



Treasury Board of Canada  
Secrétariat

Secrétariat du Conseil du Trésor  
du Canada

# Workplace Health and Disability

GUIDE FOR EMPLOYEES AND  
THOSE SUPPORTING THEM



Canada

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<http://www.tbs-sct.gc.ca>.

This document is also available in alternative formats on requests.

A decorative graphic consisting of various sized circles and squares in shades of gray, scattered across the page. Some circles have a double-ring effect. The shapes are arranged in a non-uniform, abstract pattern.

# Workplace Health and Disability

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# introduction

As an employee, you have access to many resources and services to help you maintain, improve, or regain your health and well-being. In addition, insurance and compensation programs may provide you with financial help in circumstances when you are absent from work for health reasons. All these services, programs, and policies are offered through various government organizations.



## Purpose of the guide

**The primary purpose of this document is to guide you through the main aspects of health and disability support in the core public administration workplace.** The guide is designed to give you an overview of what you need to know if you are absent from work for health reasons and to direct you to more detailed and comprehensive information that can be found elsewhere.

The guide is also a resource for those assisting you during your illness or return to work, such as your spouse, family, friends, or co-workers.

A similar guide, from a slightly different perspective, is also made available for managers and human resources (HR) practitioners, so that they may share the same roadmap and use the same language as employees.

## Content

The first sections of the guide outline basic principles related to workplace health and disability, and introduce the plans and programs.

The next sections focus on roles and responsibilities, what you need to do, and what you should expect in different situations, from well-being and disability prevention to retirement. These sections are designed to help you quickly find useful and practical information related to your current situation.

- ➔ You can download and print a copy of this guide, including in large print or Braille versions, at <http://www.tbs-sct.gc.ca/wds-mst>.
- ➔ A pamphlet summarizing the content of this guide is also available.

## Important Note

This guide does not replace any internal departmental policies, Treasury Board policies, or collective agreements, and should not be considered as legal advice. Certain guidelines are based on common well-being and disability practices and are provided only as suggestions to facilitate the process.

This is not intended to be a comprehensive guide. In an effort to be useful and practical, it provides some details about many plans, programs, policies, collective agreements, and procedures. Be sure always to look for more detailed information or contact your manager, HR practitioner, or union representative (if applicable), before making any decision.

In the event of discrepancy between this guide and official plans, programs or policies, collective agreements, or the law, the official plans, programs, policies, collective agreements, or the law will prevail.

This guide was produced following extensive consultation; however it remains a work in progress. If you have suggestions for making this this guide more useful based on your personal experience, your comments are welcome. Please contact the Pensions and Benefits Sector of the Treasury Board of Canada Secretariat.

# some basic principles

Here are some basic principles of workplace health and disability.



## A joint effort

**Maintaining and improving health and safety in the workplace, as well as your own well-being, is a joint effort between employees, management, unions, and other stakeholders.**

The organization plays an essential role in creating a safe and healthy work environment and supporting you if you are ill or injured. At the same time, you are responsible for your own well-being and for keeping yourself and your work environment healthy and safe. If you are ill or injured, you are responsible for being actively involved in your own rehabilitation. You are also expected to take reasonable precautions to protect yourself and other employees.

## Well-being is multi-faceted

Keep in mind that well-being is multi-faceted and that you and your employer need to address the following aspects:

- physical (by fostering physical health and safety);
- social (by establishing a supportive and respectful work environment);
- psychological (by fostering mental and emotional well-being, developing effective stress management strategies, and by creating a sense of purpose, personal contribution, and growth).

## Prevention is key

Preventing illness and injury is key to health and disability support. Engaging in proactive prevention while you are at work will reduce stress levels and result in less time off work.

## Being attentive to mental health issues

Mental health issues, such as depression, anxiety, and substance abuse are now the leading and fastest-growing causes of disability in Canada. Be on the alert for warning signs of mental health issues and be proactive. Go to the Health Canada website, contact your Employee Assistance Program, or talk to your physician for more information.

## Open communication

**The success of the workplace disability support process is based on open communication and collaboration between you, your manager, your HR practitioner or disability case manager, and your union representative (if applicable).** By maintaining open communication at all times, you can help avoid unwanted delays, frustrations, and misunderstandings.



## Reintegration into the workplace: a vital objective

Experience shows that reintegration is a vital step to a healthy recovery and helps minimize some of the consequences of disability, such as loss of self-esteem, loss of a sense of belonging, or the loss of pride in contributing to the workplace.

It is recommended that you do your best to recover and return to work (full-time, part-time, or with modified duties if necessary) as soon as it has been determined that your medical condition permits. The return to work needs to be carefully planned and requires cooperation between you, your attending physician, your manager, and your union representative (if applicable).

## Duty to accommodate

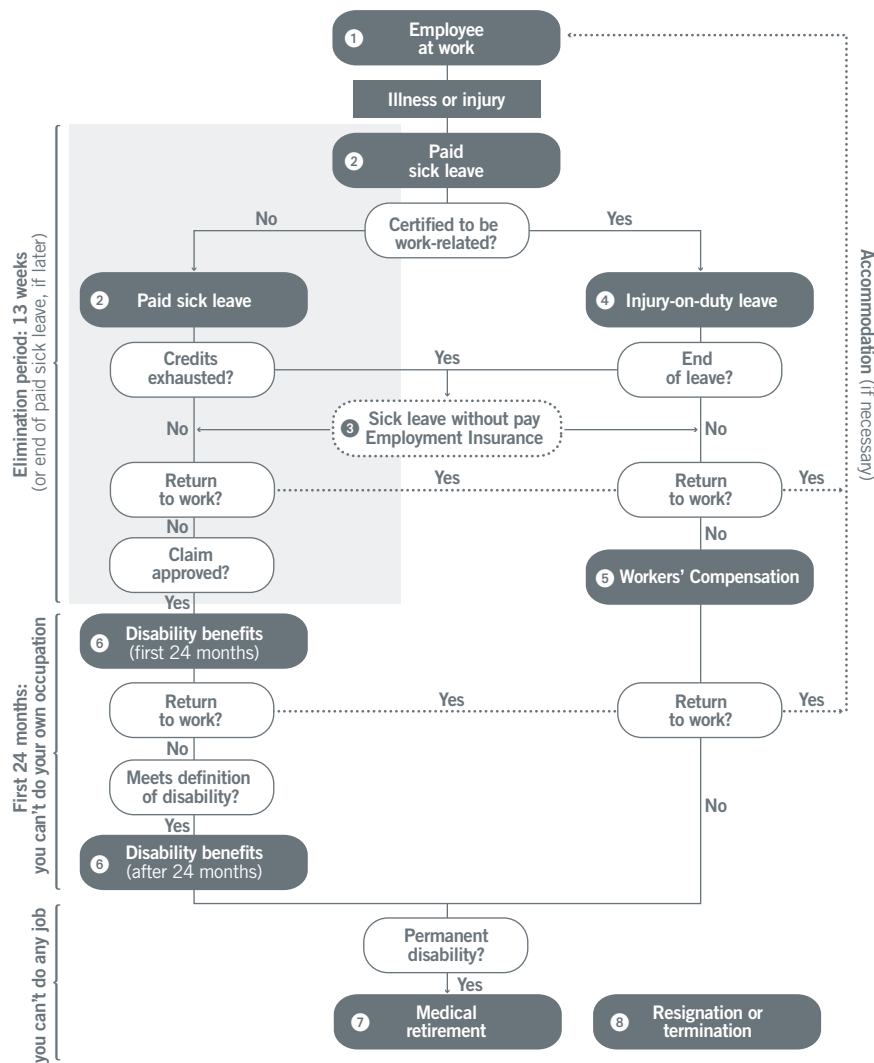
Employers and unions are required to make every reasonable effort to accommodate you by removing barriers and implementing the necessary measures to allow for your integration or reintegration into the workplace, subject to undue hardship. You must participate in the process of finding accommodations and accept reasonable solutions. Do not hesitate to discuss your accommodation needs with your manager if you think it will help you remain at work or recover more quickly and effectively.

## Respecting confidentiality

During the disability support process, including the Health Canada medical assessment process, you and your attending physician will be asked to provide relevant medical information. It is important to provide complete, accurate, and timely information to avoid delays and frustrations. This information is restricted to functional limitations and will only be disclosed to health professionals who are legally required to respect the confidentiality of your personal and medical information.

# overview of plans and programs

The following is an overview of the health and disability plans and programs available to employees of the core public administration. This is not a comprehensive list and some plans or programs may not apply to your particular situation. Some programs, such as injury-on-duty leave and Workers' Compensation, apply only when your illness or injury is certified to be occupational or work-related.



# 1 Employee at work: health, safety, and well-being

## WORK-LIFE BALANCE

The purpose of many of the programs and policies is to help you maintain a healthy balance between your personal life and work. Here are a few examples:



- Leave and time-off policies (with or without pay)
- Flexible work arrangements, such as teleworking (at the manager's discretion)
- Maternity and parental benefits
- Compassionate leave

## OCCUPATIONAL HEALTH AND SAFETY

Occupational health and safety policies include the legal responsibilities and measures that create a safe and healthy work environment and prevent accidents, injuries, and illnesses in the workplace.

The *Occupational Health Evaluation Standard*, administered by Health Canada, is a set of guidelines used to determine whether an employee is able to continue working without detriment to his or her health and safety or the health and safety of others, as well as the conditions under which an employee would be able to do so. The main purpose of the Standard is to prevent illness, injury, and disability related to work conditions.

- ➔ Get more information on Occupational Health and Safety Policies and Publications:  
<http://www.tbs-sct.gc.ca/hr-rh/osh-sst/index-eng.asp>
- ➔ Get more information on the *Occupational Health Evaluation Standard*:  
<http://www.tbs-sct.gc.ca/hr-rh/in-ai/2003/inohes-avnesp-eng.asp>

## EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program provides confidential assistance and short-term counselling for you and your immediate family to deal with personal or work-related issues or simply to obtain information to prevent small problems from getting worse.

- ➔ Get more information on the Employee Assistance Program:  
<http://www.hc-sc.gc.ca/ewh-semt/occup-travail/empl/eap-pae-eng.php>

## INFORMAL CONFLICT MANAGEMENT SYSTEM

Informal Conflict Management System services, such as coaching, facilitation, and mediation, are confidential and available to employees who need assistance in dealing with any type of workplace conflict issues.

- ➔ Get more information on the Informal Conflict Management System:  
<http://www.psagency-agencefp.gc.ca/gui/confli-eng.asp>

### *Policy on the Prevention and Resolution of Harassment in the Workplace*

This policy seeks to prevent harassment and focusses on early problem resolution. Harassment affects individual well-being; which is why everyone has a right to enjoy a harassment-free workplace. Any allegation of harassment is serious and needs to be addressed with sensitivity, promptness, and discretion.

- ➔ Get more information on the *Policy on the Prevention and Resolution of Harassment in the Workplace*:  
<http://www.psagency-agencefp.gc.ca/ve/hrs-eng.asp>



## 2 Paid sick leave

During the first days of absence from work for health reasons, you may be entitled to paid sick leave in accordance with your collective agreement or the relevant terms and conditions of employment.

If you do not have paid sick leave credits, your manager may grant you an advance of paid sick leave according to your collective agreement or the relevant terms and conditions of employment. Any advance of paid sick leave may have to be recovered through deductions from future earned sick leave credits.

If you are injured on the job, you will be granted paid time off on the day of the injury to receive treatment. Your condition may be work-related and require further absence from work. In this case, you will be on paid or unpaid sick leave (according to the relevant collective agreement or terms and conditions of employment) until your employer receives confirmation from Human Resources and Social Development Canada (HRSDC) that the claim of a personal injury accidentally occurring at work or an industrial illness or disease related to your employment has been approved by the relevant Workers' Compensation board. If your claim is approved as a work-related injury or illness, your sick leave credits will be credited back to you.

- ➔ Refer to your collective agreement or the relevant terms and conditions of employment for more details on paid sick leave:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/coll\\_agre/siglist\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/siglist_e.asp)  
<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12118>

### 3 Sick leave without pay

If you are not entitled to paid sick leave or you have exhausted your paid sick leave credits, you may be eligible to take leave without pay until you are eligible for long-term disability benefits, as well as for some or all of the time during which you are receiving benefits from the employer's disability-related programs. Leave without pay means that during these periods you maintain continuity of employment. You continue to be covered by the group insurance plans, such as health and dental plans, and to accumulate credited service under the public service pension plan, as long as you pay your contributions (if any). You may be eligible for benefits from other programs, such as Employment Insurance.

- Refer to the leave without pay policy for more details on sick leave without pay:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/compensation/lwop\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/compensation/lwop_e.asp)

### 4 Injury-on-duty leave

If your absence from work is certified as an occupational illness or injury, i.e., work-related, you will be on injury-on-duty leave with normal pay for a defined period, as set in your collective agreement or the relevant policy. Any sick leave credits used during the waiting period will be credited back to you. When you are on injury-on-duty leave you are eligible for the same benefits as when you receive Workers' Compensation (see below).

- Refer to your collective agreement or the relevant terms and conditions of employment for more details on injury-on-duty leave: [http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/coll\\_agre/siglist\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/siglist_e.asp)

### 5 Workers' Compensation

When your injury-on-duty leave ends or if you are not eligible for injury-on-duty leave, you may be eligible for Workers' Compensation benefits under the *Government Employees Compensation Act*. Instead of establishing its own system, the Government of Canada uses the services already available through provincial Workers' Compensation boards. These boards pay benefits on behalf of the Government of Canada. Workers' Compensation benefits include compensation for loss of earnings, for medical, hospital and related services, and for rehabilitation services. It may also pay a lump sum or pension if you are permanently disabled. The level of benefits and conditions vary by province, and you will receive the same level of compensation and benefits as other employees in the province where you work.

If your illness or injury was caused, in whole or in part, by a third party, it is possible that you or the federal government may pursue that third party for general damages. Any settlement will have an impact on your benefits.

- ➔ Refer to the *Government Employees Compensation Act* and the Association of Workers' Compensation Boards of Canada for more details on Workers' Compensation:  
<http://laws.justice.gc.ca/>  
<http://www.awcbc.org/en>

## 6 Disability benefits

You are protected against loss of income due to disability under one of two plans. You are either a member of the Disability Insurance Plan or the long-term disability component of the Public Service Management Insurance Plan (for unrepresented employees or employees excluded from collective agreements and certain employees formerly unrepresented or excluded from collective agreements). Both these plans are insurance plans administered by an insurance company (Sun Life or Industrial Alliance). Based on the assessment made by the insurance company, you may be eligible for long-term disability benefits after what is called the *elimination period*. This elimination or waiting period ends after 13 weeks (91 calendar days) of disability, or after you have exhausted your paid sick leave credits or injury-on-duty leave, whichever is later.

These plans provide benefits equal to 70 per cent of your insured salary. Depending on your situation, benefits may continue as long as you remain totally disabled, but not beyond your 65<sup>th</sup> birthday.

Disability benefits will be reduced by other income that you receive, such as benefits payable under the Canada or Quebec Pension Plans (excluding any indexation on these benefits), the public service pension plan, the *Government Employees Compensation Act*, other group insurance plans, or any government legislated benefits. For example, if your Workers' Compensation benefits are reduced to less than 70 per cent of your insured salary, you may be eligible for disability benefits.

- ➔ Go to the description of the Disability Insurance Plan or the long-term disability component of the Public Service Management Insurance Plan for more details:  
<http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/dip-rai/dip-rai-eng.asp>  
[http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/di\\_info\\_not/dipl-eng.asp](http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/di_info_not/dipl-eng.asp)  
<http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/mip-racg/mip-racg-eng.asp>

## 7 Medical retirement

If your disability is certified by Health Canada to be total and permanent, as defined in the public service pension plan, and you have two or more qualifying years, you may be eligible for medical retirement, i.e., an unreduced lifetime pension from this plan regardless of your age.

→ Get more information on the public service pension plan:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/pensions/ypp\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/pensions/ypp_e.asp)

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## 8 Resignation or termination

If your approved sick leave without pay or your disability or Workers' Compensation benefits end, your employer is unable to accommodate you or you have refused the proposed accommodation, and medical evidence indicates that you will not be able to return to duty within the foreseeable future, you may have to consider medical retirement or resignation. Medical retirement needs to be approved by Health Canada. You may also be released for reasons of incapacity.

# roles and responsibilities

The disability support process is based on open communication and collaboration. The following outlines the roles and responsibilities of each stakeholder in this process.

## Your role, as an employee, is to:

- Maintain safe practices at work.
- Become familiar with health and disability plans, programs and policies, as well as the roles of all stakeholders.
- Follow all occupational health and safety policies and procedures.
- Pay attention to your own mental and physical health.
- Report any absence for health-related reasons to your manager as soon as possible.
- Report all workplace accidents, injuries, and illnesses.
- Seek help from health professionals when necessary and follow treatment and recommendations.
- Provide complete and accurate information on your functional limitations when necessary (knowing that the information you provide will remain confidential and is limited to what is necessary to evaluate your claim and provide accommodation).
- Advise your employer of any work-related accommodation needs or concerns you may have.
- Participate in any rehabilitation or return-to-work program that takes your medical condition into account.
- Accept a reasonable accommodation offer.
- Apply for benefits under the various programs for which you are eligible.
- Recognize that your situation can affect your family and friends and remind them that the Employee Assistance Program can provide them with information or help.

## Your role, as a co-worker, is to:

- You have a role to play in the health and safety of your co-workers.
- Be sensitive to the needs of fellow employees returning to work and support them.
- You need to cooperate with workplace changes designed to assist a fellow worker in his or her return to work.

## Your manager's role is to:

- Do everything reasonably possible to ensure a safe and healthy work environment.
- Initiate the accommodation process once the request is received.
- Help you through the first steps of any disability support process.
- Ensure that any work-related illness or injury is reported as soon as possible.
- Maintain contact with you throughout the disability support process (if appropriate and you agree).
- Keep your HR practitioner informed of your situation.
- Respect your functional limitations (in collaboration with the health professional and union representative, if applicable) and participate in the design, implementation, and monitoring of any plan for your return to work, including making accommodations based on your work-related needs, subject to undue hardship.

## Your HR practitioner's role is to:

- Provide information and assistance to all stakeholders on all aspects of workplace disability support, including return-to-work and accommodation processes.
- Guide you through the process of applying for benefits under the various programs.
- Determine your entitlements and maintain the integrity of your data and records in the compensation system.
- In certain cases, act as the contact between you and third parties, such as the insurance company.
- Protect the confidentiality of your personal and medical information.

In this guide, *HR practitioner* means a Compensation and Benefits Advisor, a representative from the HR office, or a dedicated specialist such as a return-to-work coordinator or a disability case manager. This professional will lead and coordinate disability support activities and be in contact with you or your manager. If you do not know who your HR practitioner or disability case manager is, please ask your manager.

## Your union representative's role (if applicable) is to:

Provide useful information, advice, representation, and technical assistance on all issues related to workplace health and disability.

Participate in the accommodation and return to work process. The union representative has an obligation to participate in consultations concerning the assistance that can be provided to the employer to facilitate the implementation of employment equity in the workplace.

## Other key players

### HEALTH CANADA'S ROLE IS TO:

- Perform occupational health assessments, including fitness-to-work evaluations, according to the *Occupational Health Evaluation Standard*, as the occupational health service provider designated by the Treasury Board of Canada Secretariat.
- Determine if applicants for medical retirement meet the medical criteria in the *Public Service Superannuation Act* and in the *Public Service Superannuation Regulations*.

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### HRSDC'S ROLE IS TO:

- Administer the *Government Employees Compensation Act*.
- Receive claims for work-related injuries or illnesses and obtain certification from the provincial Workers' Compensation board.
- Make the arrangements for you to receive provincial Workers' Compensation, if applicable.
- Administer the Canada and Quebec Pension Plan disability benefits and Employment Insurance benefits.
- Make sure that employers provide a safe work environment as defined in the *Canada Labour Code*.

### THE INSURER'S ROLE IS TO:

- Administer the Disability Insurance Plan (evaluate your claim and determine your entitlement, ask for any additional information or independent examination, pay benefits, and propose or approve any rehabilitation program while you are receiving disability benefits).

### THE PROVINCIAL WORKERS' COMPENSATION BOARDS' ROLE IS TO:

- Decide whether your illness or injury is work-related and determine your Workers' Compensation benefit entitlement.
- Pay benefits.
- Monitor your recovery and medical treatment and facilitate an early return to work while you receive Workers' Compensation benefits.
- Offer rehabilitative services.

### YOUR ATTENDING PHYSICIAN'S ROLE IS TO:

- Make a diagnosis and prognosis of your condition, propose a treatment, and make health-related recommendations to you.
- Provide requested information to the employer, the Workers' Compensation board, Health Canada, the insurance company, or any other stakeholder if, and only if, needed to evaluate and process your claim.
- Establish and communicate your functional limitations (but not comment on your capacity to do a specific job).

# your guide for most situations

In this section, you will find tips, guidelines, a checklist of what to do and what to expect, as well as links to more detailed information for each situation.

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## Well-being and preventing absence from work

There are a number of things you can do to maintain and improve your health and well-being and prevent, as much as possible, the need to be absent from work for health-related reasons.

In general, it is a good idea to pay close attention to your own well-being and your work environment, and take proactive measures as early as possible. To build a healthier work environment, it is important to pay attention to the health, safety, and well-being of your co-workers as well.

Develop an awareness of any aspect of your work environment that could affect your health, safety, and well-being, especially stressful situations such as an interpersonal conflict, ineffective communication, harassment, poor job fit, lack of training, excessive overtime, or other personal matters.

Do not hesitate to talk to your manager to make suggestions on improving your work environment. Ask for accommodation, if necessary. If you are not comfortable talking to your manager, you may wish to use other mechanisms such as the Informal Conflict Management System or contact the Employee Assistance Program.

## WHAT TO DO AND WHAT TO EXPECT

- Participate in activities that maintain and improve your well-being.
- Keep a healthy work-life balance.
- Take time off from work (vacations and holidays) to relax, take care of yourself, and spend quality time with your family and friends.
- Take advantage of well-being activities at work.
- If you have a concern about your work station or work site, discuss it with your manager.
- Pay attention to your physical and mental health and get regular medical check-ups.
- Follow health and safety policies and report anything likely to be hazardous to your health and safety.
- If necessary, talk to your manager (or if you are not comfortable talking to your manager, talk to someone else in the organization) and make suggestions for improvements to your work environment.
- If you have accommodation needs owing to a disability, inform your manager of your needs as soon as possible and cooperate with those who will work with you to identify the best arrangement.

- Get more information on the duty-to-accommodate process:  
[http://www.chrc-ccdp.ca/portal\\_portail/duty\\_obligation-en.asp](http://www.chrc-ccdp.ca/portal_portail/duty_obligation-en.asp)  
<http://publiservice.psagency-agencefp.gc.ca/ee/dorf-eng.asp>
- Find more information about health and well-being on the Health Canada website:  
<http://www.hc-sc.gc.ca/index-eng.php>

## When you have symptoms of illness or are injured

It is important to remember that early identification and diagnosis of any physical or mental health-related problem, combined with early intervention, may allow you to remain at work and prevent your condition from getting worse.

Be aware of any warning signs, especially those related to mental health issues, such as uncharacteristic inability to concentrate, marked loss of interest, or unusual performance difficulties. Also remember that symptoms of certain illnesses are subtle and easily misdiagnosed.

If a co-worker is having problems and you do not know what to say or do, talk to your manager or call the Employee Assistance Program for guidance.

### WHAT TO DO AND WHAT TO EXPECT

- If you are injured on the job, you may need assistance, first aid, and further medical attention. Notify your manager of the accident or injury as soon as possible. All incidents must be reported, including minor injuries with no immediate consequences. Many illnesses and injuries gradually get worse over time.
  - If you think you have symptoms of an illness or injury, consult a health professional as soon as possible.
  - Contact the Employee Assistance Program to get confidential help and short-term counselling for any type of personal problem, whether it is work-related or not.
  - If you think that some form of accommodation would help you continue to work, talk to your manager. Be aware that you may have to provide information on your functional limitations.
  - Your manager may discuss with you the possibility of undergoing a fitness-to-work evaluation. For example, this may happen if you have been exposed to an unexpected occupational health hazard, or you appear to be having difficulty in performing your duties, or seem to be affected by health-related factors. The manager will notify you in advance and ask for your consent. The evaluation is carried out by occupational health professionals from the regional office of Health Canada's Workplace Health and Public Safety Programme, with input from your attending physician, if applicable.
- ➔ Get more information on the Employee Assistance Program:  
<http://www.hc-sc.gc.ca/ewh-semt/occup-travail/empl/eap-pae-eng.php>
- ➔ Get more information on fitness-to-work evaluation:  
[http://www.tbs-sct.gc.ca/Pubs\\_pol/hrpubs/TBM\\_119/chap2\\_13-1\\_e.asp](http://www.tbs-sct.gc.ca/Pubs_pol/hrpubs/TBM_119/chap2_13-1_e.asp)

## First days of absence

In the first days of absence for health reasons, you may be entitled to paid sick leave. It is important to determine what your sick leave credits are and make a preliminary estimate as to whether they will be sufficient to cover your absence. If you are concerned that they may not be sufficient, discuss the possibility of an advance of paid sick leave credits with your manager. Be aware that any advance of paid sick leave is discretionary and will have to be recovered through deduction from future earned sick leave credits. In certain circumstances, this may not be your best option.

At this stage, maintaining open communication with your manager is very important.

Should your absence be prolonged, an HR practitioner or disability case manager may become involved and get in touch with you. The role of this professional is to guide you through the main steps of the disability support process (including making your disability benefits claim), to provide you with information, protect the confidentiality of your personal medical information, and refer you to resources that can support you in your efforts to get well. Your union representative can also provide you with information and assistance.

### WHAT TO DO AND WHAT TO EXPECT

#### *First day of absence*

- Notify your manager that you will be absent, giving general information on the nature of your absence and, if possible, when you expect to be back to work. You do not need to provide medical information at this stage.
- If you are absent from work because of a job-related illness or injury, your manager or the HR practitioner must submit a report on the situation within three days to HRSDC. You may also be asked to report directly to HRSDC or to the Workers' Compensation board.

#### *Next few days of absence*

- Consult a health professional if you have not already done so.
- Your manager may ask you to submit a medical certificate. This may help speed up the process and lay the groundwork for a more efficient return to work.
- Find out if you have any paid sick leave credits and, if not, discuss the possibility of asking for an advance. Evaluate other options with your HR practitioner or union representative.
- If your illness or injury is work-related, make sure your manager has reported it to HRSDC.
- If you do not hear from your HR practitioner or disability case manager, do not hesitate to contact him or her directly to obtain information that will help you avoid delays.

- ➔ Refer to your collective agreement or the relevant terms and conditions of employment for more details on paid sick leave, sick leave without pay, and injury-on-duty leave:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/coll\\_agre/siglist\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/siglist_e.asp)  
<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12118>

## If you know you will be absent for a long period

If your disability is not work-related or not yet certified as work-related, you will likely continue on paid sick leave.

If it looks like you will be absent from work for a long period of time and may require the use of a benefits plan, you should be proactive about avoiding a gap in your income to prevent a delay in the benefits claim application process. Given the time required to process and approve claims, it is advisable to apply immediately for benefits under programs such as the Disability Insurance Plan or the long-term disability component of the Public Service Management Insurance Plan (for employees excluded from collective agreements and certain employees formerly excluded from collective agreements) and Employment Insurance. This way you will have the financial support you need if recovery takes longer than you or your health professional initially thought.

Your focus should be on regaining your health and returning to work as soon as you can safely do so, whether on a part-time basis or with modified duties. Returning to work, when you are assessed as fit to return to work, is part of your employment contract. It is also part of a healthy recovery and a good way to minimize the negative effects of disability.

Please note that your manager or the HR practitioner is entitled to gather medical information only when evaluating how your condition will affect your ability to perform your duties. For example, you may need to specify what your functional limitations are but not necessarily reveal the nature of your illness or diagnosis. Moreover, specific medical information will only be shared among health professionals.

When your paid sick leave credits are exhausted, you may request sick leave without pay.

### WHAT TO DO AND WHAT TO EXPECT

#### *Paid sick leave*

- If necessary, you and your manager should establish a follow-up plan regarding who will contact you and when. The objective of this plan is to discuss your needs and progress and offer assistance for a safe and timely return to work.
- When you visit your health professional, make sure you know in advance what information you or the professional will need to provide as part of your claim process.
- If you are not able to return to work by the agreed-upon date, contact your manager or HR practitioner as soon as possible.
- Participate in any well-being initiative that helps you return to work, as long as your functional limitations are taken into account.
- If you have specific accommodation needs when you return to work, discuss them with your manager as soon as possible. Your manager will need time to prepare for your return to work.

- If you are eligible for long-term disability benefits payable by the insurer, they will start after 13 weeks (91 calendar days) of disability, or later if you have paid sick leave credits to exhaust. You should submit an application for disability benefits as soon as you believe that your disability will last longer than that period. This must be done at least two months before the date you are eligible for benefits. The application for benefits includes employee and employer disability claim forms and the doctor's report. The HR practitioner can guide you through the process of submitting your claim to the insurer. The insurer will determine whether you qualify for benefits.
- The insurer will contact you to let you know that your claim has been received and will assign you a claim number.
- If you are uncertain about the status of your case, contact the insurer using your claim number.
- You can also talk to your union representative (if applicable) for information and assistance at any time during the process.

#### ***Before your paid sick leave expires***

To go on sick leave without pay once your sick leave expires, you need to submit a written request and supporting medical information to your manager who will in turn obtain the appropriate authorization.

You should also apply for Employment Insurance benefits as soon as possible to avoid any gap in income before you are eligible for injury-on-duty leave, Workers' Compensation, or disability benefits.

- Get more information on the duty-to-accommodate process:  
[http://www.chrc-ccdp.ca/portal\\_portail/duty\\_obligation-en.asp](http://www.chrc-ccdp.ca/portal_portail/duty_obligation-en.asp)  
<http://publiservice.psagency-agencefp.gc.ca/ee/dorf-eng.asp>
- Go to the description of the Disability Insurance Plan or the long-term disability component of the Public Service Management Insurance Plan for more details:  
<http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/dip-rai/dip-rai-eng.asp>  
[http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/di\\_info\\_not/dipl-eng.asp](http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/di_info_not/dipl-eng.asp)  
<http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/mip-racg/mip-racg-eng.asp>
- Get the claim form for Disability Insurance or long-term disability benefits:  
<http://www.tbs-sct.gc.ca/tbsf-fsct/tbsf-fsct-eng.asp>
- Get more information on the public service pension plan:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/pensions/ypp\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/pensions/ypp_e.asp)
- Get information on Employment Insurance:  
<http://www.hrsdc.gc.ca/en/employment/ei/index.shtml>

## When you are on sick leave without pay

Initial sick leave without pay is usually granted for a maximum of two years. During that period, your manager will regularly re-examine the situation to ensure that the leave is still supported by medical information. You will need to submit a request for an extension of your leave without pay and get appropriate authorization if you want to exceed the initial approved sick leave.

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You can return to work at any time provided that you have current medical documentation stating that you are fit for work. Your manager has a duty to accommodate your reintegration into the workplace, barring undue hardship. In most cases, your position will be staffed on a temporary basis during your absence, allowing you to return to your position upon return to work. However, management has the right to staff your position on a permanent basis after one year of absence. If your position is not available upon your return to work, management will make every effort to provide you with suitable employment.

If after a period of time (usually two years) you cannot be accommodated at work and medical evidence indicates that you will not be able to return to work within the foreseeable future, you may have to consider medical retirement or resignation. Medical retirement needs to be approved by Health Canada. You could also be released as a result of incapacity.

### WHAT TO DO AND WHAT TO EXPECT

- Before you go on leave without pay, make arrangements for the continuation of your group insurance coverage. That way, your membership in the public service pension plan and the supplementary death benefit plan (if applicable) will automatically continue. Contact your HR practitioner for all details.
  - When you are on leave without pay, you must continue to contribute to life insurance, disability insurance, and Health Care Plan Level 2 or 3, to maintain your coverage. You may be asked to send in personal cheques or pay when you return to work through payroll deductions. Continued coverage under the Health Care Plan Level 1 and the Dental Care Plan is automatic.
  - You automatically continue to contribute to the public service pension plan for the first three months of sick leave without pay and continue to accumulate pensionable service. After the first three months, you may choose not to contribute, but you would then stop accumulating pensionable service under the public service pension plan. Possible arrangements to pay your pension plan contributions include payment in a lump sum within 30 days of your return to work, payroll deductions over a period equal to twice the period of leave without pay, a combination of a lump sum and payroll deductions, and advance payments during the leave.
- ➔ Get information on leave without pay:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/compensation/lwop\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/compensation/lwop_e.asp)
- ➔ Get more information on the public service pension plan:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/pensions/ypp\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/pensions/ypp_e.asp)

## When you are on injury-on-duty leave

When a Workers' Compensation board, through HRSDC, has certified that you are unable to work as a result of a work-related illness or injury, you may be placed on injury-on-duty leave with normal pay for a defined period of time. In some cases, your injury-on-duty leave may extend up to 130 working days. If you are granted injury-on-duty leave, any paid sick leave credits used during the period while you were waiting for certification will be credited back to you.

When you are on injury-on-duty leave, you are eligible for all Workers' Compensation benefits, including compensation for loss of earnings, as well as benefits for medical, hospital and related services, and rehabilitation services.

The Workers' Compensation board will determine when you can safely return to work, based on your attending physician's report, other medical information, and discussions with your employer.

### WHAT TO DO AND WHAT TO EXPECT

#### *Injury-on-duty leave*

- The Workers' Compensation board, through HRSDC, will certify when you are fit to return to work.
- There will be a departmental review of your case after a period of absence not exceeding 130 working days.

#### *Before your injury-on-duty leave ends*

- Before the end of your injury-on-duty leave, get information from either your manager or the HR practitioner about what happens next.
  - When your injury-on-duty leave ends, your manager and your HR practitioner will discuss with the regional office of HRSDC and the Workers' Compensation board representative the possibility that you receive benefits directly from the provincial Workers' Compensation board, if applicable.
  - If you are not eligible for Workers' Compensation benefits, you may be eligible for sick leave without pay (you should apply for Employment Insurance benefits), paid sick leave, or disability benefits (after the elimination period).
- Refer to your collective agreement or the relevant terms and conditions of employment for more details about injury-on-duty leave:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/coll\\_agre/siglist\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/siglist_e.asp)
- Get more information on the duty-to-accommodate process:  
[http://www.chrc-ccdpc.ca/portal\\_portail/duty\\_obligation-en.asp](http://www.chrc-ccdpc.ca/portal_portail/duty_obligation-en.asp)  
<http://publiservice.psagency-agencefp.gc.ca/ee/dorf-eng.asp>
- Get more information on Employment Insurance:  
<http://www.hrsdc.gc.ca/en/employment/ei/index.shtml>

## When you receive Workers' Compensation benefits

When you receive Workers' Compensation benefits, you will be in contact with the provincial Workers' Compensation board, which will determine your entitlement, make benefit payments, monitor your treatment and recovery, and facilitate an early return to work whenever possible.

If you disagree with a decision related to your claim, you can appeal that decision directly to the provincial Workers' Compensation board.

### WHAT TO DO AND WHAT TO EXPECT

- Maintain regular contact with your employer and the provincial Workers' Compensation board.
  - Follow the instructions of the provincial Workers' Compensation board.
- ➔ Refer to the *Government Employees Compensation Act* and the Association of Workers' Compensation Boards of Canada for more details on Workers' Compensation.
- ➔ Go to the HRSDC website for more information:  
<http://www.hrsdc.gc.ca>

## When you receive disability benefits from the insurer

If you are entitled to disability benefits payable by the insurer, they will start after 13 weeks of disability or after you have exhausted your paid sick leave credits or injury-on-duty leave, whichever is later. Your HR practitioner will be your contact with the insurer. During that period, you may also want to talk to a union representative (if applicable).

Sun Life is the insurer for the Disability Insurance Plan and Industrial Alliance is the insurer for the long-term disability component of the Public Service Management Insurance Plan (for unrepresented employees or employees excluded from collective agreements and certain employees formerly unrepresented or excluded from collective agreements).

When you receive disability benefits, you continue to be covered by the group insurance plans for health, dental, and basic life insurance, and your disability insurance premiums are waived.

During the claim approval process, you or your attending physician will be asked to provide medical information. You need to be aware that one of the most frequent reasons for claim rejection is that medical information provided to the insurer is incomplete.

To receive benefits you must meet the definition of total disability. Note that the definition of disability changes after 24 months of disability, and that you or your attending physician will likely be asked to provide further information. In order to be eligible for benefits during the first 24 months, you must be unable to perform the duties of your own job. To continue receiving disability benefits after 24 months of disability, you must be unable to perform any occupation for which you are reasonably qualified by training or experience.

You should continue to make every reasonable effort to facilitate recovery from your disability. Rehabilitation may involve training, gradual return to work, part-time work, or modified or less demanding duties.

You should know that if you do not agree with a decision made by the insurer, you may ask for a claim review or file an appeal.

#### WHAT TO DO AND WHAT TO EXPECT

- Provide additional information as requested by the insurer as soon as possible and make sure it is complete.
- The insurer may also ask for an independent medical examination before approving your claim or continuing to pay benefits.
- You should participate in any rehabilitation program or arrangement that takes your medical limitations into account.
- If you are a candidate for rehabilitation, representatives from the insurer rehabilitation unit will contact you and actively counsel and assist you. When the program is approved by the insurer, you do not lose your qualification for benefits and your rehabilitation income does not reduce your long-term disability benefits, except if your total income exceeds the salary on which benefits are based.
- If you ask for a claim review or file an appeal, the insurer will likely ask for additional information before making a final decision. The procedures are different depending on whether you participate in the Disability Insurance Plan or in the long-term disability component of the Public Service Management Insurance Plan (for unrepresented employees or employees excluded from collective agreements and certain employees formerly unrepresented or excluded from collective agreement). If applicable, assistance or representation from the union is available.
- If medical evidence indicates that you might be eligible for disability benefits from the Canada or Quebec Pension Plan, you should apply for those benefits. If the insurer believes you would likely receive them, the insurer may reduce your disability benefits.

➔ Go to the description of the Disability Insurance Plan or the long-term disability component of the Public Service Management Insurance Plan for more details:  
<http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/index-eng.asp>

## When you are ready to return to work

At some point, you may be ready to return to work on a regular full-time basis or with special arrangements such as a part-time schedule or modified duties. If you want this process to succeed, it needs to be well-planned and acceptable to your manager and your union representative (if applicable).

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Management may require that Health Canada certify that you are fit to return to work.

Again, the key is communicating with your manager, stating your accommodation needs clearly, and providing information about your functional limitations. You should consider having a union officer represent you or, at least, attend any discussions on the return-to-work and accommodation process.

Preparing to return to work should be a collaborative effort involving discussions with your attending physician, your manager, your HR practitioner, and your union representative (if applicable), as well as getting approval from the insurer or the provincial Workers' Compensation board. Your HR practitioner or disability case manager will usually coordinate these discussions or meetings.

If you are no longer able to carry out the duties of your position, you may be entitled to appointment, on a priority basis over all other persons, to any position in the core public administration for which you are qualified according to the Public Service Commission of Canada.

### WHAT TO DO AND WHAT TO EXPECT

- If you think you are ready to return to work, notify your manager as soon as possible.
- If applicable, provide information regarding your abilities, your functional limitations, and the type of accommodation that would be most effective.
- If you have been away for more than a few weeks, it may be useful to have a meeting with your manager to establish a plan for your return to work and any accommodation that may be necessary.
- Advise your manager of any changes in your accommodation needs as soon as possible.
- It may not be possible to provide the perfect accommodation. Be open to acceptable solutions.
- Remember to use the Employee Assistance Program if you require assistance at any stage during your return to work.

➔ Get more information on the duty-to-accommodate process:  
[http://www.chrc-ccdp.ca/portal\\_portail/duty\\_obligation-en.asp](http://www.chrc-ccdp.ca/portal_portail/duty_obligation-en.asp)  
<http://publiservice.psagency-agencefp.gc.ca/ee/dorf-eng.asp>

➔ Go to the description of the Disability Insurance Plan or the long-term disability component of the Public Service Management Insurance Plan for more details:  
<http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/index-eng.asp>

## If your condition is considered permanent

If your disability prevents you from engaging in any employment whatsoever and is expected to last for the rest of your working life, and you have two or more qualifying years, you may be eligible for benefits from the public service pension plan. In this case, you may decide to apply for medical retirement under this plan. Please note that Health Canada must certify that your condition meets the pension plan's definition of disability.

It is important to know that application for medical retirement under the public service pension plan is a different process from the disability benefits claim application process. You may have to provide medical information again. If you are age 60 or older, however, your retirement will simply be due to age (not medical reasons) and you will not have to provide medical information.

Public service pension plan benefits are deducted from disability benefits payable under both the Disability Insurance Plan and the long-term disability component of the Public Service Management Insurance Plan. The amount and the timing of the reduction will depend on circumstances and the nature of your public service pension plan benefits.

### WHAT TO DO AND WHAT TO EXPECT

- Get information about your options and the consequences of these options from your HR practitioner and union representative (if applicable).
- If you decide to take medical retirement, submit the appropriate application.

➔ Get more information on the public service pension plan:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/pensions/ypp\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/pensions/ypp_e.asp)

## If your benefits or approved leave end

If your disability benefits or approved sick leave without pay end, you may have to consider medical retirement or resignation. You may also be released as a result of incapacity. Be aware that each situation (resignation, termination for incapacity, or medical retirement) will have a different impact on your benefits or your severance pay.

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If you consider medical retirement, Health Canada must certify that your condition meets the pension plan's definition of disability. You may be granted additional leave without pay for a sufficient period of time (usually not exceeding three months) to enable you to make the necessary personal adjustments and preparations.

If your employment is terminated, you may continue to benefit from certain insurance plans, depending on the reason of termination and your age at the time. Also, please note that severance pay is payable only when your collective agreement or the relevant terms and conditions of employment provide for such a payment.

### WHAT TO DO AND WHAT TO EXPECT

- Ask for more information and advice from your HR practitioner and your union representative (if applicable) before making any decision.
- ➔ Get more information on the public service pension plan:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/pensions/ypp\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/pensions/ypp_e.asp)
- ➔ Refer to your collective agreement or the relevant terms and conditions of employment for more details on severance pay: [http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/coll\\_agre/siglist\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/siglist_e.asp)

# legal framework

## *Canadian Human Rights Act*

The main purpose of the *Canadian Human Rights Act* is to protect against discrimination based on several protected grounds that include that of disability which includes both physical and mental disabilities. The other prohibited grounds are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, and pardoned conviction.

The duty to accommodate is a key principle of this Act and has a direct impact on health and disability support. It requires the employer to accommodate the specific needs of employees by eliminating barriers that have an adverse impact on employees and by implementing measures necessary to allow them to work to the best of their ability. The employee, the employer, and the union (if applicable) must work together to develop a reasonable accommodation plan. The limit of the employer's obligation to accommodate is called *undue hardship* and takes into consideration health, safety, or financial considerations.

- Get more information on the *Canadian Human Rights Act*:  
<http://laws.justice.gc.ca>
- Get more information on the duty-to-accommodate process:  
[http://www.chrc-ccdp.ca/preventing\\_discrimination/duty\\_obligation-en.asp](http://www.chrc-ccdp.ca/preventing_discrimination/duty_obligation-en.asp)

## *Privacy Act*

The *Privacy Act* protects personal information and provides individuals with the right to have access to that information. This is particularly important for medical and health-related information in the workplace. In some cases, you are required to give details on your medical condition, but there are limits on what the employer may request and what you are required to disclose. The general principle is that medical information should only be shared on a need-to-know basis and must always be kept confidential and separate from your personnel file.

- Get more information on the *Privacy Act*:  
<http://www.justice.gc.ca>

## Canada Labour Code

The *Canada Labour Code*, Part II, governs health and safety in the workplace. It defines the duties of both employees and the employer and outlines measures to prevent occupational accidents and injuries. The Code safeguards your three basic rights: the right to know, the right to participate, and the right to refuse dangerous work.



- Get more information on the *Canada Labour Code*:  
<http://laws.justice.gc.ca>

## Other laws, regulations, and policies

There are other laws, regulations, and policies, specific to the public administration. The most important ones are as follows:

- The *Government Employees Compensation Act* and provincial Workers' Compensation acts define Workers' Compensation or employment injury benefits for employees of the core public administration.
  - The *Public Service Superannuation Act* defines the right to a pension at retirement, including retirement for health-related reasons.
  - The collective agreements and the Appendix A of the *Terms and Conditions of Employment Policy* define the employment conditions.
- Get more information on the *Government Employees Compensation Act*:  
<http://laws.justice.gc.ca>
- Get more information on the *Public Service Superannuation Act*:  
<http://laws.justice.gc.ca>
- Get more information on your collective agreement:  
[http://www.tbs-sct.gc.ca/pubs\\_pol/hrpubs/coll\\_agre/siglist\\_e.asp](http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/siglist_e.asp)
- Get more information on the *Terms and Conditions of Employment Policy*:  
<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12118>

# contacts and resources

(for you to complete)

HR practitioner

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Union representative

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Employee Assistance Program

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## Useful websites:

- Treasury Board of Canada Secretariat at <http://www.tbs-sct.gc.ca>
- Canada Public Service Agency at <http://www.psagency-agencefp.gc.ca>
- Your Public Service Pension and Benefits at <http://www.pensionetavantages-pensionandbenefits.gc.ca>
- Human Resources and Social Development Canada Labour at <http://www.hrsdc.gc.ca/en/labour>
- Health Canada at <http://www.hc-sc.gc.ca>
- Service Canada at <http://www.servicecanada.gc.ca> for information on employment insurance and the Canada Pension Plan
- Canadian Human Rights Commission at <http://www.chrc-ccdp.ca>

