

# EMPLOYER'S OBLIGATIONS



ACCORDING TO THE FEDERAL ORDINANCES FOR THE SICKNESS AND ACCIDENT INSURANCE, AN EMPLOYER MUST BE REGISTERED AT THE SOCIAL & HEALTH INSURANCES SZV.

PRACTICE PROPER COMPLIANCE PROCEDURES TO AVOID FINES AND LIABILITY CLAIMS AGAINST THE COMPANY.

## Who is an Employer on Sint Maarten (Dutch Caribbean):

Everyone who has one or more employees executing labor is an employer. There are three possibilities:

- You are established on Sint Maarten, and you have employees executing labor for you on Sint Maarten.
- You are established on Sint Maarten, and your employees are executing labor for you outside of Sint Maarten (Dutch Caribbean).
- A foreign company can also be categorized as an employer on Sint Maarten (Dutch Caribbean).

An employer can be a natural person (such as an individual, called a sole proprietor), or a legal entity (such as a corporation, an N.V. or a B.V.)

## OBLIGATIONS OUTLINED:

- All employers with employees are required to register at SZV. This means that if you have no employees you are not considered an employer and consequently you are not obligated to register your company at SZV.
- All employees must be registered at SZV no matter their salary amount or amount of working days/hours. The salary amount and/or amount of working days will determine if the employee will be insured for both medical insurance (ZV) and accident insurance (OV) or only for accident insurance (OV).
- Employee mutations regarding commencement and termination must be submitted to SZV within two days in which the change occurred.
- Employee mutations regarding changes in employment such as salaries and functions should be submitted monthly, before the 15th of the following month in which the change occurred.
- Employers must submit an accident form to SZV immediately after an employee has an accident on the job. The form can only be filled in by the employer.
- SZV must be notified within 2 working days by the employer, when the employer has ceased operations (inactive) or if the employer becomes dormant due to having no employees in service.
- The employer must declare on a monthly basis the wages for sickness and accident insurance through the ZV/OV declaration form.
- ZV/OV declarations must be filled in and submitted, completely and accurately by the 15th of each month. If the declarations are not submitted, you will be assessed. Non-payment of the assessment can result in further collection measures.
- ZV/OV premium payments must be paid by the 15th of each month.
- AOV/AWW premium payments must be paid by the 15th of each month.
- Cessantia contributions are due each year and must be paid between January 1st and June 30th.

**Article 12** of the National Ordinance Sickness Insurance and the National Ordinance Accident Insurance states that everyone is, on behalf of the execution and control tasks of SZV, obligated to provide information upon request to SZV, if so required in writing. They are also obligated to follow the instructions given by SZV with regards to the implementation of these National Ordinances.

**Article 14a** of both National Ordinances further states that by noncompliance or untimely compliance of the obligations mentioned in article 12 of these National Ordinances, a fine of up to a maximum of five thousand guilders can be levied. This is an administrative fine that can be imposed by SZV itself. By defaulting on your obligations, you will leave SZV no other recourse than to take the necessary steps to apply articles 12 and 14a of the abovementioned National Ordinances.

