



**BERMUDA  
1953 : 27**

**GOVERNMENT EMPLOYEES (DISABILITY ETC BENEFITS) ACT  
1953**

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Computation of maximum rate of special allowance under section 6

*[preamble and words of enactment omitted]*

[15 May 1953]

## **GOVERNMENT EMPLOYEES (DISABILITY ETC BENEFITS) ACT 1953**

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### **Interpretation**

1 In this Act, unless the context otherwise requires—

"established officer" means a person who is the substantive holder of an established office within the meaning of the Public Service Superannuation Act 1981 [*title 9 item 31*];

"Government employee" includes any person who is employed by the Government of Bermuda—

- (i) whether as an established officer, or as a non-established officer, or in any other capacity; and
- (ii) whether employed in a full-time or in a part-time capacity; and
- (iii) whether employed on a regular or a casual basis;

"injury or illness arising out of his employment by Government" in relation to a Government employee, or a person who has been a Government employee, means any physical injury caused by any accident or misadventure arising out of and in the course of his employment as a Government employee, or any illness (whether physical or mental) directly resulting from exposure or other conditions incident to such employment;

"non-established officer" means any person, other than an established officer, duly appointed to carry out the duties of a non-established office within the meaning of the Public Service Superannuation Act 1981 [*title 9 item 31*].

### **Savings**

2 Nothing in this Act shall apply or have effect—

(a) in relation to any person who, being a member of the Reserve Police established under the Police Act 1974 [*title 10 item 21*]—

- (i) suffers disablement or is killed as a result of discharging his functions as a member of the Reserve Police when called out for general duty; or
- (ii) is injured or becomes ill as a result of undergoing training in police duties or as a result of discharging functions as a member of the Reserve Police when called out for general duty; or

(b) in relation to any officer or man of the local forces constituted by the Defence Act 1965 [*title 7 item 21*]—

- (i) who suffers disablement or is killed as a result of undergoing military training under that Act; or
- (ii) who suffers disablement or is killed as a result of service in the local forces when embodied; or
- (c) in relation to any person who, being ordinarily employed by the Government of any other part of Her Majesty's dominions, is temporarily employed by, or seconded for service with, the Government of Bermuda.

(2) Nothing in this Act shall be construed so as to derogate or abridge any provision of the Public Service Superannuation Act 1981 [title 9 item 31].

*[section 2 amended by 1997 : 37 effective by notice in Official Gazette]*

**Paid sick leave for certain government employees**

3 The Governor may grant sick leave on full pay or, as the case may be, on half pay, to a Government employee (other than an established officer or a person employed on a casual basis) in the like circumstances, and to the like extent, and subject to the like conditions, as though such Government employee were an established officer.

**Injury or illness arising out of employment; casual sick pay for casual employees**

4 (1) Subject to this section and section 5, the Governor may, in any case where a Government employee (being a Government employee who was at the material time employed on a casual basis) suffers any injury or illness arising out of his employment by Government, grant such Government employee, in respect of each day during which he is incapacitated, a sum equivalent to the sum which he earned, or would have earned had he been employed on a daily basis, immediately prior to the conclusion of his employment as a Government employee; and any such sums are hereinafter in this Act referred to as "casual sick pay":

Provided that casual sick pay shall not, as respects any one injury or illness arising out of employment by Government, exceed a sum equivalent to fourteen days' earnings calculated as aforesaid in respect of the first fourteen days incapacity, together with a sum equivalent to seven days' earnings calculated as aforesaid in respect of the period of the next fourteen days' incapacity, or, in the event of shorter periods, a sum computed proportionately.

(2) Casual sick pay shall not be granted under this section unless the Governor is satisfied—

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- (a) by the production of such certificates as he may require that the Government employee is, or was at the material time, incapacitated by reason of an injury or illness arising out of his employment by Government; and
- (b) that any such injury or illness as aforesaid was not caused by the wilful default of the Government employee.

**Injury or illness arising out of employment; medical expenses**

5 (1) Where a Government employee suffers any injury or illness which, in the opinion of the Governor is—

- (a) an injury or illness arising out of his employment by Government; and
- (b) an illness or injury which necessitates medical or surgical treatment; and
- (c) an illness or injury not caused by his wilful default,

the Governor, upon the production of such certificates as he may require, may authorize the payment, out of monies provided by the Legislature for that purpose, of such sums as will defray the whole of the cost of such treatment, or, in any case where it appears to the Governor that the cost of such as treatment was in the circumstances unreasonable, such sum will defray such part of the cost as he considers reasonable:

Provided that the Governor may, for special reasons and where he considers it equitable to do so, authorize the payment of a sum sufficient to defray a part only of such cost, notwithstanding that he considers such cost to be unreasonable.

- (2) The Governor—
  - (a) may impose such conditions with respect to the payment of any sums authorized to be paid under subsection (1); or
  - (b) may give such directions with respect to the persons to whom any such sums are to be paid, as he may in the circumstances think expedient.

**Injury or illness arising out of employment; special allowance to certain disabled employees**

6 (1) Without prejudice to anything in sections 1 to 5, where it appears to the Governor—

- (a) that, as a result of an injury or illness arising out of his employment by Government a person (hereinafter in this

section referred to as a "disabled person") who was, at the time at which the injury or illness was caused, a Government employee (other than an established officer) has suffered a permanent physical or mental disability as a direct result of the injury or illness; and

- (b) that the illness or injury was not caused by the wilful default of the disabled person,

the Governor may, where specific financial provision has not been made by the Legislature in respect of the disabled person, authorize the payment, to the extent that the Governor thinks necessary to avoid hardship, of a special allowance at a rate not exceeding the maximum rate computed in accordance with the Schedule to the disabled person out of monies provided by the Legislature for that purpose:

Provided that—

- (i) where the disabled person was, at the time his illness or injury arose, employed on a casual basis, no special allowance shall be paid in respect of any period during which the disabled person was paid casual sick pay under section 4;
- (ii) the amount of any special allowance being paid to a disabled person may, subject to the foregoing provisions of this section, be varied from time to time as the Governor, having due regard to the said foregoing provision thinks fit; and
- (iii) the payment of any such special allowance shall cease upon specific financial provision being made by the Legislature in respect of the disabled person.

(2) In this section "specific financial provision", in relation to a disabled person, means financial provision way of a pension, compassionate allowance or gratuity, specifically provided in respect of the disability suffered by the disabled person.

**Injury or illness arising out of employment; funeral expenses**

7 Where a Government employee dies as a result of any injury or illness arising out of his employment by Government the Governor may authorize the payment, to such person as in the opinion of the Governor has properly incurred the expenses of the funeral of such Government employee, of such sum out of monies provided by the Legislature for that purpose as the Governor considers reasonable and appropriate in the circumstances to defray or contribute towards such funeral expenses:

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Provided that the Governor may, where he thinks it expedient, direct the payment of any such sum as aforesaid to be made to the undertaker or any other person who has provided any services in connection with such funeral.

### **Determination of status of government employee**

8 Where a question arises as to whether, at any time material in the circumstances, a Government employee was or was not a regular Government employee, that question shall be referred to the Governor; and the Governor may determine the matter in such manner as appears to him just and equitable, and any such determination shall be final and conclusive.

### **Rules**

9 (1) The Governor may make rules for carrying this Act into effect; and, without prejudice to the generality of the foregoing provisions of this subsection, such rules may provide—

- (a) for requiring, as a condition of the grant of sick leave or of the payment or the continuance of payment of any benefit under this Act, the examination or periodic examination of persons by Government Medical Officers or other registered practitioners;
- (b) for prescribing, as a condition of the grant of any leave or of the payment of any benefit under this Act, the particulars to be furnished by persons applying for leave or benefit;
- (c) for requiring persons granted leave or in receipt of any benefit under this Act to render periodic returns relating to their health or disability; and
- (d) for prescribing the form of applications, certificates and returns.

(2) The negative resolution procedure shall apply to rules made under this section

### **Offences**

10 Any person who, in connection with any application, certificate or return made in connection with the granting of sick leave or the granting, or the continuance of the payment, of any benefit under this Act, makes any statement which is in a material particular untrue and which he knows or has reasonable cause to believe to be untrue, or does not believe to be true, commits an offence against this Act:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,680 or both such imprisonment and fine.

**Repeal**

11 [omitted]

**Retrospective effect of section 6**

12 [omitted]

**Transitional**

13 [omitted]

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**SCHEDULE**

Computation of Maximum Rate of Special Allowance Payable Under  
Section 6

1 The maximum rate of a special allowance granted to a disabled person under section 6 shall be computed in accordance with the following Table:

TABLE

Where the capacity of the disabled person to contribute to his own support is—

- slightly impaired - then at a rate of one-tenth of his actual emoluments;
- impaired - then at a rate of one-fifth of his actual emoluments;
- materially impaired-then at a rate of three-tenths of his actual emoluments;
- totally destroyed - then at a rate of four-tenths of his actual emoluments.

2 For the purposes of this Schedule "actual emoluments", in relation to a disabled person, means the total annual rate of the emoluments (whether salary, wages or otherwise, and taking into account all allowances ordinarily falling to be paid) which were being paid to the disabled person immediately before he suffered the injury or illness which caused the disability in respect of which the special allowance is being, or is to be, paid.

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[Amended by

1953 : 72  
1961 : 1  
1964 : 210  
1965 : 165  
1969 : 667  
1971 : 23  
1971 : 82  
1977 : 35  
1997 : 37]