

JAMAICA JURISDICTION



BENJAMIN LAW

Toronto's Premier Family-First Law Firm For
Personal Injury | Long-Term Disability | Real Estate
Employment | Notary | Wills and Power of Attorney

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Labour Overview

In Jamaica, many pieces of legislation govern the employment context. Some of these include:

Employment (Equal Pay For Men and Women) Act
Employment (Termination and Redundancy Payments) Act
Factories Act
Foreign Nationals and Commonwealth Citizens (Employment) Act
Holidays with Pay Act
Maternity Leave Act
Minimum Wage Act

Employment (Termination and Redundancy) Payments Act, 1974 applies to all workers including household workers, but excludes civil service workers in central and local government departments. The Act provides for payment to workers dismissed for reasons of redundancy and upon meeting the qualifications. Payment is based on years of service.

The Holiday with Pay Act, 1974 sets out the conditions under which workers are entitled to holidays and sick leave with pay or such gratuities and benefits as may be determined. The Holidays with Pay Order regulates the granting of paid vacation leave and paid sick leave. It stipulates the minimum vacation leave to be granted and the method of qualifying. The Minimum Wage Act, 1938 allows for the fixing of minimum wages to be paid to certain categories of workers.

The Maternity Leave Act, 1979 states that a female worker is entitled to three (3) months maternity leave, part of which is paid, irrespective of whether or not she is married. The leave does not constitute a break in the worker's employment. To qualify for maternity leave the worker must be at least 18 years old, have one year of service and work a minimum of 18 hours per week. She must also provide certain documentation to her employer. A worker may be able to extend the initial 12 week maternity leave for medical reasons upon presenting the required documentation.

Pension Overview

The Financial Services Commission of Jamaica supervises and regulates the private pensions industry. Private pensions are governed by Pensions (Superannuation Funds and Retirements Schemes) Act of 2004. The Act provides requirements for the licensing, operation and supervision of private pension funds. There are four regulations made under this Act:

The Pensions (Superannuation Funds and Retirement Schemes) (Registration, Licensing And Reporting) Regulations
The Pensions (Superannuation Funds and Retirement Schemes) (Governance) Regulations
The Pensions (Superannuation Funds and Retirement Schemes) (Investment) Regulations

Pensions (Superannuation Funds and Retirement Schemes) (Specified Pension Fund And Specified Pension Schemes) Regulations ("Specified Plans Regulations").



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Social Security Benefits

Under the Jamaica National Insurance Scheme, a person is entitled to a retirement benefit if he or she has reached retirement age as follows:

- For a man, 65 years and over
- For a woman who is aged 60 or over and who in either case has made the required NIS contributions and has ceased gainful employment permanently.
- Individuals who continue to work, will continue to make contributions while gainfully employed until aged 65 (woman) or 70 (man).

To qualify for a pension payable for life an individual must have made a minimum of 156 contributions (made on a weekly basis) with an average of at least 13 per year. When contributions are inadequate for a pension, a one-time grant may be awarded provided the contributor had made a minimum 52 weekly contributions.

A widow/widower who has made at least 156 contributions but whose contributions would not be adequate to enable her/him to receive a pension may substitute the deceased spouse's contributions provided they were paid during the period of their marriage or three years (or more) union . This arrangement assists her/him in satisfying the contribution requirement for retirement pension. A person in receipt of a retirement or invalidity pension may also qualify for a widow's/ widower's pension.

The spouse of a deceased NIS contributor may claim the widow/ widower's benefit. A husband/wife must have paid at least 156 weekly contributions with an average of at least 13 a year. There are special rules governing qualifying for and receiving payment of this benefit.

An Invalidity Benefit may be paid to:

1. A man who is under 65 years
2. A woman who is under 60 years who can no longer work due to mental or physical illness.

A person claiming invalidity benefit must have been incapable of work for a continuous period of at least 26 weeks before the date of his claim. There are contribution requirements to be met as well. A grant may be awarded if the contribution falls below the minimum required for a pension.

A pensioner may be paid a spouse allowance if he/she supports a dependent spouse who is 55 (female) or 60 (male) years and over. Those pensioners who reside abroad can still receive a pension or appoint a local agent to collect it.



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