

TORONTO SENIORS HOUSING CORPORATION (TSHC) SHORT TERM DISABILITY POLICY

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Type: Occupational Health and Safety Policy	Approved By: Board of Directors
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Policy Statement

At Toronto Seniors Housing (TSHC), we are committed to the health and well-being of our employees. The purpose of this policy is to ensure that employees understand the proper application of Short Term Disability (STD) benefits as well as the procedures to be followed in connection with such claims in order to:

- Provide employees entitled to STD benefits with appropriate financial compensation when absent from work for a personal illness or injury;
- Support employees with appropriate recovery and return to work;
- Ensure adequate staffing and delivery of services

Scope

This policy applies to the following staff who have completed their Probationary Period:

- Permanent management and exempt employees; and
- Full-time permanent staff within the OPSEU Local 529 bargaining unit.

Eligibility

An employee who is totally disabled for greater than five (5) consecutive work days (the “STD benefit waiting period”) is entitled to apply for STD benefits. The employee must be actively at work, or on vacation or other regularly scheduled day off within their working schedule, on the work day immediately prior to the first day of total disability.

Definitions

Actively at Work: Performing all of the essential duties and responsibilities of the position for the number of hours scheduled for that day. For clarity, periods of unpaid leave of absence or periods an employee is in receipt of disability benefits or participating in a rehabilitation program, for the same disability, are not considered to be actively at work for the purposes of this policy.

Ill Dependent Day: A period of absence used to care for an ill dependent granted in accordance with TSHC policy and procedure. A dependent means a parent, child, brother, sister, spouse, parent-in-law, child-in-law, sibling-in-law, grandparent, or grandchild or any other person in respect of which emergency leave can be granted under the Ontario *Employment Standards Act, 2000*. Ill Dependent Days cannot be used to cover the STD benefit waiting period.

Adjudicator: The service provider retained by TSHC to assess an employee’s eligibility for STD benefits under this policy and the Disability and Absence Management Program, or any other service provider retained by TSHC for this purpose.

Permanent Management and Exempt Employees: Employees engaged on a permanent basis who regularly work a 36.25-to-40-hour work week and who have been hired for a position without a pre-determined time limit.

Probationary Period: All employees covered by this policy must complete a probationary period of at least six months actually worked, in accordance with TSHC policy and procedure, to be eligible for STD benefits, unless otherwise set out in the collective agreement.

Sick Day: A period of absence due to personal illness or injury granted in accordance with TSHC policy and procedure. Available sick days can be used to cover the STD benefit waiting period.

Total Disability: A medical impairment or restriction due to a personal illness or injury which prevents the employee from performing the essential duties and responsibilities of his/her own position with or without accommodation or another suitable and available modified work assignment.

Policy Details

Approval Criteria

An employee is eligible for STD benefits as long as the employee complies with the following criteria:

- Reports their absence appropriately, according to TSHC policies and procedures.
- Has an impairment or incapacity due to a personal injury or illness which affects their ability to perform the essential duties and responsibilities of their own position with or without accommodation or that of a suitable and available modified work assignment.
- Is under the care of a licensed physician;
- Seeks, participates, and complies with reasonable and appropriate treatment.
- Communicates and participates in discussions with TSHC and the adjudicator retained by TSHC to assess an employee's eligibility for STD benefits under this policy and the Disability and Absence Management Program, or any other service provider retained by TSHC for this purpose.

- Provides all reasonable medical documentation/non-medical information requested by TSHC or the service provider on the prescribed forms within the requested timeframes.
- Attends any medical assessments appropriate to the employee's medical condition, including but not limited to independent medical examinations as requested by TSHC;
- Cooperates with any recommended accommodation efforts or modified work assignment(s) requested by TSHC;
- Participates in reasonable rehabilitation initiatives such as return to work planning meetings as requested by their health care provider, the service provider, or TSHC; and
- Participates in the provisions of the TSHC Disability & Absence Management Program.

Recurrent Disability

Continuous periods of total disability include all periods of same or similar disability that commence while an employee is covered under this STD Policy and are not separated by more than 14 calendar days.

Where an employee is on STD benefits which commences in one calendar year and continues into the following calendar year, the employee is not entitled to STD benefits for more than one hundred and thirty (130) working days in the two (2) years until they have returned to full regular duties and hours for twenty (20) consecutive working days.

Application for Benefits

Eligible employees may apply for STD benefits commencing on the 6th consecutive working day of total disability. All employees must complete the five (5) day unpaid STD benefit waiting period. If the STD application is approved; STD benefits will commence at 75% of the eligible

employee's regular base salary from the first (1st) day of total disability.

Employees may choose to use accrued but unused sick or vacation days or earned lieu time as credit to bridge the STD benefit waiting period. If STD benefits are approved, an employee's bank will be credited any days used towards the unpaid STD benefit waiting period.

Benefits Payment

The STD benefits coverage is 75% of the eligible employee's regular base salary, for a maximum of 130 working days (equivalent to six months) of total disability, subject to approved medical evidence and continued employment with TSHC.

Benefit payments are based on the employee's regular base gross earnings (excluding bonus, commission, overtime, shift premium or any other extra compensation) and are subject to all applicable deductions and withholdings, and any optional benefit premiums authorized by the employee. STD benefits will never equal less than employment insurance (EI) benefit payments.

Top-Up provision: employees may choose to use accrued but unused sick or vacation days or earned lieu time to top-up the remaining 25% of their regular base salary, by selecting this option on TSHC's *Advance Payment Recovery Form*. Employees may not use floating holidays for this purpose.

Advance Payment

TSHC's *Advance Payment Recovery Form* will be provided to the employee at the onset of application for STD benefits and is available from the Health, Safety, and Wellness Unit upon request. Once the completed and signed *Advance Payment Recovery Form* is received by TSHC, TSHC will advance STD benefits payments for a maximum of 3 weeks.

By submitting the *Advance Payment Recovery Form*, the employee agrees that if the employee's application for disability benefits is denied or the employee is determined not to be participating in TSHC's Disability & Absence Management Program, any amount of STD benefits advanced by TSHC shall be an overpayment which the employee must repay to TSHC.

Subrogation

When the employee's disability is caused by a third party and the employee has a legal right to recover damages, TSHC will require the employee to complete a subrogation reimbursement agreement when claiming STD benefits.

Upon settlement or judgment of the employee's legal action, the employee will be required to reimburse TSHC those amounts paid in STD benefits under this policy from the proceeds of any successful monetary settlement. By submitting the *Advance Payment Recovery Form*, the employee consents to this repayment in order to receive STD benefits.

Limitations and Exclusions

Short Term Disability benefits are not payable with respect to an absence during any of the following:

- Any period the employee is on a maternity leave;
- Any period the employee is on a parental leave; or
- Any period where the employee is taking an approved leave of absence.

Benefits are not payable if the disability results either directly or indirectly from, or was in any manner related to, any one or more of the following:

- Any disability due to elective or experimental surgery unless the surgery or treatment is medically required such as those procedures typically covered by provincial health care;

- A disability due to drug or alcohol abuse unless the employee is receiving and is compliant with continued active medical treatment or is receiving continuous treatment from a provincially accredited rehabilitation facility or are actively supervised by such an institution;
- For any period where the employee is receiving Workplace Safety and Insurance Board benefits;
- War or any act of war, whether declared or undeclared;
- Participating in any riot or civil commotion;
- The commission of or attempt to commit a criminal offense or provoking an assault;
- Any period where an employee is imprisoned; or
- Any work performed for wage or profit, other than with TSHC.

Termination of Short Term Disability Benefits

Short Term Disability benefits will be suspended or terminated in the following circumstances:

- the employee is no longer totally disabled;
- the employee is not complying with the approval criteria of the STD policy;
- the employee is no longer eligible for STD benefits;
- the maximum benefits period has been reached;
- the employee retires, resigns, or is terminated from employment; or the employee is deceased.

Integration with the Long Term Disability (LTD) Plan

The LTD qualifying period is 26 weeks of total disability as defined by our insurance carrier. At the end of the qualifying period, the employee is eligible to apply for LTD benefits with TSHC's insurance carrier. In order to minimize any gap in income, it is recommended that employees complete the application for LTD benefits in or around the 18th week of continuous absence. LTD paperwork will

be provided to the employee by TSHC's Human Resources department or agent upon request.

Employees who choose not to apply for LTD benefits, are required to participate in a return to work process or discuss their intentions with TSHC.

Governing and Applicable Legislation

- *Employment Standards Act, 2000, S.O. 2000, c. 41*

Related Policies and Procedures

- Attendance Management Policy
- Disability & Absence Management Procedure
- Long Term Disability Policy
- Sick and Ill-Dependent Leave Policy
- Workplace Accommodation Policy

Commencement and Review

First approval:	New	
Revision # 1	Updated	

Next Scheduled Review Date: