

It is not unusual in certain areas of operation to see Non-Established workers aged 60 years and over, continuing to work. Additionally, it is rare to see someone recruited to the Civil Service beyond the retirement age 60. It is however not unusual to encounter Non-Established workers who were recruited after age 55 and who expect to receive a pension after ten (10) years served.

Civil Servants see this trend as inequitable particularly since civil service officers who work beyond age 60 do not enjoy any additional benefits to the pension entitlements received at age 60. A Non-Established worker receives a gratuity and until 2004, had the option of completing 10 years to obtaining a second pension or other retiring benefits.

Pension Calculations

A Civil Servant's pension is calculated on his last salary if he has been serving in his last post for not less than 3 years. If however he has served for less than 3 years his pension is calculated on the average between his current salary and the salary of the last post. The Non-Established officer's pension is calculated on his last salary and includes all time served. For the Civil Servant service before age 20 and services in excess of 33 1/3 years are not included in the final computation.

These issues require that there be greater parity in how the welfare of public employees is served. The Government has established a Pensions Commission. We await the disclosure of its mandate to treat with the issues outlined to foster greater equity in the value of services rendered and the benefits that can accrue.



That a female Civil Servant can apply to be retired on account of marriage if she applies to the Chief Establishment Officer within six (6) months of the date of her marriage.



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Pension Inequality in the PUBLIC SERVICE



An investigation to the charge of inequity levied against the administration by Civil Servants as it relates to the matter of Pensions within the twin island state of Antigua and Barbuda



The Public Sector of Antigua and Barbuda comprises of two distinct groups of workers.

The Established Civil Service, as provided for in the Constitution, consists of workers under the direction of the Public Service Commission. These officers are generally employed for an indeterminate period.

The Non-Established workers, include employees from Senior Advisors to Cleaners who are employed and paid from the Consolidated Fund but over whom the Public Service Commission has no jurisdiction. Some are employed on term contracts but most persons in this group are regular monthly paid workers whose tenure will eventually qualify them for a pension or retiring benefits. Their Terms of Employment are generally negotiated by an Industrial Labour Union and their conduct, as workers, is subject to the Labour Code and the Collective Union Agreement and administered by the Permanent Secretary or the Head of Department.

The Non-Established worker enjoys pension rights in accordance with **Cap 310** Revised Laws of Antigua and Barbuda 1993. The Established Civil Servant, on the other hand, enjoys pension rights in accordance with **Cap 311** Revised Laws of Antigua and Barbuda.

The Office of the Ombudsman has sought to investigate the charge of inequity levied against the administration by Civil Servants as it relates to

the matter of Pensions. To do this requires an overview of Pensions as paid to all Public Sector Workers.

The immediate complaint of inequity surrounds the linkage of service for pension purposes. **Cap 310** provides for a Non-Established officer who has been appointed to the Established Civil Service to transfer the years previously served, over into his new appointment. The Cabinet is authorized to link those years served to later service in the Established Civil Service. There is however, no reciprocal provision made for an Established Civil Servant who chooses to accept employment in a non-established capacity. Any service given in an established civil capacity is not linked to later service in a non-established capacity.

Cap 310 provides for a Non-Established officer to accumulate ten (10) years of time served to qualify to be pensionable. This allows the inclusion of any period of time served however brief. The established civil servant's eligibility is predicated only on the current, continuous time served not withstanding the quantity of time he may have served during previous periods in the Civil Service.

The established practice over the years has been that Cabinet, upon application by the Established Civil Servant for linkage of years of service, would in its discretion agree to the linkage of the officer's years of service for pension purposes only.

The current administration (2011) has consistently declined applications from Civil Servants in this regard and officers contend that the refusal, in the face of the policy governing Non-Established workers, is unfair and inequitable.



Officers Employed after Age 60

A Non-Established worker enjoys consideration of all time served. For the Civil Servant, service before age 20 years and service in excess of 33 1/3 years are not considered. **Cap 311** requires that an Established Worker retires at age 60 years. Any employment in the Civil Service thereafter, is procured either on contract or on a month to month basis. Historically, except for the contract worker who may receive a gratuity, the officer receives no end of service benefits such as gratuity or severance. If however, the retired Civil Servant gained employment in a non-established capacity he became eligible for severance, gratuity or pension as the case might be in a non-established capacity. (*The Civil Servant receives no severance, no gratuity or any other compassionate benefit.*)



Notification to Retire

The Non-Established officer qualifies to retire at age 55 in accordance with **Cap 310**. Unlike the Civil Servant there is no specific legal directive that the non-established officer proceed to retirement so that in some areas of the services, workers have tended to work on beyond 55 years. The Civil Servant is notified one year in advance of his pending retirement and must retire at age 60.