or more years, may be granted on retirement a pension at the annual rate of one-fiftieth of fifty-two times his weekly wage at the time of his retirement for each complete year of his employment.

(2) In this section—

(a) for the purpose of computing the continuous period of ten or more years, "year" means a calendar year;

(b) for the purpose of computing the periods amounting in the aggregate of ten or more years "year" means every fifty-two weeks whether continuous or not.

(3) Where the employee is employed after the completion of ten or more years of employment, whether continuous or not, for a portion of a year exceeding twenty-six weeks, whether continuous or not, that portion shall be deemed to be a complete year.

8. An employee to whom a pension is granted under this Act may, at the discretion of the Cabinet, be paid in lieu of such pension, a monthly pension at the rate of three-fourths of such pension, together with a gratuity equal to one hundred and fifty times the amount of the reduction so made. Gratuity and reduced pension.

9. (1) A non-established employee may, if he has been in Government employment for a continuous period of not less than seven years, or for periods amounting in the aggregate to not less than seven years, and has retired from such employment is one of the cases mentioned in section 5, may be granted, if the Cabinet thinks fit, a compassionate gratuity of one week's pay at the time of his retirement for each complete year of his employment. Gratuities for employees employed for not less than seven years.

(2) The provisions of subsections (2) and (3) of section 7 shall apply to this section as though a reference to ten or more years in those subsections were a reference to seven or more years respectively.

10. There shall be paid to the personal representative of a non-established employee who dies whilst in Government Gratuity to personal representative.

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employment, a gratuity equivalent to fifty-two weeks wages of the employee.

How weekly wage ascertained in certain cases.

11. For the purpose of granting a pension or gratuity under sections 7, 9 or 10 where an employee is in receipt of a monthly salary, his weekly wage shall be deemed to be one-fourth of his monthly salary.

Suspension of pension on re-employment.

12. If an employee to whom a pension has been granted under this Act is re-employed by the Government, the payment of his pension may, if the Cabinet thinks fit, be suspended during the period of his re-employment.

Application of Act.

13. The provisions of this Act shall apply to any non-established employee who—

(a) is first employed in Government employment after the commencement of this Act;

(b) is employed in Government employment at the commencement of this Act or within six months before or after the commencement of this Act and continues to be employed after the commencement of this Act or the six months thereafter.
