

FAQ SHORT TERM ILLNESS AND INJURY PLAN



? What is STIIP?

- STIIP stands for Short Term Illness and Injury Plan.

? Am I eligible for STIIP?

- Eligibility for STIIP and the duration of time paid depends on your employment status (i.e. whether you are regular, auxiliary, part-time) and length of employment. [See the collective agreement Appendix 4, Part I, 1.1 c, d, e](#), for a breakdown of eligibility requirements.
 - Regular employees with six months or more of service are eligible for a maximum of six calendar months at 75% of regular pay.
 - If you are an auxiliary, please see Article 31 of the [Main Agreement](#).
 - **All employees (auxiliary or regular) who have been employed for ninety consecutive days are entitled to up to five days of pay illness or injury leave.**

? I am off work due to illness or non work-related injury, what should I do?

- Let your supervisor know you are ill/injured and unable to work.
- If you miss **ten consecutive scheduled shifts** it is likely your employer will ask you to provide information from your doctor/nurse practitioner. If you anticipate being absent for more than ten shifts it is beneficial to **book an appointment** to get a medical certificate or STO2 form (provided by the employer) completed to avoid any possible gaps in pay.

? Do I have to provide medical evidence?

- It depends:
 - If you are absent for less than 10 consecutive shifts then generally the answer is no. However, there may be circumstances where the employer asks for medical information (i.e. if you are absent every payday Friday, or every Wednesday or the same Thursday every month, etc.). **If you are asked and are unsure whether you are required to provide the information, check with your shop steward.**
 - If you do not know who your steward is, please [contact your local area office](#) for a list of stewards at your workplace.
 - If you are absent for more than ten consecutive scheduled shifts due to illness/injury, then it is likely your employer will ask you for medical information to support the absence.
 - If you have been absent three or more times in a six-month period and the employer believes there may be a pattern of concern, they may ask for medical information.

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- If you have provided medical evidence and have been absent for 30 or more days, and there is/ was a potential for a change in the condition, the employer will likely ask for follow-up medical information. If you provided medical evidence and there was no potential for change for a noted period (i.e. broken leg, will assess upon removal of cast), then there is no need to provide additional medical. **If the employer insists on additional medical, contact a shop steward for guidance.**

I don't like the questions the employer is asking the doctor

- Sometimes the employer will provide you with a medical questionnaire to take to your doctor.
- The employer is not entitled to any information about diagnosis.
- The employer is entitled to information about physical/cognitive limitations and restrictions and information about prognosis for returning to work.
- If you are unsure whether the questions the employer is asking your doctor are acceptable, please reach out to a shop steward to discuss further.

I am an auxiliary

- Refer to article 31.8 of the main agreement to determine what, if any, STIIP leave you are entitled to.
- All employees who have been employed for 90 days are entitled to five instances of paid illness and injury leave each calendar year, as per the Employment Standards Act. For more information, see the EMPLOYMENT STANDARDS ACT SICK LEAVE section of this document.
- When an auxiliary has accumulated 400 hours of auxiliary seniority, they are eligible for weekly indemnity benefits, which are maintained unless the employee loses their auxiliary seniority.
 - Weekly indemnity benefits are payable for each period of illness up to a maximum of 15 weeks at 60% of the employee's normal average earnings. **The 15-week period will be reduced by the period of any leave taken for illness (including the five days for Employment Standards Act sick leave)**

I need more than 75% pay

- You can top up STIIP to 100% pay using vacation credits; however, this does mean your available vacation time reduces with each 25% top-up.
- You can also top up from CTO/ETO/OT banks.

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? Employment standards act sick leave

- All employees (auxiliary or regular) who have been employed for 90 consecutive days are entitled to up to five days of paid illness and injury leave.
- THIS LEAVE MUST BE REQUESTED, IT IS NOT GIVEN UNLESS REQUESTED.
- **The legislation does not allow for partial days. If you use one hour of sick time under this provision, it counts as one day and you will have four remaining days available.**
- This leave is paid at 100%.
- The days used in this provision are counted in the six months of STIIP eligibility - they are not additional (so it is not six months plus five days)

? The 21 day language (recurring disability)

- Assuming you are eligible for the 6-month STIIP period:
- The first day (or portion of day - even one hour) you are absent from work due to illness/injury starts the six-month clock.
- If you return to work for 21 consecutive calendar days the six-month clock resets.
- If you return to work for less than 21 days and go off work again for illness/injury the six-month clock continues to run.
- What this means:
 - You can exhaust the six-month period and be in the LTD period EVEN IF YOU HAVE BEEN AT WORK.
 - For example: If you take two sick days in January, come back for 14 days, take one sick day, come back for 19 days, take three sick days, come back for one day - continue this pattern for six months, you will have exhausted your six-month period and be in the LTD/successive disability period

? Why doesn't my vacation time accrue when i am off sick for most of a month?

- Under the collective agreement you have to have ten days paid at regular straight time to accrue vacation time for one month.
- If you have less than ten days paid at regular straight time you will not accrue vacation time that month and your overall vacation allotment will be reduced.
- **It is the employee's responsibility to make sure they do not overdraw their vacation time bank.**

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What about WCB?

- If you are injured at work, make sure you report your injury to your supervisor and [file a claim with WCB](#)
- For the first six months of an accepted claim, regular and auxiliary employees on accepted WCB claims are paid the same amount they would be if they were working.
- You are considered on STIIP while you are on a WCB claim.
- You will remain on payroll and be eligible for benefits during the leave period. Money paid to you through payroll by the employer is considered pensionable earnings.
- After six months you will receive payments from WCB ****At this time your earnings are not coming from the employer and are NOT pensionable earnings. However, you may be eligible to purchase the time back. Contact the [Pension Corporation for more information](#)**
- If your absence is expected to last beyond six months, and if you are eligible to apply, ensure you apply for Long Term Disability (LTD) - if LTD is accepted your health and welfare benefits will continue.
- If your LTD claim is not accepted and you remain on the WCB claim, you will have the option to pay for benefit continuation.

THE COLLECTION OF MEDICAL EVIDENCE

1. The employer can only collect information that is reasonably necessary

- The extent of what is reasonably necessary will depend on the situation - if an employee is requesting a medical accommodation the employer may ask for more information than would be required for a return to work from a short-term leave.

2. The least intrusive method of obtaining the medical information must be the first.

- For example, a doctor's certificate or medical questionnaire should be requested and reviewed before an employee is asked to attend an independent medical examination, functional capacity evaluation, etc.

3. The employer is not entitled to know the employee's diagnosis.

4. The employer is entitled to know the functional physical or cognitive limitations and restrictions. Limitation and restrictions detail how the employee's medical conditions impact their ability to perform specific tasks or activities.

- A medical limitation indicates the employee is not capable of performing that task/activity
- A medical restriction indicates the employee cannot perform the task/activity safely without causing harm to themselves or others
 - Limitations and restrictions may be temporary or permanent

5. Sometimes the employer will present the doctor with a medical questionnaire that includes a table listing the tasks/activities of the job and ask the doctor to identify whether the employee can do that task and for how long.

- The employer should only ask about tasks/activities related to the role the employee is in, unless it is a request for an accommodation. In the case of an accommodation request the employer may need more information to determine how they can accommodate the employee.
- If an employee is requesting a medical accommodation, the employer has a duty to inquire about the medical limitations

THE COLLECTION OF MEDICAL EVIDENCE

6. If the employer has objective evidence that a medical condition may be impacting an employee's ability/function at work, they have a duty to inquire.

- Example: If an employee is slurring their words, stumbling, falling asleep at work, has increasing absenteeism/lateness, or is having dizzy spells, it is important that the employer inquire further, in order to understand what is causing the issues. This is relevant to ensure whether there is an underlying medical condition so that the employer can address the situation appropriately without negatively impacting the employee's employment.

7. Any questions asked of the doctor must relate to functional ability - i.e. what the employee can or cannot safely do at work. The employer can ask whether the limitations/restrictions are temporary or permanent.

- Broad questions (e.g. What is the patient's medical status?) may be unreasonable as the doctor may be inclined to provide more information than is necessary. Questions should be specific to the role and the medical limitations/restrictions.

8. The employer can ask about prognosis, but only as it pertains to any anticipated change in the condition and/or a return to work.

- The question should be specific and worded in a way to indicate that the employer is not entitled to information about diagnosis. Questions about prognosis are only relevant for prolonged leaves where there is an anticipated change/recovery or return to work.

9. Can my employer stop an employee from returning to work if I do not provide medical information?

- If the employee has been on short term leave for a period of time (i.e. more than a few weeks), and depending on the reason they were for their absence, the employer may require medical clearance to ensure the employee is safe to return to work
- If the employee was absent for two weeks (or less) with a cold or flu, then it would not be reasonable for the employer to require medical clearance to return to work.
 - If the employer does ask for medical information due to patterns of absence and the employee is unsure whether this is required, they should speak to a shop steward

THE COLLECTION OF MEDICAL EVIDENCE

10. Safety-sensitive work: This is a term used to describe work where an employee's action or errors could lead to harm to themselves, coworkers, the public or the environment.

- These jobs may involve driving, operating heavy equipment, or making decisions that impact the well-being of others etc.
- When a role is deemed by the employer to be safety-sensitive, they may explain this fact to the doctor through a medical questionnaire. However, this does not change the information they are entitled to receive from the doctor.
- If an employee is suffering from substance use challenges and is in a safety-sensitive role the employer may request information from a provider trained in the area of substance use. If the employee is unsure about any requests of this nature they should speak to their shop steward.

11. Employees are not required to provide their employer with personal information or information related to any diagnosis.

- If the employer invites the employee to a meeting to discuss their health, or if the employer provides the employee with a medical questionnaire, employees are encouraged to engage their shop steward to ensure their medical information is protected.