

LTD PLANS FOR UNION MEMBERS TO THE EMPLOYEE: “QUESTIONS AND ANSWERS” ABOUT YOUR LONG TERM DISABILITY COVERAGE

For New Claimants under the:

- Health Science Professionals Collective Agreement (HSP Agreement)
- Health Services and Support Community Subsector Collective Agreement (Community Agreement)
- Health Services and Support Facilities Subsector Collective Agreement (Facilities Agreement)
- Nurses’ Provincial Collective Agreement (Nurses’ Agreement)
- Resident Doctors of BC Collective Agreement (Resident Doctors Agreement)

What is Long Term Disability coverage?

Long Term Disability coverage (more often known as "LTD") provides you with an income if you are disabled for an extended period.

How do I qualify for LTD benefits?

1. You must be eligible for coverage and make a claim.
2. You must have been disabled and unable to work for the qualification period:
 - **Community, Facilities, HSP and Resident Doctors Agreements:** 5 months
 - **Nurses’ Agreement:** 4 months
3. You must be under the care of a doctor.
4. You must have sufficient medical evidence to support your claim.

Note: Although the benefit is called "long term" disability, you do not have to be permanently disabled in order to qualify for benefits. In fact, many claims are only for a short period of time, until the employee recovers and can return to work.

What is the Trust?

Your LTD coverage is provided by the Trust indicated on the first page of your “Claimant’s Statement” form. Contact your employer for more information on which Trust provides your LTD coverage.

The Trust is a not-for-profit, employee life and health trust that is exclusively dedicated to providing certain employee benefits and services related to those benefits. The Trust is not an insurance company and the benefits it provides are not insured by an insurance company. The Trust is not subject to regulation under the British Columbia *Financial Institutions Act*.

LTD benefits are provided by the Trust to eligible healthcare employees in BC. The Trust is funded by contributions paid by healthcare employers and employees. Those contributions are held in the trust fund and paid out to disabled employees who qualify for benefits.

Claims are assessed and managed by the Trust’s LTD claims paying agent, Canada Life. Their offices are in Vancouver and Langley.

How much is the LTD benefit?

Community and Facilities Agreements: The benefit is the greater of: 70% of the first \$4,053* of pre-disability earnings plus 50% of excess earnings; or 66 2/3% of pre-disability earnings.

Nurses' Agreement: The benefit is the greater of: 70% of the first \$7,084* (RN's) or \$4,194* (LPN's) of pre-disability earnings plus 50% of excess earnings; or 66 2/3% of pre-disability earnings.

HSP Agreement: The benefit is the greater of: 70% of the first \$6,718* of pre-disability earnings plus 50% of excess earnings; or 66 2/3% of pre-disability earnings.

Resident Doctors: The LTD benefit is the greater of: 70% of the first \$4,191* of pre-disability earnings plus 50% of excess earnings; or 66-2/3% of pre-disability earnings.

*As at April 1, 2021. Adjusted annually for new claims based on increases in the applicable weighted average wage rate. If your claim is accepted, your LTD benefit will be adjusted ("indexed") every 4 years based on increases in the weighted average wage rate under the applicable collective agreement.

The benefit is taxable.

When does LTD start?

LTD benefits start after you have been disabled for the qualification period. (See "How Do I Qualify for Benefits?").

What does "disabled" mean?

"Disabled" means you are unable to work because of an accident or sickness. After you have been disabled and unable to work for the qualification period, Canada Life will determine whether you are disabled under the "own occupation" definition of disability which is:

Community and Facilities Agreements: For the first **19 months** of disability you must be unable to perform the duties of your own occupation or any available position. During this own occupation period your employer may accommodate you into an available position that pays not less than 75% of your pre-disability earnings, as described in your collective agreement.

HSP Agreement: For the first **24 months** of disability you must be unable to perform the duties of your own occupation. If you are permanently disabled from performing the duties of your own job, your employer may accommodate you into an available position that pays not less than 75% of your pre-disability earnings, as described in your collective agreement.

Nurses' and Resident Doctors Agreements: For the first **24 months** of disability you must be unable to perform the duties of your own occupation.

After this "own occupation" period, the definition of disability changes to "any occupation". In order for your LTD claim to continue beyond this "definition change date", you must be disabled and unable to do any job that pays 70% or more of the current rate of pay for your pre-disability job. Your education, training and experience are considered in making this decision.

How long does LTD continue?

Benefits will continue until you:

1. recover;
2. die;
3. reach age 65;

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4. fail to provide satisfactory proof of continued disability;
 5. refuse to participate in an Approved Rehabilitation Plan that has been approved by a Rehabilitation Review Committee;
 6. receive the LTD Plan Early Retirement Incentive Benefit or otherwise retire from your employer; or
 7. are able to work and earn 70% or more of your current rate of pay for your pre-disability job (after you have been on LTD for the own occupation period as defined in the collective agreement);

whichever comes first.

What disabilities are not covered?

The LTD benefit does not cover disabilities resulting from:

1. war, insurrection, rebellion, or service in the armed forces of any country;
2. voluntary participation in a riot or civil commotion, except while in the course of performing the duties of your regular occupation;
3. intentionally self-inflicted injuries or illness.

BEFORE LTD BENEFITS START

What income is available to me before my LTD claim starts?

While you are waiting for LTD benefits, you may qualify for:

- Sick pay from your employer (if you have sick leave credits)
- Vacation pay
- Employment Insurance Sickness Benefits
- Canada Pension Plan (CPP) disability benefits (payable after 4 months of disability)
- WorkSafeBC wage loss benefits (if you were injured at work)
- ICBC wage loss benefits (if you were injured in a car accident)
- BC Employment and Assistance benefits (i.e. social assistance)
- Other disability income through a private or association plan that you belong to

If you receive income from any of these sources, it will not affect your LTD qualification period.

Can I work at all while I wait for LTD benefits?

Yes. You must advise Canada Life if you are working.

If you return to work under the Enhanced Disability Management Program (EDMP) in your collective agreement, your entitlement to LTD benefits will not be delayed.

If your return to work is not under the EDMP, and within 31 consecutive calendar days you cease work again because of the same disability, you will not be required to start a new LTD qualification period but your qualification period will be extended by the number of days you worked. However if you return to work for more than 31 consecutive calendar days (i.e. are able to perform all hours/shifts/duties of your job) and then are again disabled due to the same or a new disability, you will have to start a new qualification period.

What if I have sick leave credits left when my LTD benefits start?

You have the following choices:

1. Use up your sick leave credits before your LTD benefit payments start (not available to claimants under the Nurses' and HSP Agreements); or
2. Use your sick leave credits to top-up your LTD benefit payments; or
3. Bank your unused sick leave credits for the future.

CLAIMING LTD BENEFITS

How do I claim LTD benefits?

1. Obtain the claim forms from your employer.
2. Use the claim form called: "Checklist - How to Submit a Long Term Disability Claim".
3. Gather all the required information. If you need help, contact your employer or your union representative. It is important that your doctor submit all relevant medical information including test results. (Your doctor will either give the medical information to you or send it directly to Canada Life.) If Canada Life do not receive everything, the assessment of your claim may be delayed.
4. Send your claim forms to your employer, as soon as possible, after you have been disabled for:
 - **Community, Facilities, HSP and Resident Doctors Agreements:** 3 months
 - **Nurses' Agreement:** 2 months
5. Keep copies of all documents.

Who decides if I'm disabled?

Canada Life will assess your claim. Their case manager will review the medical information, and the duties of your job and any other available position(s)* and determine, based on all available information, whether you are disabled as defined by your LTD plan. If Canada Life need more information from you, your employer or your doctor (which is often the case), they will either contact you directly by phone or send you a copy of their letter requesting the information within two weeks of receipt of your application.

*As described in your collective agreement; not applicable to the Nurses' Agreement

How will I know if my LTD claim has been accepted?

If your claim is accepted, Canada Life will send you a letter. In addition, a Case Manager will attempt to reach you by phone. If you wish to obtain information on the status of your claim, call Canada Life at 604-646-1200 (Vancouver) or 604-455-2700 (Langley) or toll free at 1-888-292-4111.

What if my claim is denied?

See separate "Appealing a Denied or Terminated Claim" sheet.

How are LTD payments made?

Canada Life will make monthly payments to you out of the Trust's trust fund. Payments are monthly in arrears, with the first payment one month after the end of your LTD qualification period. Payments are made by direct deposit (i.e. the money is transferred directly into your bank account). If your payment date is not convenient, it can be changed by contacting Canada Life.

What about my other benefits while I'm receiving LTD benefits?

1. **Group Life, AD&D and LTD** - Your coverage will continue through your employer.
2. **Dental and/or Extended Health** - Your coverage will continue if you elect to pay 50% of the contributions. Such an election must be made at the time your LTD claim is accepted and contributions must be paid to your employer monthly in advance.
3. **Medical Services Plan** - Your coverage will continue through your employer.
4. **Municipal Pension Plan and Public Service Pension Plan** - If you are a member of one of these pension plans, your period of disability will be considered "pensionable service", but neither you nor the employer will have to make contributions.
5. **Seniority** - You will accrue seniority while you are on LTD. (Not applicable to Community Agreement.)

If you cease to be an employee while on LTD, your Group Life, AD&D, Dental and Extended Health entitlement will end. LTD coverage will continue while you remain on LTD.

What if I receive other disability income while I'm also receiving LTD benefits?

Your LTD payments will be reduced by other disability income (e.g. from WorkSafeBC, ICBC for an MVA that occurred prior to May 17, 2018, and/or CPP) that you receive for the same disability. The offset is only based on the initial amount you receive from the other agency until your LTD benefit is indexed based on current wage rates (i.e. every 4 years)*. In the interim, your total monthly income will periodically increase by any cost of living increases to the other income. It is important that you apply for other disability income at the time you become eligible and that you keep Canada Life informed of the status of your other claims. If you receive an award retroactively, you may have to repay all or some of the award to the Trust.

*Not applicable to Community Agreement as the offset remains at the initial amount.

CPP Disability Benefits: You have the right to apply for CPP disability benefits at any time. However, you will be required to apply when the medical evidence indicates you may meet the CPP test of disability (“severe and prolonged”). Canada Life will notify you when you are required to apply and they will be able to assist you with the process.

If your claim for other disability income is denied, but Canada Life believe your disability is still the responsibility of the other agency, Canada Life may ask you to appeal the decision. Your LTD benefits can continue while you appeal the decision.

Note: Your LTD payments will not be reduced by disability benefits from private policies, or from certain association plans which have been approved by the Trust.

How do I apply for other disability income benefits?

Refer to the separate sheet in your claims package: “Information about Government Sponsored Programs that Provide Disability Income”.

How often do I have to provide medical reports?

It depends on the status of your disability and when your doctor expects your condition to change. Canada Life will ask you for new medical information from time to time. It is your responsibility to pay the doctor if there is a charge for this information.

It is important that you encourage your doctor to send in the reports as soon as possible so that there is no delay in the ongoing assessment of your claim. It is also important that your doctor submit all relevant medical information including test results, specialists' reports, x-ray reports, etc.

Note: This medical information is treated as confidential.

Advance Payment of Group Life Coverage for Terminally Ill Employees

If you are terminally ill, you may also be eligible to apply for an advance payment of up to 50% (maximum \$25,000) of your Group Life benefit. For further information and/or an application form, contact your employer.

REHABILITATION AND RETURN TO WORK

What is rehabilitation?

Rehabilitation can help you return to work. Canada Life employs a number of Rehabilitation Consultants. If you are medically able to prepare to return to work (at your own job or another job), the Rehabilitation Consultant can provide you with support, advice and, if needed, financial assistance for rehabilitation.

The Rehabilitation Consultants offer many opportunities to help you return to work through return-to-work programs, vocational assessment, work conditioning, counseling, rehabilitative employment and/or retraining for another job. These services will be part of an Approved Rehabilitation Plan (ARP) which is created jointly by you and your Rehabilitation Consultant (and your union if you choose). Your LTD benefits will continue until you have successfully completed the ARP, provided you are willing to participate and co-operate.

You are required to participate in rehabilitation. If you do not agree with the recommended rehabilitation plan, or if you feel you are medically unable to participate, you must either be able to demonstrate why you cannot participate, or you can appeal to a Rehabilitation Review Committee.

If you are a participant in the joint employer-union sponsored Enhanced Disability Management Program (EDMP) you may also have a unique Case Management Plan (CMP) through that program. A CMP may include medical intervention, transitional work, graduated return to work, workplace modifications and vocational rehabilitation or training. EDMP participants who are on LTD receive regular reviews, monitoring and support and, as appropriate, services under your ARP will be aligned with your CMP to ensure support for your return to work.

What if I return to work and then get sick again?

If you are working under an ARP, your LTD claim will simply continue. However if your LTD claim has ended and you are again disabled, this would be called a "successive disability". If it is the same disability and you have returned to work for less than 6 months, and Canada Life determine you are again disabled under the terms of your LTD Plan, your LTD claim will resume immediately. If it is a different disability and you have returned to work for less than 1 month, and Canada Life determine you are again disabled, your claim will also resume immediately. If you have returned to work for a longer period, then it would be a new LTD claim and you would have to complete a new qualification period. (See "How Do I Qualify for LTD Benefits?")

Can I work while I'm receiving LTD benefits?

Yes. If you are working under an ARP, you will receive your LTD benefit plus your rehabilitative earnings, up to a maximum of 100% of the current rate of pay for your pre-disability job. Therefore, rehabilitative employment allows you to increase your income while you are disabled.

Note: If your work is not part of an ARP, your LTD benefits will be reduced by 100% of your earnings.

You must advise Canada Life if you are working so that you do not have to repay LTD benefits to the Trust.

MORE QUESTIONS?

If you have more questions, contact your employer or your union.

This is a summary only. For further information on your LTD benefit, refer to your employee benefit booklet and your collective agreement.