

POLICY 6.9 – Sick Leave and Long Term Disability

Policy Category:	Personnel
Subject:	Sick Leave and Long Term Disability
Approving Authority:	Board of Governors
Responsible Officer:	Vice-President, Operations and Finance
Responsible Office:	Human Resources
Related Procedures:	Administrative Procedures for Sick Leave and Long Term Disability
Related University Policies:	
Effective Date:	July 1, 2013
Supersedes:	October 26, 1995, December 1, 1998, June 20, 2013

I. PURPOSE

This policy defines the income security and rehabilitative support available to PMA Eligible staff members at Western while they are recovering from illness or injury. For the purpose of this policy, “illness” is defined as encompassing both physical and mental health. It is in accordance with all applicable federal and provincial legislation including, but not limited to, Western’s *Group Insurance Carrier Policy*, the *Workplace Safety and Insurance Act*, the *Occupational Health and Safety Act*, Ontario’s *Personal Health Information Act* and Ontario’s *Human Rights Code*.

II. DEFINITIONS

Total Disability – Means that because of bodily injury or sickness an employee:

- is not able to perform the Essential and Material Duties of his/her regular occupation during the Elimination Period (the first 105 calendar days of illness) and the next 24 months; and
- thereafter, is not able to perform the Essential and Material Duties of any occupation for which he or she is reasonably fitted, or could so become, by training, education or experience and earn at least 75% of his/her Indexed Pre-Disability Earnings.
- must not be engaged in any occupation or employment for wage or profit except as part of a rehabilitation program.

The availability of other occupations at Western or any other employer will not be considered in assessing the staff member’s Total Disability.

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Partial Disability – Means that, after a period of Total Disability, an employee returns to any occupation for wage or profit and is earning less than 80% of his/her Indexed Pre-Disability Earnings as a result of continuation of a degree or incapacitation which originated with the Total Disability.

Essential and Material Duties – Means the duties which are required for the performance of an occupation and which cannot be reasonably omitted or modified.

III. POLICY

Western is committed to supporting PMA Eligible staff experiencing occupational and non-occupational illness or injury in their efforts to contribute to the university's performance, operations and service delivery. The Transitional Accommodation Program provided by Rehabilitation Services uses a collaborative, proactive approach to assist staff members to remain at work or return to work after an illness or injury, in a timely manner. The program involves the joint efforts of the staff member, the Health Care Professionals (as recognized by OHIP or its equivalent and the Group Extended Health Plan) the supervisor, Dean/Budget Unit Head or designate, Rehabilitation Services, and/or representatives from the benefit providers and PMA.

The university provides the following arrangements for regular full-time staff members who are absent from the workplace as a result of illness or injury until the staff member is fully or partially able to return to work.

1. Short Term Sick Leave Salary Continuance Plan

- (a) PMA Eligible staff members may qualify for full salary and benefits while absent from work due to illness or injury with supporting medical documentation for up to a maximum of fifteen weeks (105 calendar days of Total Disability) except as described in (i) and (ii) below.
 - (i) If there is a recurrence of the same or related illness or injury during the first four weeks following a staff member's return to work, the staff member is entitled to the unused portion of the original fifteen-week period of sick leave.
 - (ii) If the staff member is able to return to work on a part-time basis during this sick period, the fifteen-week period of sick leave will be extended by any time worked.
- (b) PMA Eligible staff members who have returned to work for greater than four weeks after being absent from work due to illness or injury and experience a related illness or injury, with supporting medical documentation, may be entitled to up to the maximum of the full fifteen weeks (105 calendar days) of short term sick leave.
- (c) PMA Eligible staff members who experience an unrelated illness or injury with supporting medical documentation at anytime during a return to work after a short-term sick leave may be entitled to the full fifteen weeks (105 calendar days) of short-term sick leave.

2. Long Term Disability

- (a) PMA Eligible Staff who are absent from work due to illness or injury for a total of fifteen weeks (105 calendar days) of Total Disability may qualify for long term disability benefits (LTD) through the University's Group Disability Insurance Program and/or Canada Pension Plan.

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- (b) For PMA Eligible staff who are in receipt of long-term disability insurance benefits for Total Loss of Earnings benefits through the University's Group Disability Insurance program, Western will continue to make pension contributions for both the staff member's share and Western's share. The contributions will be based on the staff member's pensionable earnings in effect at the date of disability. In addition, the staff member's group insurance benefits will be maintained and fully paid by Western with the exception of the Optional Life, Voluntary Personal Accident, Dependent Life and Spousal Life Insurance benefits, which may be maintained by the benefit provider under a waiver of premium.
- (c) For PMA Eligible staff who are in receipt of partial disability benefits through the university's Group Disability Insurance program, the staff member is required to make pension contributions based on earnings actually received by Western during partial disability periods. Western will contribute the difference of the staff member's share of pension contributions based on pensionable earnings defined in (b) above and Western's share. In addition, the staff member's group insurance benefits will be maintained and fully paid by Western with the exception of the Optional Life, Voluntary Personal Accident, Dependent Life and Spousal Life Insurance benefits which may be maintained by the benefit provider under a waiver premium.
- (d) Benefits as described in this section 2 will end at Normal Retirement date along with coverage.

3. Confidentiality

- (a) The Personal Health Information of a staff member obtained by Rehabilitation Services is completely confidential and specific information about a staff member's health cannot be released without the staff member's consent except where required by law. In these circumstances, the staff member will be notified of the disclosure.
- (b) Rehabilitation Services has the responsibility to interpret personal health information to supervisors as fitness to return to work without divulging confidential medical information.

4. Service

Service, for purposes of determining vacation entitlement and pension contributions, shall continue to accrue during the period of disability up until the earlier of 24 months following the first day of illness or injury, or the date it has been medically confirmed that the staff member will not be able to return to his/her position.

5. Vacation

There will be no earned paid vacation entitlement following the period of Short-Term Sick Leave Salary Continuance as described in 1 above.

6. Return to Work

- (a) Employment shall be deemed to be terminated if medical confirmation indicates that there is no reasonable possibility of the staff member returning to his/her position or if 24 months has elapsed since the first day of illness or injury.

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- (b) Notwithstanding 4 above and above paragraph, Western may fill a position during the period that the incumbent is receiving benefits from the long term disability program in order to manage the operational, legal and financial risks of the university.