



Extending Employment Beyond Age 68

The Cabinet Office The Department of Human Resources

Purpose: The purpose of this policy is to formalize and communicate a standard process to be followed across the Bermuda Government for approvals to extend employment beyond the age of 68 within the Public Service.

Application: This policy applies to all Public Officers except where expressly otherwise provided by any provision of law. **Version:** 1.0

Approved By: Dr. Derrick S. Binns HOPS **Effective Date:** 1st October 2019

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Supersedes: Extending Employment Beyond Age 65

Contact Information: Policy Information: The Director of Human Resources
Pension Benefits: The Office of the Accountant General

Introduction

Like most of the developed world, Bermuda is faced with challenges associated with an ageing population. On 1st October 2019 legislative amendments to the Public Service Superannuation Act 1981 (the Act) came into force changing the age of compulsory retirement from 65 to 68. Persons may retire before the age of 68 in the same manner as they can currently. However, section 22 (2) of the Act applies if a person wishes to work beyond the age of 68. The support of the Head of Department is required for an annual extension to age 70, along with annual medical certification of fitness. This option to extend one’s employment beyond age 68 can be requested by any Public Officer within the Government of Bermuda unless excluded by specific Acts, Regulations, or Orders. This allows the Public Service to retain highly skilled and experienced staff, facilitate the transfer of corporate knowledge and implement succession plans; and to address demographic issues.

Derrick S. Binns, JP, Ph.D.
Head of the Public Service

18th January, 2020

Date



GOVERNMENT OF BERMUDA

Extending Employment Beyond the Age of 68

**The Cabinet Office
The Department of Human Resources
Policy Document, Version: 1.0
Effective Date: 1st October 2019**

This policy document can also be found on the Department of Human Resources website.

1. Effective Date

1.1. This policy takes effect on 1st October 2019.

2. Application

2.1. This policy applies to all Public Officers, unless excluded by specific Acts, regulations, or Orders. In particular, this policy does not apply to

- Police Officers
- Fire Fighters
- Prison Officers
- Members of the Royal Bermuda Regiment and
- Teachers

2.2. This policy is to be read in conjunction with the requirements and subsequent amendments as set out in:

- i. Contributory Pensions Act 1970
- ii. Public Service Superannuation Act 1981
- iii. Bermuda Constitution Order 1968
- iv. Employment Act 2000
- v. National Pension Scheme (Occupational Pensions) Act 1998

3. Context

3.1 Rationale

3.1.1 The age of compulsory retirement is 68. Section 22 (2) of the Public Service Superannuation

Act 1981 applies if a person wishes to work beyond the age of 68 to determine whether or not the officer receives the support for an extension from the Head of Department and is medically fit to discharge the duties of the post.

4. Definitions

- 4.1** Retirement is the departure from the Public Service at the age prescribed for doing so in the Public Service Superannuation Act 1981. For the purpose of this Policy, retirement age means age 68.

5. Policy Statement

5.1. Objective

- 5.1.1** The objective of this policy is to allow the Public Service to retain highly skilled and experienced staff, facilitate the transfer of corporate knowledge and the implementation of succession plans, and to address demographic issues.

6. Policy Requirements

6.1. Notification of Request to Extend Employment beyond the Compulsory age of Retirement

- 6.1.1** The onus is on the employee to request an extension beyond the age of 68. The employee must submit a request in writing to his/her Manager not less than six months before the retirement date, in accordance with all procedures outlined below.

6.2. General

- 6.2.1** A Head of Department shall respond to a request to work beyond the age of retirement by indicating to the employee in writing whether the Head of Department will support the request. Such support is in the discretion of the Head of Department, having regard to the following criteria: staffing needs of the Department, the staff complement, the difficulty of recruiting for the post in question, the availability of other individuals with the employee's skillset, and other relevant factors. Only persons deemed medically fit will be considered for an extension in their post beyond the age of 68 but not exceeding the age of 70 years. For each year an employee wishes to continue in employment after the age of retirement, a medical certificate by a registered physician shall accompany all annual requests for extensions beyond the age of 68.
- 6.2.2** Upon receipt of a request, the contributor's Head of Department shall provide annual confirmation to the relevant Permanent Secretary that the employee is competent to discharge the duties of the post. If the relevant Permanent Secretary is also the Head of Department, then the confirmation shall be provided to the Head of the Public Service.
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6.3 Pension

Where an employee is permitted to continue in the Public Service after the age of 68, payment of any pension to which he may be entitled at that age shall be deferred until he/she ceases to be employed in the Public Service.

7. Delegated Authority

- 7.1. The Department of Human Resources controls this policy in regards to assisting Department Heads with the procedure.

8. References

8.1. Legislation, Regulations and Orders

- i. Contributory Pensions Act 1970
- ii. Public Service Superannuation Act, 1981
- iii. Bermuda Constitutional Order, 1968
- iv. Employment Act, 2000
- v. National Pension Scheme (Occupational Pensions) Act 1998

8.2. Related policy instruments

- i. Pension Handbook for Government Employees – Published by the Ministry of Finance, Accountant General’s Department.
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Extending Employment Beyond the Age of 68

Frequently Asked Questions (FAQs)

This portion of this document provides answers to some of the frequently asked questions you may have.

Questions and Answers:

1. What is the process if I decide to work past age 68?

You may be permitted to continue in the Public Service after the age of 68 but not exceeding the age of 70 subject to an annual certification from a registered medical practitioner that you are fit to continue and confirmation by your Head of Department that the Head of Department supports the extension.

2. If my initial request was denied, can I reapply?

There is no appeals process for the initial decision. However, the expectation of the policy is that persons wishing to remain beyond age 68 may do so if they obtain the support of the Head of Department and provide the required medical certification annually.

3. For how long does my extension last and can I extend indefinitely?

Your extension is for a period of one year subject to the necessary documentation and annual confirmation by your Head of Department that the Head of Department supports the extension. However, you cannot work past the age of 70 in the Public Service.

4. How will this affect my pension if I retire before the age of 68?

You are eligible to retire after the age of 60 and may apply to receive your superannuation pension as long as you have completed eight years of service. However, if you continue in the Public Service after the age of 60, payment of any pension to which you may be entitled at that age shall be deferred until you cease to be employed in the Public Service.

5. How will this affect my pension should I retire between the ages of 68-70?

Where an employee is permitted to continue in the Public Service after the age of 68, payment of any pension to which he may be entitled at that age shall be deferred until he ceases to be employed in the Public Service
