

## Guidance for Employers

### ***Certified Sick Leave while on Holiday – PART 2***

Following our guidance on 'Certified Sick Leave while on Holiday', we have compiled the following responses to questions that we have received.

#### **What if my employee becomes ill shortly before their holiday leave, what is expected of me as an employer?**

There is no legal obligation to defer the holiday once notice has been given, however a common practice is for employers to defer holiday and allow the employee to proceed on sick leave. In determining if the holiday will be deferred some considerations include the impact on the operations as well as the type and length of illness. Communication between the employer and employee is critical to this process.

#### **What if my employee becomes ill while on holiday, what is expected of me as an employer?**

The National Insurance Scheme (NIS) regulates that sickness benefit is not payable if the person is on holiday or receiving holiday pay. Therefore, if an employee become ill while on holiday, the presentation of a sick leave certificate will not break its continuum. Holiday is not paused to accommodate sickness.

#### **What if my employee becomes ill while on holiday and the sick leave period is longer period than the holiday leave period?**

Should an employee become ill while on holiday and the sick leave is longer than the holiday leave, the employer should acknowledge the sick leave excluding the holiday dates. Please reference the below example.

EMPLOYEE INFORMATION	EMPLOYEE LEAVE RECORD	
Holiday Leave - June 1 - June 15	Holiday	June 1 - 15
Sick leave - June 10 - June 20	Sick Leave	June 16 - 20

**How does acknowledging the sick leave period following the holiday period impact the NIS record and or the employee's benefit?**

If the holiday was given with pay as per the Holidays with Pay Act, the employer should begin to account for the sick leave following the holiday period. In such circumstances the established policy or custom and practice of the employer, regarding pay during sick leave will apply. Usually, NIS will verify with the employee and the employer where necessary to reconcile and verify any differences with the dates outlined on the form.

*This guidance is not intended to be a policy document but to provide general information to employers. Please contact the BEC for further information on policies and procedures specific to your organisation.*