



Department of Social Security

HM Government of Gibraltar

Guide to Social Security Benefits

January 2018

This Guide is for general guidance only. It must not be treated as a complete and authoritative statement of the law on any particular case.

Table of Contents

About this Guide	3
The Social Insurance Contributory Schemes	4
General	4
Who are contributors?.....	4
Employment Injuries Insurance Scheme	5
What are the Benefits?	5
Injury Benefit	5
What is Injury Benefit?	5
Disablement Benefit	5
What is Disablement Benefit?	5
Death Benefit	6
What is Death Benefit?.....	6
What dependants may claim Death Benefit?.....	6
Social Security Short-Term Benefits Scheme	7
What are the Benefits?	7
Maternity Grant	7
What is Maternity Grant?.....	7
What are the Contribution Conditions?	7
How and when to claim Maternity Grant	8
Maternity Allowance	8
What is Maternity Allowance?	8
What are the Contribution Conditions?	8
How and when to claim Maternity Allowance.....	8
Death Grant	9
What is a Death Grant?	9
What are the Contribution Conditions?	9
How and when to claim Death Grant	9
Unemployment Benefit	9
What is Unemployment Benefit?.....	9
What are the Contribution Conditions?	10
Disqualification	10
For how long is Unemployment Benefit payable?	10
Social Security Long-Term Benefits Schemes	11
What are the Benefits?	11
Survivor's Benefit	11
Survivor's Bereavement Allowance	11
Widowed Parent's Allowance	11

Survivor's Pension	11
What are the Contribution Conditions?	12
How and when to claim Survivor's Benefit	12
Guardian's Allowance	12
What are the Contribution Conditions?	12
How and when to claim Guardian's Allowance	13
Old Age Pension	13
Special provisions for persons whose marriages or civil partnerships have been dissolved.....	13
For how long is Old Age Pension payable?	13
What are the Contribution Conditions?	14
How you can check how much Old Age Pension you can get.....	14
How and when to claim an Old Age Pension	14
European Union (EU) Social Security Regulations	15
The Provisions	15
Department of Social Security	16
More Information.....	16

About this Guide

This guide tells you about all aspects of the social insurance contributory schemes in Gibraltar. If it does not answer all your questions please contact the Department of Social Security where the staff will be pleased to help you.

The Department of Social Security, administers the social insurance contributory schemes in accordance with the following legislation:-

- **The Social Security (Employment Injuries Insurance) Act**
- **The Social Security (Insurance) Act**
- **The Social Security (Non-Contributory Benefits and Unemployment Insurance) Act**
- **The Social Security (Closed Long-Term Benefits and Scheme) Act**
- **The Social Security (Open Long-Term Benefits and Scheme) Act**

The Social Insurance Contributory Schemes

General

There are three contributory schemes of Social Insurance:-

The Employment Injuries Insurance Scheme, which only applies to employed persons, provides in return for regular weekly contributions, cash benefits for those who, because of an accident at work or certain industrial diseases are unable to work or are disabled, and for widows and widowers and certain other dependants of industrial casualties.

The Social Security Short-Term Benefits Scheme provides in return for regular weekly contributions, maternity grant, maternity allowance, death grant and unemployment benefit.

The Social Security Open Long-Term Benefits Scheme provides, in return for regular weekly contributions, cash benefits for widowhood, old age pensions and benefits for guardians of orphans.

Who are contributors?

In general, anyone who is self-employed or gainfully occupied in employment in Gibraltar, or in certain cases, on a ship registered in Gibraltar is compulsorily insurable and liable to pay social insurance contributions. These persons are known as 'contributors'.

Social Insurance contributions are payments that go towards contributory benefits such as maternity benefits, old age pension, death grant, survivor's benefits, unemployment benefit and health care (Group Practice Medical Scheme).

Since 1 April 2007, the weekly rates of social insurance contributions payable are earnings related, subject to a pre-determined minimum and maximum rate. This means that the employee's and the employer's share of contributions is based on a percentage of earnings.

Further information on the Group Practice Medical Scheme can be obtained from the Primary Care Centre or from the Gibraltar Government website at www.gibraltar.gov.gi

Further information on social insurance contributions is contained in the "Employer's Guide to Social Insurance" issued by the Income Tax Office. This guide is also available on the Gibraltar Government website at www.gibraltar.gov.gi

Employment Injuries Insurance Scheme

What are the Benefits?

The Benefits available under the Social Security Employment Injuries Insurance Schemes are:

- Injury Benefit
- Disablement Benefit
- Death Benefit

The Employment Injuries Insurance Scheme provides insurance against being unable to work, or being disabled or losing life because of an accident at work or certain industrial diseases. Self-employed persons are not insurable under this scheme.

There are no contribution conditions.

Injury Benefit

What is Injury Benefit?

An insured person is entitled to Injury Benefit in respect of any day on which, as the result of the relevant injury, he is incapable of work during the injury benefit period.

Injury Benefit is paid for a maximum period of 26 weeks from the date of the accident or development of an occupational disease.

Disablement Benefit

What is Disablement Benefit?

Disablement Benefit is a regular monthly payment or lump sum if as a result of the relevant injury a loss of physical or mental faculty remains, at end of the injury benefit period. The amount of benefit depends on the extent of the disablement as assessed by a Medical Board.

For a disablement assessed by the Medical Board at less than 35% a lump sum is payable.

For a disablement assessed by the Medical Board at 35% or more either a lump sum or a pension may be payable.

The monthly rate of a disablement pension assessed at 100% shall be increased if as a result of the relevant loss of faculty the beneficiary requires constant attendance.

Furthermore, if a beneficiary who is entitled to a disablement pension of less than 100% enters any hospital or similar institution, for the purpose of receiving approved hospital treatment, then during this period for which he receives such treatment the pension shall be payable as if it had been assessed at 100%.

Death Benefit

What is Death Benefit?

If the accident or disease results in death, death benefit is payable to the dependants of the deceased.

What dependants may claim Death Benefit?

The surviving spouse or surviving civil partner and children of the deceased person may claim death benefit. Someone may also claim on behalf of any orphan.

If the deceased left no surviving spouse or civil partner, certain other dependant relatives of the deceased may also claim. The main conditions are that the dependant must have been residing with the deceased at the time of his or her death and must have been maintained by him or her.

Social Security Short-Term Benefits Scheme

What are the Benefits?

The Benefits available under the Social Security Short-Term Benefit Scheme are:-

- Maternity Grant
- Maternity Allowance
- Death Grant
- Unemployment Benefit

The right to benefit depends upon the contribution record and the type of contribution paid.

Maternity Grant

What is Maternity Grant?

Maternity Grant is a lump-sum payment paid to a woman for every child born to her. If she is confined of twins or a greater number of children she will be paid the grant for each child.

This benefit may be paid by virtue of the mother's own insurance, her husband's or civil partner's or the child's father insurance contributions but she shall only be entitled to one lump-sum payment per child.

What are the Contribution Conditions?

There are two contribution conditions:-

First: have paid at least 52 contributions between the date of becoming first insured and the date of the confinement.

Second: have paid or been credited with at least 40 contributions in the last contribution year before the year in which the confinement takes place.

If the second condition is not satisfied, reduced rates of benefit may be payable if at least 13 contributions were paid or credited in the appropriate contribution year.

If a woman is confined before twenty-four weeks of pregnancy, the child must be born alive, otherwise no benefit is payable. If she is confined after twenty-four weeks of pregnancy, she qualifies for the grant.

How and when to claim Maternity Grant

A claim form with detailed instructions can be obtained from the Department of Social Security or from the Government website. This benefit may be claimed as early as 9 weeks before the week the baby is expected but not later than 6 months after the actual confinement. However, if claimed on the father of the child's insurance record then the claim must be done after the confinement together with the birth certificate but not later than 6 months after that date.

Maternity Allowance

What is Maternity Allowance?

Maternity Allowance is a weekly benefit paid to a woman who is on maternity leave and is normally paid for 18 weeks, starting from 11 weeks before the expected week of birth, but not for any time when paid work is done. Maternity allowance can only be paid by virtue of the woman's own insurance record and she must have exercised her right to maternity leave in accordance with the Employment (Maternity and Parental leave, Health and Safety) Regulations.

What are the Contribution Conditions?

The contribution conditions are that:-

- she must have paid contribution as an employed person under the Social Security (Insurance) Act for at least 26 weeks in the 52-week period ending in the 15th week before the expected week of confinement.

The contribution conditions for a self-employed woman is that:-

- she has paid contributions as a self-employed person under the Social Security (Insurance) Act for at least 26 weeks in the 52-week period ending in the 15th week before the expected week of confinement; and
- she has paid the additional voluntary contributions for this purpose as set out under the Social Security (Insurance) Act for at least 26 weeks in the 52-week period ending in the 15th week before the expected week of confinement.

How and when to claim Maternity Allowance

A claim form with detailed instructions can be obtained from the Department of Social Security or from the Government website. This benefit may be claimed as early as 11 weeks before the expected week of confinement but not later than 6 months after exercising the right to maternity leave.

Death Grant

What is a Death Grant?

A death grant is a grant paid to a person who incurs the cost of the funeral or other appreciable expense in connection with the death of an insured person or the death of the spouse, civil partner or child of an insured person.

What are the Contribution Conditions?

There are two contribution conditions which must be satisfied either by the deceased, or the deceased's spouse or civil partner, or, if the deceased was a child by a parent.

First: at least 26 contributions must have been paid or credited between the date of becoming first insured

Second: either -
at least 45 contributions must have been paid or credited in the last complete contribution year before the date on which the conditions have to be fulfilled; **or**
an average of at least 45 contributions a year must have been paid or credited since 3 October 1955 or the year the relevant person attained the age of 20 (whichever is the later) .

If the second condition on average is not satisfied, reduced rates of benefit may be payable if at least an average of 13 contributions have been paid or credited.

How and when to claim Death Grant

A claim form with detailed instructions may be obtained from the Department of Social Security or from the Government website. The claim must be made within 6 months from the date of death.

Unemployment Benefit

What is Unemployment Benefit?

Unemployment benefit is a weekly benefit paid fortnightly to any contributor (other than to a self-employed person) who is unemployed, capable of, and available for work. Being available for work is a basic condition for anyone claiming unemployment benefit. This benefit is not payable to persons over 65 (men) or 60 (women).

What are the Contribution Conditions?

The conditions for entitlement are:-

- during the 52 weeks immediately preceding the claim not less than 30 contributions have been paid; or
- the yearly average of contributions paid by or credited to that person, is not less than 30.

Provided that in either case, the last 13 contributions paid were in respect of employment in employed contributor's employment.

Disqualification

A person may be disqualified for a period of up to 6 weeks if he/she:-

- leaves a job voluntarily without just cause or loses it through misconduct; or
- refuses a suitable job when offered; or
- fails to take reasonable steps to try for a job when told about one.

There are also two other disqualifications, which are not restricted to the maximum of 6 weeks. These are as follows:-

- a person who has lost his employment through stoppage of work due to a trade dispute at his place of employment is disqualified as long as the dispute continues.
- a person who retires voluntarily before reaching compulsory retiring age and is in receipt of an occupational pension is disqualified until such a time as he reaches the compulsory retiring age in that employment.

For how long is Unemployment Benefit payable?

The maximum entitlement to unemployment benefit is 78 days (not counting Sundays) as long as they fall within 26 weeks following the last week of employment.

No further unemployment benefit is payable to a person who has exhausted his entitlement to benefit, until that person has been in insurable employment for a period of, or periods totalling, 13 weeks.

Social Security Long-Term Benefits Schemes

What are the Benefits?

The Benefits available under the Social Security Long-Term Benefits Schemes are:-

Survivor's Benefit

Guardian's Allowance

Old Age Pension

The right to benefit depends upon the contribution record and the type of contribution paid.

Survivor's Benefit

Survivor's benefit is payable to the surviving spouse or surviving civil partner of a deceased insured person who has satisfied the necessary contribution conditions. Subject to satisfying the necessary contribution conditions the standard rate is payable or reduced rates may be payable. There are three types of Survivor's Benefit, only one of which is payable at any one time as follows:-

Survivor's Bereavement Allowance

Survivor's Bereavement Allowance, which is payable for the first 3 months following the deceased spouse's or civil partner's death. The allowance may be increased for each child up to a maximum of 4 children.

Widowed Parent's Allowance

Widowed Parent's Allowance, which is payable to the surviving spouse or surviving civil partner left with a dependent child on termination of the Survivor's Bereavement Allowance. There are no limits in the number of children for which the allowance may be increased.

Survivor's Pension

Survivor's Pension, which is payable to the surviving spouse or surviving civil partner, if on termination of the Survivor's Bereavement Allowance or the Widowed Parent's allowance, the surviving spouse or surviving civil partner is over the age of 40 and under pensionable age.

What are the Contribution Conditions?

Only the deceased's contribution record counts for Survivor's Benefit. To qualify for Survivor's Benefit the deceased must have satisfied 2 contribution conditions:-

- First: must have paid 250 contributions between his/her entry into insurable employment and the date of death; and
- Second: the yearly average of the contributions paid by or credited to the deceased is not less than 13.

How and when to claim Survivor's Benefit

Following the death of an insured person a claim form for Survivor's Benefit may be obtained from the Department of Social Security or from the Government website. Detailed instructions are given on the form on the information required. If the claim is made after 6 months from the date of death the surviving spouse or surviving civil partner will lose some benefit.

Note: Survivor's Benefit will cease to be paid if the surviving spouse or surviving civil partner remarries, enters to another civil partnership or cohabits with another person as a spouse or civil partner.

Guardian's Allowance

A Guardian Allowance is a monthly payment made to a person who takes into his family an orphan child both of whose parents, or step-parents are dead. Special rules apply to the children of divorced parents, adopted children, illegitimate children and children whose parents cannot be traced. There is no limit to the number of orphans in respect of which the allowance is payable at any one time.

What are the Contribution Conditions?

The contributions of either one or the other of the parents (including step-parents), count for Guardian's Allowance.

There are 2 contribution conditions:-

- either one or the other of the parents must have paid at least 26 contributions between his/her entry into insurance and the date of the death of the last surviving parent; and
- that person must have paid or been credited with at least 13 contributions during the complete contribution year immediately preceding the year in which the last surviving parent dies; or

- that person must have paid or been credited with an average of at least 13 contributions a year since his/her entry into insurance or the year he/she attained the age of 20 (whichever is the later).

How and when to claim Guardian's Allowance

The allowance should be claimed not later than 6 months after the child joins the family, otherwise the guardian shall lose some benefit. A claim form with detailed instructions can be obtained from the Department of Social Security or from the Government website.

Old Age Pension

An Old Age Pension is only payable to insured persons who have paid or have been credited with enough contributions during their working life, irrespective of whether they have retired from regular employment or not.

Pensionable age is 60 for a woman and 65 for a man. The amount of pension payable depends on the number and type of contributions paid by or credited to the insured person.

Special provisions for persons whose marriages or civil partnerships have been dissolved

A person who-:

- has been married or in a civil partnership; and
- does not satisfy the contribution conditions for the standard rate of old age pension;

may elect that the contributions of their former spouse or civil partner, during the period of marriage or civil partnership, be treated to a certain extent, as though they were their own for old age pension purposes.

Further details may be obtained from the Department of Social Security.

For how long is Old Age Pension payable?

If an old age pension is payable on a person's own insurance, the pension is for life. It is not affected by marriage, civil partnership, re-marriage, entering into a further civil partnership, divorce or cohabitation. However, if a surviving spouse or surviving civil partner is entitled to an old age pension by virtue of her late spouse's or civil partner's insurance remarries or enters into a further civil partnership, the pension ceases to be payable.

What are the Contribution Conditions?

There are 2 contribution conditions:-

First: that not less than 156 contributions must have been paid by the relevant person between the date of entry into insurance and the date attaining pensionable age;

Second: that the yearly average of the contributions paid by or credited to that person is not less than 50. The yearly average is calculated in the following way:-

- beginning with the contribution year in which the relevant person attained the age of 20; and
- ending with the last complete contribution year before that person reached pensionable age.

If the second contribution is not satisfied, reduced rates of benefit may be payable provided that there is an annual average of not less than 13 contributions paid or credited.

How you can check how much Old Age Pension you can get

If you are aged 50 or over and planning for retirement you can request for a Pension Forecast. This forecast will tell you how much you will be likely to get when you claim your old age pension. It will also tell you the actual rate of pension based on the contributions you have paid or been credited with during your working life and which are valid for pension purposes. It will also give you information on how you may be able to enhance your rate of pension.

You can obtain an application for a Pension Forecast from the Department of Social Security or from the Government website.

How and when to claim an Old Age Pension

A claim form with detailed instructions may be obtained from the Department of Social Security or from the Government website and may be submitted to the department at any time within 4 months before attaining pensionable age. If the claim is made 6 months after reaching pensionable age, this will result in some loss of benefit.

Note:

With effect from 1 July 2017 all contributions paid by persons aged 15 will also be taken into account when calculating entitlement to old age pension.

European Union (EU) Social Security Regulations

The Provisions

In general, the EU social security regulations provide for EU nationals and persons who are legally resident in a member state to be subject to the legislation of a single member state. The regulations also help with the coordination of social security systems by providing a framework of continuity and protection of contributory benefits such as old age pensions and unemployment benefits.

The 28 member states of the EU are:- Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom (including Gibraltar).

The European Economic Area (EEA) Agreement applies to Iceland, Liechtenstein and Norway and to the EU countries mentioned above. Under the Agreement the EU Regulations on social security apply to all countries in the EEA. This means that nationals of Iceland, Liechtenstein and Norway and members of their families are also covered by the EU Regulations on social security.

Switzerland is neither an EU nor EEA member but as a result of an agreement with the EU that came into force on 1st June 2002, the EU rules on Social Security also apply to Switzerland.

The overall objective of these Regulations is to install a coordination of the various social security systems in the European Union. Rather than to harmonise the different national regulations – which would mean creating a common European system of social security – these Regulations build bridges between the national social security schemes; the national schemes are linked together, so as to prevent people moving within Europe from losing out on social security rights on account of their moving.

Social security is essentially a creation of national law. The amounts of benefit, conditions of entitlement and duration of payment within social security schemes are determined by national law. These schemes are administered by national bodies governed by national rules and regulations.

If you have been insured in another EEA country, any contributions you have paid in Gibraltar or any other EEA country may be taken into account to help qualify for benefit or enhance your pension entitlement. Please ensure when completing any claim forms to include the periods of insurance and the country you have worked in so that they can be taken into account.

Any query about your present or future pension rights in another EEA country or about how any other country operates the EU Social Security Regulations, must be made to the competent institution in the country concerned.

Department of Social Security

More Information

Contact Telephone Numbers and Email Addresses

Benefits	Telephone	Email Address
Old Age Pension, Survivor's Benefit, Guardian's Allowance, Death Grant	200 79904	dsspensions@gibraltar.gov.gi
Maternity Grant, Maternity Allowance, Unemployment Benefit	200 78852	dssbenefits@gibraltar.gov.gi
Injury Benefit, Disablement Benefit, Industrial Death Benefit	200 72721	dssbenefits@gibraltar.gov.gi
Administration and Accounts	200 51149	dss@gibraltar.gov.gi
Reception	200 48477	

Counter Hours

Our counters are opened from 8:30am to 3:00pm Mondays to Fridays

Claim Forms

You can download our claim forms from the Government website at:

www.gibraltar.gov.gi/new/department-social-security

If you are unsure about the meaning of any particular point in this guide, please phone or call at the Department of Social Security where staff will be pleased to help you.

Our offices are situated at:-

**Department of Social Security
14 Governor's Parade
Gibraltar**