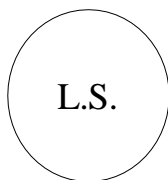


Legal Notice No. 5 of 2025



ASCENSION



EMPLOYMENT ORDINANCE 2022

EMPLOYMENT (SICK LEAVE) REGULATIONS 2025

In exercise of the powers conferred by section 17 of the Employment Ordinance 2022, the Governor makes the following Regulations:

PART 1

PRELIMINARY

Short title and commencement

1. (1) These Regulations may be cited as the Employment (Sick Leave) Regulations 2025.
- (2) These Regulations come into force on 22 April 2025.

Interpretation

2. In these Regulations—
 - “**employee**” has the same meaning as defined in section 2 of the Employment Ordinance 2022;
 - “**employer**” has the same meaning as defined in section 2 of the Employment Ordinance 2022;
 - “**medical evidence**” means a written certification issued by the SMO confirming that an employee is unfit for work due to illness or injury and specifying the recommended duration of absence;
 - “**medical referral overseas**” means a formal recommendation by the SMO for an employee to receive medical or dental treatment outside of Ascension;
 - “**sick leave**” means a leave of absence from work taken by an employee in accordance with these Regulations due to mental or physical illness, state of health or injury;

“self-certify” means the employee providing a written or electronic declaration to their employer stating that they are unfit for work due to mental or physical illness or injury, without requiring medical evidence, for a specified period as permitted under these Regulations;

“SMO” refers to the Senior Medical Officer of Ascension Island or someone designated by the SMO to act on the SMO’s behalf;

“statement of particulars” refers to the document required under Section 7 of the Employment Ordinance 2022 and regulation 3 of the Employment (Statement of Particulars) Regulations 2022.

PART 2

SICK LEAVE ENTITLEMENTS AND PAYMENT

Minimum sick leave entitlement

3. (1) Every employee shall be entitled to a minimum of 10 working days of paid sick leave per contract year.

(2) Paid sick leave shall not be deducted from an employee’s annual leave entitlement.

Pay on sick leave

4. (1) An employee on paid sick leave shall be entitled to receive as a minimum their basic salary and contractual allowances as set out in their statement of particulars.

(2) No deduction shall be made from an employee’s wages for taking paid sick leave.

Inclusion in statement of particulars

5. (1) Every employer shall include details of the employee’s entitlement to sick leave and sick pay as provided for under these Regulations in the statement of particulars issued to an employee in accordance with regulation 3 of the Employment (Statement of Particulars) Regulations 2022.

(2) The information required under regulation 5(1) shall include—

- (a) the number of days of paid sick leave the employee may take without affecting the remuneration the employee is otherwise entitled to receive;
- (b) the amount or amounts of sick pay payable;
- (c) any relevant conditions regarding certification requirements;
- (d) the terms and conditions relating to an employee’s absence from work for any period the employee is—
 - (i) consulting or attending a medical practitioner on Ascension,

- (ii) consulting or attending a medical practitioner overseas, whether or not as a consequence of a medical referral overseas,
- (iii) recuperating, and
- (iv) how travel time including delays in such travel and time waiting for such travel is to be accounted for.

PART 3

CERTIFICATION AND MEDICAL EVIDENCE

Self-certification

- 6. (1) An employee shall be entitled to self-certify sick leave for up to three consecutive working days subject to Regulation 7.
- (2) The employee shall inform the employer of their self-certification as soon as reasonably practicable.
- (3) Any representations made by an employee to an employer that an employee's state of health renders that employee as being unfit or unable to work shall be made honestly and in good faith.
- (3) Beyond three consecutive working days, the employer may require medical evidence.

Limitations on self-certification

- 7. (1) An employer may require medical evidence if an employee has—
 - (a) taken self-certified sick leave on three separate occasions within the previous six months, or
 - (b) taken a cumulative total of eight working days of self-certified sick leave within the previous 12 months.
- (2) An employee may not be disciplined for sick leave taken in accordance with these Regulations.

Request for medical evidence

- 8. (1) Where medical evidence is required in relation to a period of sick leave—
 - (a) the employer must not request further medical evidence more frequently than once per calendar month, or
 - (b) if there is existing medical evidence, the employer must not request further medical evidence before the end date of that recommendation.

- (2) The employer shall bear the reasonable cost, if any, of obtaining such evidence.

PART 4

TERMINATION OF EMPLOYMENT DURING SICK LEAVE

Protection from dismissal during medical referral overseas

9. An employee who has received a medical referral overseas shall not have their contract terminated by the employer due to absence from work caused by that medical referral overseas unless—
- (a) the employee has failed to follow reasonable medical instructions from the SMO in relation to that referral, or
 - (b) The SMO determines they are permanently unable to fulfil their duties.

Protection from dismissal during treatment or recuperation

10. An employer must not terminate an employee's contract on the grounds of ill health while the employee is being treated for or recuperating from mental or physical illness or injury, provided that—
- (a) the employee has been on sick leave for less than a quarter of their contract duration,
 - (b) the employee has followed any medical instructions from the SMO, and
 - (c) the SMO has authorised their treatment or recuperation.

Contract expiry during sick leave

11. These Regulations do not require an employer to offer a new contract to an employee whose contract expires while the employee is on sick leave.

PART 5

ENFORCEMENT AND PENALTIES

Failure to Comply

12. (1) An employee may bring a claim under the Employment Ordinance 2022 if an employer fails to comply with these Regulations.
- (2) An employer who fails to comply with these Regulations commits an offence.
Penalty: a fine of £150,000.

PART 6

MISCELLANEOUS

Transition period for compliance

- 13.** (1) Employers shall have a transition period of two months from the date these Regulations come into force to ensure full compliance.
- (2) During the transition period, employers must make necessary adjustments to employment contracts, policies, and Statements of Particulars to align with these Regulations.
- (3) No penalties shall be imposed for non-compliance during the transition period.

Made this 17th day of April 2025.

Natasha Harris
Acting Governor

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement provisions under the Employment Ordinance, 2022 to establish minimum entitlements to sick leave and sick pay for all employees in Ascension. They ensure that employees are not unfairly disadvantaged due to illness or injury, protect employees from dismissal while undergoing medical treatment, and set penalties for non-compliance.