

NSTU  
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TRUST



NSTU

The

**Teachers'  
Guide to  
Disability  
Benefits**

**2020**

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# TEACHERS' GUIDE TO DISABILITY BENEFITS

## Nova Scotia Teachers Union

We live in a fast-paced era and are constantly expected to meet societal demands of work, family and community. There are situations in which we may not be able to maintain one or all of our responsibilities. For example, an illness or injury may prevent us from functioning effectively at work and we may be required to stop working either temporarily or permanently.

Periods of absence from work due to illness or injury can be very stressful on teachers and their families in various ways, such as the following:

- Adjustment to temporary or permanent loss of the teaching role
- Loss of sense of productivity
- Decreased self-confidence in abilities
- Loss of social contact with co-workers
- Strain on relationships with family members and friends
- Financial strain on the individual and on the family

There are ways in which the NSTU can help manage or cope with some of those stressors. There is a NSTU Member Assistance Program (MAP) available to NSTU and PSAANS members that offers support during absence from work. The NSTU Member Assistance Program is a unique group of services available to NSTU and PSAANS members designed to assist and provide support to members that are experiencing difficulty. A more comprehensive outline of the MAP program is outlined on the following pages.

In the event that return to work is not possible for the immediate or distant future, there are several options to consider for income support. The purpose of this guide is to:

- Outline each of the possibilities available for income support/ disability benefits
- Describe the eligibility criteria for each option
- Provide approximate timeframes with respect to timely application of income support and/or disability benefits
- Provide phone numbers and addresses for contacting representatives for each income support option
- Provide basic information on the various disability benefit programs.

## Section 1

# THE NSTU MEMBER ASSISTANCE PROGRAM - HOW CAN WE HELP?

NSTU Member Assistance Program (MAP) with a number of unique services available to members to assist with allowing members to stay at work or if not able to work to assist with application to disability benefits, if appropriate. One of the very unique features of the NSTU MAP is access to a registered nurse who is an NSTU staff member. The registered nurse is available to assist members and provide direction on how best the NSTU MAP can address individual needs. The NSTU nurse can be reached at:

**Tel: (902) 477-5621, press 3**

**Toll free: 1-800-565-6788, press 3**

**Fax: (902) 477-3517**

**E-mail: [nurse@nstu.ca](mailto:nurse@nstu.ca)**

The school year is very stressful for teachers! The NSTU Group Insurance Trustees want to remind you about the programs in place to support members over the summer months. Below are answers to frequently asked questions on the unique services offered through the NSTU Member Assistance Program:

**Q: What programs and services are available to NSTU members and their families who are having difficulties and are in need?**

**A. Resilience<sup>®</sup> Employee and Family Assistance Program**

The Resilience<sup>®</sup> Employee and Family Assistance Program provides a number of services to members, their partners, and dependent children. Counselling services are provided to assist with coping with alcohol and drug abuse, anger management, marital/family/separation/divorce/custody issues, addictions, and many other issues members and their eligible dependents could be facing. The counselling is designed to provide support and understanding, and to help build coping skills and teach ways to effectively manage issues and problems.

Resilience<sup>®</sup> also provides Plan Smart and Career Smart Services that are designed to allow you to take a pro-active approach to every challenge and life transition and assist you in obtaining the information and support you need. These services include: childcare and parenting caregiver support services, elder and family care services, legal advisory services, financial advisory services and many others.

**Direct access is provided 24 hours per day, seven days a week at 1-877-955-NSTU (6788) and services can be provided in a way that is most convenient and comfortable for you, whether that be in-person, by phone, or through a secure online service. You can also access these services through the NSTU by dialing 1-800-565-6788, press 3.**

### **NSTU Counselling Services**

The NSTU has two experienced in-house counsellors who provide confidential short-term counselling services to active members, their partners, and dependents. This service provides individual, couple and family counselling, along with the assistance and workshops helping plan members prepare for retirement. This services is designated to provide help and intervention at an early stage of difficulty. If there becomes a need for long-term counselling after assessment, members are referred to an appropriate community-based professional. The NSTU counsellors also provide intervention for schools in conflict and crises. **You can contact the registered nurse for more information on the NSTU Counselling Services at 1-800-565-6788, press 3.**

### **Early Intervention Program**

The NSTU also have on staff two Early Intervention Case Coordinators to provide assistance to members working or absent from work experiencing injury or illness and struggling to remain at work or return to work. The Early Intervention Program Case Coordinators are occupational therapists who focus on maintaining or improving a person's health and wellbeing. The goal of the Early Intervention Program is to help decrease the incidence and duration of disability. Participation in this program is voluntary and confidential and EIP staff can travel to your community to provide services. **You can contact the Early Intervention Program at 1-800-565-6788, press 3.**

**Q: It is estimated that 1 out of every 5 Canadians today is dealing with a mental health issue. What services are available to members who may be dealing with or may have a family member dealing with a mental health issue?**

**A:** Resilience<sup>®</sup> provides counselling services to help cope with stress and psychological disorders. Depression Care Services are also available through Resilience<sup>®</sup> and is designed to provide assistance for individuals suffering from certain types of depression.

**Direct access is provided 24 hours per day, seven days a week at 1-877-955-NSTU (6788) and services can be provided in a way that is most convenient and comfortable for you, whether that be in-person, by phone, or through a secure online service. You can also access these services through the NSTU by dialing 1-800-565-6788, press 3.**

## **Independent Psychological Consultation**

Through the NSTU MAP, active members can access a Halifax based clinical psychologist that will perform a psychological assessment for members in need. The purpose of this program is to assist NSTU members to access timely consultation which will lead to quicker treatment. Reports are provided to the Member Assistance Program at the NSTU for discussion with the member with regard to treatment options and further direction. **This program can be accessed through the registered nurse at the NSTU by dialing 1-800-565-6788, press 3.**

**Q: Are there any other services, or MAP features, members should be aware of when they are in need?**

**A: One of the very unique features of the NSTU MAP is access to a nurse who is an NSTU staff member. The nurse is available to assist members and provide direction on how best the NSTU MAP can address individual needs. The NSTU nurse can be accessed at 1-800-565-6788, press 3. In addition, you can e-mail the NSTU nurse at the NSTU at [nurse@nstu.ca](mailto:nurse@nstu.ca).**

## **CAREpath**

### **Cancer Assistance Program**

The **Cancer Assistance Program** is provided to NSTU members, partners, and eligible dependent children. If you, your partner, or dependent children suspect having cancer, are diagnosed with cancer, or are living with cancer, the Cancer Assistance Program through CAREpath is ready and able to provide you with support. This service connects the member with a personal oncology nurse with the support of leading oncologists who are there to guide the individual through every step of the cancer experience or diagnosis through to the end of active treatment. The program covers all types and stages of cancer and CAREpath nurses have the knowledge and experience to be able to advocate for the member and their family.

CAREpath provides support to every cancer patient. CAREpath provides very individualized and personal service so you will get the support based on your situation. CAREpath offers many individualized services like advice regarding lifestyle changes to prevent the recurrence of cancer and other chronic diseases. Cancer patients navigated by CAREpath feel like they are being treated as a unique person, not just a person with a disease and they are stronger, as both the patient and their families are given coping skills to deal with even the most difficult of moments. CAREpath provides guidance that will provide the patient and family with guidance before and after oncologist visits. Patients will go to appointments feeling more empowered.

**The CAREpath Cancer Assistance Program can be accessed directly by dialing 1-844-453-6788 or through the NSTU at 1-800-565-6788, press 3.**

### **Seniors' Care Assistance Program**

The **Seniors' Care Assistance Program** is the only service in Canada that connects members, immediate family, and parents to a registered nurse who specializes in senior care assistance. The program helps members understand their senior care choices and ensure they get the right care every time.

The program is based on three main principles: **Connect, Access and Care**. The Seniors' Care Assistance Program will **Connect** you to publically funded senior care resources. Bayshore HealthCare nurses will assess all funding options and financial queries and help you and your family understand and access alternative ways to pay. As an example, Bayshore Health Care nurses will help you understand and access the right care, calculate the total cost, break down what you have to pay and what can be covered by funding, explore additional fund options and complete all the necessary forms for services, funding or rebates. Bayshore HealthCare nurses will also help you and your family manage **Access** to senior care and support services by finding and accessing services that are right for your family member. Bayshore Health Care nurses will help you and assist with booking appointments, gather medical records and other required information, connect you with a personalized Senior Living Advisor to assist with finding the right senior living community and many more services important to senior living. Bayshore also takes **Care** to ensure that recommended services such as nursing care, personal care, companionship, house cleaning, home retrofit and mail deliveries are fully assessed and approved by Bayshore HealthCare and are provided by organizations you can trust. **The Seniors' Care Assistance Program can be accessed directly at 1-844-453-6788 or through the NSTU at 1-800-565-6788, press 3.**

## **HealthCareAssist Program**

The HealthCareAssist program is a comprehensive navigation service that provides NSTU members, spouses and dependent children with answers, guidance and support before, during and after treatment, in the event of an illness or health crisis.

HealthCareAssist provides individual case management of **all types of medical conditions**. These conditions include cardiovascular conditions, stroke, diabetes, kidney conditions, and multiple sclerosis, just to name a few. A Nurse Case Manager provides a single point of contact, creates continuity of care and ensures patients receive the right treatment, at the right time, in the right place.

HealthCareAssist combines CAREpath's team of highly trained and caring nurses with Cleveland Clinic Canada's global network of physicians and specialists.

Here is how HealthCareAssist helps:

- Dramatically improves the overall quality of care, recovery and outcomes.
- Provides in-depth assessment of treatment plans to ensure they are consistent with medical best practice.

- Explains options for tests and treatments specific for the individual.
- Facilitates access to diagnostic tests, treatments and clinical trials.
- Through Cleveland Clinic Canada, provides virtual doctor-to-doctor consults with the patient's local treating physicians after completing medical second opinions.
- Guides patients to alternate treatment locations in and outside Canada, when requested or required.
- Delivers telephonically, making the service timely and efficient.

**The HealthCareAssist Program can be accessed directly at 1-844-453-6788 or through the NSTU at 1-800-565-6788, press 3.**

### **YOUR WELLNESS PARTNER (New Program)**

Your Wellness Partner is a confidential, evidence-based, mental health assessment and counseling service. There is a dedicated team of experienced clinicians, psychiatrists, psychotherapists and other mental health specialists that provide two levels of intervention: navigation and psychotherapy.

Navigation is provided by baccalaureate level registered social workers and nurses who are qualified to assess mental health concerns, and to deliver psychoeducation and supportive counseling and coaching with the goal of enhancing self-care strategies and management of concerns.

When navigation is not sufficient and psychotherapy is required for members with more complex needs, navigators enlist the services of one of CAREpath's advanced clinicians; these are registered Master's or PhD prepared social workers, nurses, or psychologists.

Your Wellness Partner offers multiple levels of support to provide the right guidance at the right time for anyone experiencing mild to severe mental health concerns, using primarily distance technologies including telephone and virtual resources (e.g., internet, mobile app, email, and secured video chat via Cleveland Clinic Express Care® Online).

This program provides:

- Initial assessment and navigation by a mental health nurse or social worker
- Access to psychiatric assessment and family physician consultation. A referral to Medaca Health Group (MHG) may occur at time of intake or at any time along the trajectory.
- Psychoeducation and coaching for self-management strategies, supporting clients to be active partners in achieving wellness and where appropriate, return to work.
- A facilitated CBT program called "Mind Zone" delivered by mobile application for iOS and android.
- Psychotherapy by Masters/PhD prepared social workers, mental health nurses, and psychologists (including francophone).

Your Wellness Partner offers multiple levels of support to provide the right guidance at the right time for all plan members experiencing mild to severe mental health concerns.

The program will better assist members by:

- Providing services virtually and telephonically, giving plan members access to support anytime, anywhere.
- Providing expert assessment of current mental health treatment approaches.
- Providing access to a full suite of evidence-driven therapeutic counselling option.
- Empowering members to better understand their mental wellness, therapy options and to cope with everyday concerns.
- Ensuring timely support to help plan members the moment they need it most without waiting lists.
- Helping prevent re-lapse in case of chronic mental health illness.

**Your Wellness Partner Program can be accessed directly at 1-844-453-6788.**

Section 2  
**INJURED, ILL OR DISABLED?**

CHECKLIST

1. Were you injured on duty?

- Yes       No      *(If yes, see Section 3, p. 8)*

2. You have \_\_\_\_\_ sick leave days. They will be used up on \_\_\_\_\_.  
D/M/Y

*(If you do not know the answer, contact your Regional Centre for Education/employer's main office.)  
(For more information on Sick Leave, Section 4, p. 9)*

3. How many years of pensionable service do you have in the Teachers' Pension Plan? \_\_\_\_\_ Years  
*(If uncertain, contact the Nova Scotia Pension Agency)*

4. Your doctor has indicated your return to work date is \_\_\_\_\_.  
D/M/Y

*(For support with return to work planning, you may wish to contact the EIP.)*

5. Your return-to-work date is indefinite.

- Yes       No

*(For assistance with application to disability benefits, you may wish to contact the EIP.)*

Note: Relevant phone numbers are found in Appendix B, p. 27

## Section 3

# INJURY ON DUTY

The Teachers' Provincial Agreement (TPA) between the Minister of Education of the Province of Nova Scotia and The Nova Scotia Teachers Union (NSTU), and the Collective Agreement between APSEA and the NSTU includes Article 26, *Leave for Injury On Duty*. \* Article 26 applies to teachers and provides the following benefits:

- When injured in the performance of a teacher's duties, he/ she will be placed on leave with full salary until medically certified able to continue teaching. An application must be submitted to the Regional Centre for Education/ employer in order to receive this benefit.
- Such leave shall not exceed two (2) years from date of the injury. If a teacher is unable to resume the teaching duties, which had been assigned after a two year period, he/she will be entitled to use paid sick leave.
- The Regional Centre for Education/ employer may request a teacher to be examined by a medical practitioner agreeable to the teacher's physician and a physician appointed by the Regional Centre for Education/ employer. A member should contact Member Services Staff at NSTU.
- If a teacher returns to work within the two year period, the unused portion of this leave will be credited to the teacher to be used in case of any disability resulting from the original injury. Medical evidence may be requested for approval of the credited leave.

\* *Medical expenses incurred as a result of an Injury on Duty may be submitted to the relevant committee under the Leave for Injury on Duty Article. For further information, please call the NSTU.*

## Section 4

# SICK LEAVE\*

Each Regional Centre for Education and APSEA have Collective Agreements with the NSTU which contains an article on Sick Leave benefits. There are minor differences between Collective Agreements with each employer. The following is general information with regards to sick leave. Please refer to the Collective Agreement with your employer for more pertinent details. Copies can be obtained by calling the NSTU.

Generally,

- Every teacher is entitled to twenty (20) days Sick Leave per school year.
- One hundred percent (100%) of unused Sick Leave may be credited to a total of one (1) full school year or 195 days.
- Cumulative sick leave days will not begin to be used until the current year's regular sick leave has been used.

Usually sick leave must be used before you become eligible for other benefits such as Long Term Disability (LTD) and/ or Employment Insurance (EI) Sickness and Disability. A member may be eligible for Canada Pension Plan Disability while on sick leave.

\* *Teachers who are absent from work due to illness or non work-related injury are encouraged to contact the Regional Centre for Education to find out exactly how many sick leave days are available. It is important to know exactly how much paid sick leave you have because the timing of the application for other benefits often depends on the date that your sick leave will expire.*

In the event that there is a risk for an illness or non work-related injury to become chronic or long-term, there are several options for disability benefits to be explored prior to the expiration of paid sick leave. (See section 5 through 8.) Although it may not be possible to obtain disability benefits until the expiration of sick leave, it is crucial that the application process be started early to prevent a loss of income support during absence from work.

## Section 5

# EMPLOYMENT INSURANCE SICKNESS AND DISABILITY

Teachers contribute to Employment Insurance under the *Employment Insurance Act* and subsequently are entitled to receive benefits provided that qualifications are met. Sickness benefits apply to situations where you are sick, injured or in quarantine. The information to follow is summarized from the Teachers' Guide to Employment Insurance and from the website of Social Development Canada.

Employment Insurance legislation changes on occasion. In order to serve teachers most effectively, the EI Department asks teachers to call **1-800-206-7218** or to visit the web site at <http://www.sdc.gc.ca>.

### **Who is eligible?**

A teacher claiming a sickness or disability benefit must have had 600 or more hours of insured employment in the last 52 weeks (or since the start of his/ her last claim) whichever is shorter. A teaching day is considered to be 8 hours for EI purposes. Thus, a teacher must have worked at least 75 teaching days or 15 weeks to qualify. A medical certificate must be provided showing how long the illness is expected to last. Sickness benefits are not payable during the non-teaching period which includes Christmas, March Break and the summer months.

Teachers who receive LTD benefits are not eligible for EI Sickness and Disability benefits.

### **What is the Maximum Length of Collection?**

The maximum number of weeks payable to teachers on a sickness and disability claim is 15 weeks. Sickness benefits can be received in addition to maternity or parental benefits, but a teacher cannot receive more than 65 weeks of maternity, parental and sickness benefits in one benefit period.

### **What is the Benefit Rate?**

The basic benefit rate is 55% of the teachers' average weekly earnings up to a maximum of \$562.00 per week.

### **When should I apply?**

Applications for Employment Insurance disability benefits should be made the day following expiration of sick leave benefits. All sickness benefits available from the employer must be used first i.e. paid leave for injury on duty, paid sick leave.

### **What do I need to apply?**

- Your Social Insurance Number (SIN).
- Your Record of Employment (ROE). This is a form you obtain from your employer. It shows how long you have worked and how much you earned with that employer. If you have more than one ROE, i.e. you have worked for more than one employer in the last 52 weeks; attach all your ROEs to your application because they could affect your benefits.
- A medical statement from your physician and/ or another health service provider indicating how long your illness is expected to last.
- Personal identification such as your driver's license, birth certificate or passport if you are applying in person.

- If you want to take advantage of SDC Direct Deposit option you should take a voided personalized cheque with you to your Human Resources Development Centre.

### **Where do I apply?**

You can apply online at <https://www.canada.ca/en/services/benefits/ei/ei.sickness/apply.html>

### **When do benefits start?**

There is usually a two-week waiting period before benefits are payable, however you may not have to serve a waiting period at the end of your paid leave if you are getting paid leave for sick time. If you have provided EI with all the information and documents required and you qualify for benefits, you should receive your first cheque by the end of the fourth week (28 days) after applying for benefits.

**For more information regarding application and benefit payments, please call the SDC Employment Insurance Telecentre toll free at 1-800-206-7218.**

## Section 6

# LONG TERM DISABILITY (LTD) BENEFITS

*Previously, LTD benefits were often called Salary Continuation or Sal/ Con.*

If you are absent from work due to illness or injury, you may be eligible for disability benefits should you become totally disabled.

The NSTU LTD Plan claims are adjudicated by Manulife Financial, and administered by Johnson Inc., the Administrator. The Plan provides income support if illness or injury prevents you from working for a prolonged period of time. In order to receive this benefit, you must be under ongoing care of a Physician and/ or Specialist. The following information is based on the LTD section of the Insurance Profile made available to all teachers by the NSTU Insurance Trustees. In the event that clarification is needed, please refer to the Insurance Profile for details.

### **Are you enrolled in this program?**

Any teacher not on unpaid sick leave as of June 30, 2014 will be enrolled. Please contact the Administrator of the NSTU Group Insurance Plan, Johnson Inc. at **(902) 453-9502** or toll free at **1-800-490-9502** for further information.

### **What is “total disability”?**

- “Totally disabled” means you are wholly and continuously disabled due to illness or bodily injury and, as a result, you are not physically or mentally fit to perform the essential duties of your normal occupation during the qualifying period and the succeeding 24 months. After this time, you will still be considered totally disabled provided you are unable to perform the essential duties of your normal occupation and any other occupation:
  - a) For which you are, or may become fitted, by education, training and/ or experience.
  - b) For which the current monthly earnings are 75% or more of the current monthly earnings for your normal occupation.

The availability of such occupations, jobs or work will not be considered in assessing your disability. Confinement in a hospital or health care facility is not normally required. However, you must be under the regular care of a physician and be prepared to attempt rehabilitative employment, or participate in a rehabilitation program considered appropriate by the Insurance Company.

### **When should I apply for LTD benefits?**

**Do not wait until your accumulated sick leave expires!!** It is crucial that your LTD application be submitted early in order to avoid undue delay in processing the information. If you have been on accumulated sick leave for 20 or more consecutive days, and even if you may be expecting to return to work prior to expiry of your accumulated sick leave, please contact the Administrator, Johnson Inc., immediately. The first step will be to determine whether you should indeed submit a claim. The Claims Specialist at Johnson Inc., or the NSTU Early Intervention Program Manager will assist you in this process as needed. Ordinarily, applications should be sent 3 months in advance of the date that sick leave will expire.

## How do I apply?

Application forms may be obtained from the Claims Specialist at Johnson Inc. at **(902) 453-9502** or toll free at **1-800-490-9502**.

If a claim is to be submitted, a Claimant's Statement will be included for you to complete. An Attending Physician Statement is included for completion by your family physician, and additional Attending Physician Statements for completion by any treating Specialists. The adjudicator will require that you are under appropriate medical treatment for your condition, and that you are compliant with treatment recommendations. In some cases, the adjudicator will require that you are under the care of a Specialist prior to establishing benefit eligibility. The completed forms are sent to the Administrator, Johnson Inc., and then on to Manulife Financial, the claims adjudicator. A form will be sent to your employer to be filled out by your employer and supervisor.

Consent forms are also included in the package with the application forms. Your signature on the forms indicates your consent has been obtained to allow the claims adjudicator to exchange information with professionals or organizational representatives regarding your current work and medical status.

## Why are CPP Disability Benefit application forms occasionally sent by the Administrator, Johnson Inc.?

Teachers in receipt of LTD benefits may be requested by the adjudicator to apply for Canada Pension Plan (CPP) disability benefits and Teachers' Pension Plan (TPP) benefits. The CPP application forms will be sent at that time.

### (1) CPP Application

It is very important to submit the application for CPP Disability benefits at the earliest appropriate date for three reasons:

This benefit is not granted retroactively, and the submission date establishes the date from which benefits may be paid.

A year of receiving LTD benefits is not viewed as an "insurable" year by the Canada Pension Commission. However, a year in receipt of Canada Pension Disability benefits, is an insurable year. The total number of insurable years has an impact on the amount of your Canada Pension Retirement benefit.

Canada Pension Disability benefits are indexed. While your LTD benefit will be reduced by the amount of your CPP monthly award, the reduction will apply only to the original award. Further increases are not taken into consideration by the adjudicator. Therefore, you have the added benefit or a yearly increase in income.

## Who decides if I am eligible for LTD benefits?

The decision as to whether you are eligible for disability benefits is determined by the claims adjudicator, Manulife Financial. Their decision is based on an assessment of your level of function and/ or medical impairment, in relation to the demands of your occupation. The information on which this decision is based must be 1) **Complete**, 2) **Clear**, and 3) **Valid**. You will be informed of the decision after all of the assessment information has been analyzed.

## What is the elimination or qualifying period?

The elimination or qualifying period is the length of time between your initial absence from work and the earliest date your LTD benefits would commence. The elimination period for LTD benefits is 90 calendar days which translates to approximately 60 sick leave days or accumulated sick leave, whichever is greater.

If you have less than 60 days of accumulated sick leave, you should apply for Employment Insurance Sickness and Disability benefits. Application for Employment Insurance Sickness and Disability benefits (EISD) should be made the day following expiration of paid sick leave. Please refer to the EI Sickness and Disability section on page 9 for details.

If you are ineligible for Employment Insurance Sickness and Disability benefits based on the number of working hours required in the last 52 weeks, you may apply for assistance under the NSTU Group Insurance Plan. Please contact NSTU for details and assistance.

### **What will I receive in benefits?**

Benefits are based on 70% of the actual recorded gross monthly salary earned at the time claim commences.

For employees in the Deferred Salary Leave Plan, earnings will be calculated as though the employee was not enrolled in the Deferred Salary Leave Plan. Earnings will be determined, where necessary, on the basis that monthly earnings are 1/ 12th of the annual earnings. Teachers making a claim for LTD while on Deferred Salary Leave should be aware that the qualifying period is still the number of unused sick leave days credited to that teacher.

### **How are LTD benefits affected by other income?**

LTD payments will be reduced by other income you may be entitled to receive from the following sources. **If eligible**, a teacher will be required to apply for the disability or service benefits payable under the Canada Pension Plan (CPP) excluding benefits payable to the employee on behalf of his dependents.

The LTD benefit is not directly reduced by CPP dependent benefits, however there is a maximum allowable income from “all sources”. The LTD contract stipulates that the maximum total income from “all sources” cannot exceed 100% of gross pre-disability earnings. If your CPP benefits include dependent benefits which, when added to other income, results in exceeding 100% of your gross pre-disability earnings, the LTD benefit will be further reduced to stay within the allowable maximum.

Refer to *Appendix A* for examples of how LTD payments may be reduced by other benefits.

Depending on the date that a teacher applies for and receives disability benefits from CPP, there may be a retroactive pension payment. If a retroactive payment is paid by CPP to reimburse the LTD plan for the LTD benefits paid to the teacher since the end of the qualifying period, teachers should be aware that the full amount of the retroactive payment may be owed. Because CPP payments may have income tax withheld, and because the Plan is entitled to the gross amount of the pensions, a teacher may have to reimburse the Plan for the amount of tax withheld by CPP.

In order to request a reduction in the tax deducted from CPP, application may be made to Canada Revenue Agency by calling General Inquiries @ **1-800-959-8281**. Forms for requesting reductions in tax deductions may be accessed through the Internet at <http://www.cra-arc.gc.ca/menu-e.html> and by doing a *Search for T1213* form.

In some circumstances, a teacher may receive the taxes withheld by CPP when they file their tax return. In these circumstances, it is recommended that the teacher consult a tax expert.

### **When will I receive payments?**

At the end of the elimination period, the benefits are paid each month (on the last day of the month) until recovery or to age 65, whichever occurs first.

## **Is the LTD benefit taxable?**

Yes, your benefits are taxable. Your premium is cost shared by your employer; therefore your benefits will be taxable.

## **What is a “recurrent disability”?**

If you cease to be totally disabled during the qualifying period and become disabled again, due to the same cause, within 2 weeks, the qualifying period will be extended by the number of days during which you are no longer disabled.

Once you have been disabled and have received benefits under this Plan, a later disability will be defined as recurrent when it is separated from the previous one by less than 6 months of active employment. A disability will be considered recurrent if it results from an injury or sickness which is directly related to the causes of the immediately preceding disability. Once you are receiving LTD benefits, any period of disability which is classified as “recurrent” will be considered a continuation of the previous disability. The qualifying period will be waived, and benefits will begin again immediately.

## **What are my options for a modified or gradual return-to-work during my recovery period?**

LTD benefits are designed to be paid during periods when you cannot work due to illness or injury. However, there may be a period when, although you are not fully recovered, you can work with an adjustment to either your duties or your hours. Rehabilitation services are provided by the insurer, as part of the LTD benefit plan. Such a program would be developed in cooperation with the adjudicator's Rehabilitation Specialist, your physician, your employer, and your union representative. All rehabilitation programs require the approval of the adjudicator.

Although most income is normally used to reduce Long Term Disability benefits, in the case of Rehabilitation, for a maximum of 24 months, only half (50%) of these earnings will be used to reduce your Long Term Disability payments.

**NOTE: If at any time, the income you receive from rehabilitative employment equals or exceeds 75% of the current monthly earnings for your normal occupation, your LTD benefit payments will cease.**

## **When will my benefits cease?**

Your monthly benefits will cease on the earliest of the following:

- The date you are no longer totally disabled.
- The date you reach age 65. However, if you complete the qualifying period after your 64th birthday, but prior to your 65th birthday, the monthly income payments will continue beyond age 65, until 12 monthly payments have been made.
- The date you fail to undergo, when requested by the Insurance Company, medical, psychiatric, psychological, educational and/or vocational examinations by examiners selected by the Insurance Company.
- The date you do not accept medical, psychiatric or psychological treatment or participate in a rehabilitation program or alcoholism, drug addiction or substance abuse treatment program when recommended by the Insurance Company.
- The date you are incarcerated in a prison or mental institution by authority of a criminal court.
- The date you refuse to complete and return a Reimbursement Agreement/ Direction form or comply with the terms of a signed Reimbursement Agreement/ Direction form, when requested, with respect to disability payable under a public pension plan, the Teachers' Pension Plan or Workers' Compensation.
- If you should die.

## **Do I still pay premiums when I apply for and/or receive LTD benefits?**

Premiums are due and payable during the elimination period. However, once the elimination period is completed, premiums due while you are receiving LTD benefits will be waived.

## **What are the responsibilities of the adjudicator?**

- The adjudicator will be responsible for:
- Setting up initial and ongoing assessment, and management of your claim.
- Collecting information, such as medical information, required in the ongoing assessment and management of your claim.
- Initiating the services of their Rehabilitation Specialist in the event that return to work is an option.
- Maintaining open lines of communication between yourself, your physician, your employer, (where possible), your Union, and the administrator, Johnson Inc.

## **What are the responsibilities of the teacher?**

The teacher will be responsible for:

- Paying their portion of pension contributions to the adjudicator.
- Providing initial information required for the documentation and initial assessment of your file.
- Advising the adjudicator if you return to work, or if you are ready to return to work, either on a part-time or full-time basis, for your own employer, another employer, or yourself.
- Visiting your physician on a regular basis and following treatment recommendations in order to achieve maximum benefits from treatment.
- Setting goals for returning to work, and if appropriate, working in a cooperative manner with the adjudicator's Rehabilitation Specialist.

\* In the event that you are involved with the NSTU Member Assistance Program, you can discuss your eligibility for LTD benefits and the LTD application process with the NSTU MAP staff. Prior to approval of LTD benefits, assessment information and return to work planning may be completed in the Early Intervention process. You may arrange with the MAP staff to provide necessary documentation to the adjudicator, as long as your written informed consent to release information is provided. If your LTD claim is approved, your case may transition from the MAP Program staff to the insurer's Rehabilitation Specialist.

The purpose for the release of information to the adjudicator would be to prevent duplication of assessment services, claimant fees for physician reports, and duplication of documentation.

## Section 7

# CANADA PENSION PLAN (CPP)

## DISABILITY BENEFITS

Teachers may be eligible for disability benefits under the CPP. More information may be obtained on line at [www.sdc.gc.ca/en/isp/pub/factsheets/eligibility.shtml](http://www.sdc.gc.ca/en/isp/pub/factsheets/eligibility.shtml) or by calling Social Development Canada (SDC) at **1-800-277-9914 (English)** or **1-800-277-9915 (French)**. Canada Pension Plan offices in Nova Scotia offer service “by appointment only”.

### What is a CPP disability benefit?

- A monthly payment to individuals who have made sufficient contribution to the CPP and who are disabled according to CPP legislation. These benefits are not permanent and do not fully replace an individual's earnings. The CPP does not supplement costs for things like medical equipment or other health-related services.
- Children of a CPP disability benefit recipient may qualify for benefits if they are under 18 years of age. Those between 18 and 25 years of age may qualify, as well, provided they are in full-time attendance at an educational institution.

### Who is eligible for CPP disability benefits?

Individuals who:

- Are under 65 years of age;
- Have made valid contributions to the CPP for a minimum qualifying period; and,
- Are disabled, as defined by the CPP legislation.

### What is the minimum qualifying period?

The minimum qualifying period is the minimum number of years of valid earnings and contributions to the CPP. This may be calculated as follows:

- If the applicant has only four calendar years in his/ her contributory period, he or she must have contributed in all of these years; or
- If the applicant has more than four years in his or her contributory period, then contributions must have been made in four of the last six years.

These contributions must have been made on earnings which are at least 10% of the Year's Maximum Pensionable Earnings (\$5,740 for 2019).

### What is the definition of disability?

A person is eligible for disability benefits “only if he or she is determined to have a severe and prolonged mental or physical disability.”

A “severe” disability is defined as one that impairs to such an extent that a person is “incapable regularly of pursuing any substantially gainful occupation.”

The term “prolonged” means that a person’s severe disability is expected to continue for a significant period after the time of application, and that its duration cannot be predicted with any certainty or is likely to result in death.

These two criteria must be met simultaneously.

### **When should I apply?**

You should apply when you believe that you have serious long-term disability that prevents you from working regularly at any job. Refer to above definition of “disability” according to CPP legislation.

You may apply for this disability pension as soon as you have stopped working, even though you are on paid sick leave from the Regional Centre for Education.

### **How do I apply?**

Application kits in either French or English are available from any SDC office by calling **1-800-277-9914 (for service in English)** or **1-800-277-9915 (for service in French)**. The kit includes:

- An application guide
- An application form
- A questionnaire requesting medical information, applicant’s education and work history
- An Authorization to Disclose Information/ Consent for Medical Evaluation form
- A medical report form to be completed by the treating physician
- Two return envelopes (one for the application and one for the physician)
- An application for the child rearing dropout provision (for years of reduced earnings as a result of child rearing of children under seven years of age, born after December 31, 1958).

CPP also requests the following when considering an application:

- Applicant’s birth or baptismal certificate
- Birth or Baptismal certificate for each child listed on the disability or child rearing drop-out provision application
- Applicant’s social insurance number card
- Any other medical reports, hospital discharge summaries or information about the applicant’s disability.

The application, medical report and supporting documentation should be mailed to the nearest SDC mail processing center. The address for Nova Scotia is:

*Income Security Programs  
P.O. Box 1687 – Postal Station “M”  
Halifax, NS B3J 3J4*

After all materials are reviewed to see if earnings and contributions criteria are met, the application will be sent for medical adjudication. The applicant may be asked to undergo a medical examination by a physician chosen by SDC. CPP administration will pay the full cost of this examination. The role of the physician is to report on findings of an individual’s medical status, not to decide on an applicant’s eligibility for benefits.

### **When will I receive my benefits?**

If approval for CPP disability benefits is granted, the individual will receive a Notice of Entitlement, stating:

- The date the benefits will begin

- The amount of the monthly payments
- The amount of the first payment, including any retroactive benefits payable to him or her and
- His or her rights and responsibilities

Payments begin the fourth month after the date that SDC deems a person to be disabled and will be sent within the last three banking days of each month. If there is a delay in submitting an application, there may be opportunity for retroactive payments. However, since retroactive payments are limited to a maximum of 12 months, it is important that applications be submitted as soon as possible.

### **What will I receive in benefits?**

The maximum pension in the year 2019 is \$1,362.30 per month (\$16,347.60 per year). The child's benefit is \$250.27 per month in the year 2019. A child may receive up to two benefits (two parents in receipt of CPP disability or deceased).

### **When do my benefits cease?**

CPP benefits are not permanent. The SDC periodically reviews or conducts assessments to determine if individuals have regained the capacity to work. CPP disability benefits cease when:

- The person receiving benefits is no longer disabled under the terms of the CPP legislation;
- The individual reaches the age of 65, at which time the disability benefit automatically converts to a retirement pension; or
- The individual receiving benefits dies.

### **What if I go back to work?**

You may work and earn up to \$5,500.00 in the calendar year of 2019 without a requirement to report income. Once earnings exceed \$5,500.00 in the calendar year of 2019 (this is called allowable earnings) you must report work activity. You may then begin a three-month work trial period. If the attempt to return to work is unsuccessful because of medical reasons during the work trial, benefits will continue. If the attempt to return to work fails during the five years following the benefit cancellation because of the same medical problems, clients may be able to use the fast-track re-application process which reduces the time for approval of benefits.

Individuals can do volunteer work or enroll in school or training programs without reporting to SDC, as long as they remain disabled. However, if a diploma or degree is obtained upon completion of schooling or training, SDC must be informed.

### **What is the vocational rehabilitation program?**

The CPP vocational rehabilitation program is a voluntary program designed to assist individuals with severe and prolonged disability to return to employment. Rehabilitation service providers work with injured or disabled persons who are medically stable and motivated to be reintegrated into the workplace. Disability benefits continue during the rehabilitation period. A three-month job search period is permitted, with extension up to one year in exceptional circumstances. A three-month work trial is also provided. If the individual demonstrates that he or she has regained the capacity for employment, CPP disability benefits are cancelled.

### **What if I am receiving benefits from another source?**

The benefits from the NSTU LTD plan are reduced by an amount equal to the CPP disability benefits payments an individual receives. This is called offsetting of benefits. SDC will directly reimburse the LTD Plan for the portion of the disability benefits that would have been offset had CPP disability benefits been in pay.

The different types of disability benefits paid by NSTU LTD Plan and Employment Insurance Plan can be confusing. Each plan has its own definition of disability, which makes assessment under each program distinct and the criteria different.

Decisions on eligibility for disability benefits under the EI Sickness and Disability Plan, and NSTU LTD Plan are usually made more quickly than a decision made under the CPP. This often means that other disability benefits are paid before SDC makes a decision on CPP disability benefits.

## Section 8

# COMMONLY ASKED QUESTIONS

### **Q. What happens to my job while I am on sick leave benefits?**

- A. All permanent and probationary contract teachers have a contract of employment with the employer which lasts until either the teacher resigns in writing or the employer terminates the contract following the procedures under the Education Act or relevant Collective Agreements.

Generally, employers do not terminate a contract where the teacher is absent due to illness/injury. Before an employer can terminate a contract, the employer must demonstrate that it has tried to accommodate the illness/disability or that the medical evidence clearly states that the teacher will be unable to return to work anytime in the foreseeable future.

**Once your paid sick leave expires, you become a teacher on unpaid sick leave. You are still employed even though you are not working.**

### **Q. What information must I give to the employer?**

- A. Most Collective Agreements require a teacher who is absent from work due to illness or injury to provide medical evidence that substantiates that he/she is unable to work and also information that provides an anticipated return to work date. As long as this information is provided, there is usually no need to worry about the employer initiating the process to terminate the employment contract.

### **Q. When must I resign from my job?**

- A. Once a teacher has used all paid sick leave and/or Leave for Injury on Duty days and has other replacement incomes approved (i.e. LTD, and CPP Disability Pension), a decision will have to be made as to whether to terminate employment (resign) and, if so, when to do this.

Since this is such an important decision, a teacher should discuss this matter with all treating health care professionals to determine whether there is any probable chance that a return to teaching will be possible.

While employers are generally reluctant to terminate the employment contract in the short term (one to three years), teachers cannot hold on to their positions indefinitely. When the medical evidence supports that the illness/disability is not likely to improve, a decision to resign will need to be considered.

### **Q. If I resign from my job, will it affect my long-term benefits such as LTD or CPP disability pensions?**

- A. No. These benefits are paid because the medical evidence supports such payments. A continued employment contract is not necessary to receive such benefits. However, if you resign your position, you will not have that job to return to if you regain your health.

However, if you are applying for a service pension under the TPP, then you must resign your position.

**Q. Must the employer give me the same teaching assignment when I return to work?**

- A. This depends on how long you have been, or will be, absent. You should consult your Collective Agreement to see if there are any clauses that address this issue. Some Agreements do provide some protection.

**Teachers who are returning from paid sick leave or Leave for Injury on Duty, usually return to the same assignment unless mutual agreement has been reached on another placement. However, when a teacher has been absent on unpaid sick leave for an extended period of time, the original assignment may no longer exist. Shifting enrollment patterns or declining enrollments may mean that the assignment would have been changed if the teacher had been teaching so a change is necessitated. For further information, consult the Chairperson of the RRC.**

**Q. What happens to my NSTU insurance benefits while I am on sick/injury leave?**

- A. As long as you are on paid leave, all benefits continue exactly as before.

**If you move from paid leave to unpaid leave, you must contact Johnson Inc. to arrange for payment of your portion of the Dental Plan (35%) and any other optional insurances that you have. However, your Total Care Medical and Provincial Master Life and AD&D Insurance continue to be paid on your behalf.**

**If you resign your position, you may have to pay 100% of the cost of the premium for the Provincial Master Life and AD&D, Total Care Medical and Total Care Dental. If you are in receipt of a Teachers' Pension, the Total Care Medical is paid on your behalf. You may also qualify for waiver of premium for your Provincial Master Life and AD&D as well as your Dental Plan. You should discuss this with a Johnson Inc. representative if you are away from work on unpaid leave for a period of six (6) months or more.**

**Q. Which benefits do I apply for and when?**

***Note: Unless you were injured on duty, you always use your paid sick leave first.***

- A. If possible, apply for LTD benefits at least three months before your paid sick leave has expired.
- If you have less than sixty (60) paid sick leave days at the time you are forced to cease working, apply for EI benefits the day following the expiration of your paid sick leave. Please see section on EI Sickness and Disability benefits page 9.
  - If your doctor indicates that your illness/injury/disability is severe and likely to be prolonged, you should apply for CPP disability pension as soon as you cease working, even before paid sick leave expires.

**Q. What is “waiver of premium”?**

- A. Most NSTU sponsored insurance plans contain a provision for “waiver of premium”. In the event that you become totally disabled for a period of time that meets the criteria set out in the specific insurance plan, you may be relieved from the burden of paying further insurance premiums. Most contracts of insurance require that you apply for this benefit within a specified time frame. If you become totally disabled for a period of six months or more, please contact Johnson Inc. to discuss eligibility for waiver of premium.

**Q. Do I contribute to the Teachers Pension Plan while on Long Term Disability?**

A. Yes. It is mandatory unless you have 35 years of pensionable service. The adjudicator will deduct required pension contributions from your LTD benefit and the employer will continue to contribute their share.

## Section 9:

### SUMMARY CHART: PAID LEAVE AND DISABILITY BENEFIT OPTIONS

	Leave for Injury on Duty (RCE)	Sick Leave (REC)	EI Sickness Benefits (SDC)	Long Term Disability (NSTU Group Insurance Plan)	Canada Pension Plan (CPP) Disability Benefits
<b>Eligibility Criteria</b>	Any Teacher injured while performing approved teaching duties	Every full time teacher is eligible for 20 days sick leave (SL) per school year.	Teachers who have worked 600 or more hours of insured employment in the last 52 weeks (or since the start of the last claim), whichever is shorter.	Active teachers enrolled in the LTD NSTU Group Insurance Plan.	Teachers who are between the ages of 18 and 65; are disabled; and have made contributions for the minimum qualifying period.
<b>Elimination Period</b>	Salary continues without interruption.	Salary continues without interruption.	2 week waiting period before benefits are approved.	90 calendar days from the last day worked or accumulated sick leave, whichever is greater.	Four months between the date the person is deemed disabled and the date the first payment is issued.
<b>When to Apply</b>	Immediately following injury.	Not applicable REC is notified by school administration.	The day following expiration of paid sick leave by the REC.	Apply 3 months in advance of expiration of sick leave.	Immediately after ceasing work, provided that the disability appears to be long term or permanent. Otherwise, within 2 years of date of disability.

	Leave for Injury on Duty (IOD)	Sick Leave (SL) (Regional Centre for Education (REC))	EI Sickness Benefits (SDC)	Long Term Disability (NSTU Group Insurance Plan)	Canada Pension Plan (CPP) Disability Benefits
<b>How to Apply</b>	Forms at school administration office.	Not applicable.	Apply online at <a href="http://www.sdc.gc.ca">http://www.sdc.gc.ca</a> or contact local SDCEI office or Telecenter at 1-800-206-7218 for forms and info.	Contact Claims Specialist at Johnson Inc. @ 453-9502 or 1-800-490-9502.	Call for application kit at SDC office 1-800-277-9914 (English) or 1-800-277-9915 (French).
<b>Calculation of Benefits/Income Support</b>	Full salary.	Full salary.	Benefit rate is 55% of teacher's weekly earnings up to a maximum of \$562.00 per week.	FT contract: 70% of recorded gross monthly salary. PT contract: 70% of actual recorded gross monthly salary earned at time claim commences.	75% of a teacher's calculated CPP retirement pension, plus the flat rate. The maximum pension rate for 2019 is \$1,362.30/month or \$16,347.60.

<b>Length of Collection of Benefits/Income Support</b>	Leave of IOD will not exceed 2 years from date of injury.	Teachers may accumulate SL days up to one full year (195 days). Teachers may also use 20 days of current SL per year.	Max. length of collection is 15 wks. Maternity and paternity benefits in combination with disability benefits may not exceed more than 65 weeks in one period.	May be temporary or permanent.	May be temporary or collected up to age 65.
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# Appendix A

## HOW LTD IS REDUCED (OFFSET) BY TPP AND CPP DISABILITY PENSIONS

### Example A

**Assume:**

(1) Full-time teacher with TC5 license

Age 50

Current Salary = \$73,804.00

5 Year Average Salary = \$70,351.60

(2) Pensionable Years as of date

of expiry of paid sick leave = 20 years

	Yearly	Monthly
LTD Benefit		
70% of \$73,804	= \$51,662.80	(\$4,305.23)

**Minus offsets**

(b) CPP Disability Pension = \$16,347.60 (\$1,362.30)

**LTD after offset** \$35,275.20 (\$2,942.93)

### Example B

**Assume:**

(1) Full time principal with TC7 license

Age 49

\$10,000 Admin. Allowance = \$97,440.00

5 Year Average Salary = \$93,350.00

(2) Pensionable Years as of date of

expiry of paid sick leave = 26 years

	Yearly	Monthly
LTD Benefit		
70% of \$97,440.00	= \$68,208.00	(\$5,684.00)

**Minus offsets**

(b) CPP Disability Pension = \$16,347.60 (\$1,362.30)

**LTD after offset** \$51,860.40 (\$4,501.70)

## Appendix B

# LIST OF CONTACT NUMBERS

### Regional Centres for Education

#### ***Annapolis Valley Regional Centre for Education***

Toll free – 1-800-850-3887

Local – (902) 538-4600

Fax – (902) 538-4630

#### ***Cape Breton-Victoria Regional Centre for Education***

Local – (902) 564-8293

Fax – (902) 564-0123

#### ***Chignecto-Central Regional Centre for Education***

Toll Free – 1-800-770-0008

Local – (902) 897-8900

Fax – (902) 897-8989

#### ***CSAP***

Toll Free – 1-888-533-2727

Local – (902) 645-5530

Fax – (902) 645-5531

#### ***Halifax Regional Centre for Education***

Local – (902) 464-2000

Fax – (902) 464-2420

#### ***South Shore Regional Centre for Education***

Toll Free – 1-800-252-2217

Local – (902) 543-2468

Fax – (902) 541-3051

#### ***Strait Regional Centre for Education***

Toll Free – 1-800-650-4448

Local – (902) 625-2191

Fax – (902) 625-2281

#### ***Tri-County Regional Centre for Education***

Toll Free – 1-800-915-0113

Local – (902) 749-5696

Fax – (902) 749-5697

### **APSEA**

(902) 424-8500

### **Johnson Inc.**

(902) 453-9502 or toll free at 1-800-490-9502

**Nova Scotia Pension Agency**

(902) 424-5070 or toll free at 1-800-774-5070

**Canada Pension**

SDC at 1-800-277-9914 (English) or 1-800-277-9915 (French)

**NSTU Member Assistance Program**

(902) 477-5621, press 4 or toll free at 1-800-565-6788, press 4

**Nova Scotia Teachers Union**

(902) 477-5621 or toll free at 1-800-565-6788

**Resilience (Optional Counselling)**

1-877-955-6788 (toll free)

*Comments on this document are welcomed.*

1-800-565-6788 or e-mail [nstu@nstu.ca](mailto:nstu@nstu.ca)

Nova Scotia Teachers Union  
3106 Joseph Howe Drive  
Halifax, Nova Scotia  
B3L 4L7  
[www.nstu.ca](http://www.nstu.ca)

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