

Sick Leave, Work-Related Illness/Injury Leave & Long-Term Disability Leave Policy

written by Rory Lodge | January 26, 2014



This Model Policy is based on templates from CBC/Radio-Canada, Simon Fraser University and the Canada Labour Code. If you're not federally-regulated, you'll need to modify it to ensure compliance with the leave requirements of your own jurisdiction. In addition, while the long-term disability (LTD) provisions in this Policy are based on standard private sector LTD policies and plans, you'll need to adapt them so that they correspond with the actual terms of your own LTD policy and plan.

1. PURPOSE

ABC Company has adopted this Policy to ensure that our employees are protected against dismissal, lay-off, suspension, demotion or discipline because of absence due to illness or injury.

1. SICK LEAVE

1. Eligibility

Employees who have been employed with ABC Company for three consecutive months are entitled to sick leave protection against dismissal, lay-off, suspension, demotion or discipline because of absence due to illness or injury. Sick leave protection applies to any absence of no more than 17 weeks.

2. Medical Certificate

When requested, employees shall provide a satisfactory medical certificate from a licensed physician as soon as possible stating inability to perform duties and expected length of absence. ABC Company must request a medical certificate within 15 days of the employee's return to work.

Before returning to work, employees may also be asked to provide a satisfactory medical certificate from a licensed physician stating that they are fit to return to normal duties without any medical or safety risk to the employee or to others.

3. Income Replacement

[IF YOU PAY INCOME REPLACEMENT TO EMPLOYEES ON SICK LEAVE] Employees on sick leave will receive [PERCENT] of their pre-leave salary.

[IF YOU DON'T PAY INCOME REPLACEMENT TO EMPLOYEES ON SICK LEAVE] ABC Company is not required to make salary payments while an employee is on sick leave. Sick leave protection only ensures job security as outlined above.

4. Benefits and Seniority

During sick leave, employees shall continue to earn pension, health and disability benefits. Both employee and ABC Company are responsible for making the normally required contributions. If the employee chooses not to contribute to benefit plans while on sick leave, ABC Company is not required to contribute their portion either. Benefit service which resumes after the employee returns to work is considered to be continuous with service prior to the sick leave.

If the employee wants to opt-out of contributing to the benefit plan, he/she must provide 15-days written notice. ABC Company will treat the employee's defaulting on contributions towards the benefit plan for over 30 days to constitute an employee's decision to opt-out of the benefits plan.

Time on sick leave shall count towards an employee's seniority.

5. Interaction with Other Kinds of Leave

Sick leave does not overlap with other kinds of leave. Employees may interrupt parental leave, compassionate care leave and other kinds of leave to take sick leave. The other leave will resume as soon as the sick leave ends.

6. Successive Illness or Injury

If, within [TIME] of returning to work, the same or a directly related illness or injury occurs, sick leave and applicable compensation resumes for the remainder of the 17 weeks which is the maximum for sick leave. For instance, if an employee returns to work after 10 weeks of sick leave, and becomes ill again within [TIME], he/she is entitled to seven more weeks of sick leave, and the 10-week and seven-week absences are considered to be part of the same period of sick leave.

If the same or a directly related illness or injury occurs at least [TIME] after the employee returns to work, a new sick leave period begins. This is also the case if an unrelated illness or injury occurs after at least one full shift back at work.

7. Sick Leave and Long-Term Disability

If after a continuous absence of 17 weeks, the employee is still unable to return to work because of illness or injury, he/she will begin coverage under ABC Company's long-term disability plan.

• LONGER ABSENCES DUE TO WORK-RELATED ILLNESS OR INJURY

1. Eligibility

Any employee who suffers a work-related illness or injury is entitled to go on leave and be protected from dismissal, layoff, suspension, demotion or discipline because of an absence of this nature.

2. Income Replacement

ABC Company will provide an employee who is absent due to work-related illness or injury with income replacement at a rate equivalent to what is provided under [PROVINCE/TERRITORY OF EMPLOYEE'S PERMANENT RESIDENCE]'s workers' compensation legislation.

3. Benefits and Seniority

Pension, health and disability benefits remain in effect while an employee is absent due to work-related illness or injury. Both the employee and ABC Company are responsible for making the normally required contributions. If employees choose not to contribute to benefit plans during their absence, ABC Company is not required to contribute their portion either. Failure to contribute to benefit plans will not affect the employee's status with ABC Company. Benefit service which resumes after the employee returns to work is considered to be continuous with service prior to the sick leave.

Time absent due to work-related illness or injury also continues to count towards an employee's seniority.

4. Interaction with Other Kinds of Leave

Work-related illness and injury leave does not overlap with other kinds of leave. Employees may interrupt parental leave, compassionate care leave, and other kinds of leave to take leave due to work-related illness or injury. The other leave will resume as soon as the work-related illness and injury leave ends.

5. Returning to Work

When an employee recovers from a work-related illness or injury, ABC Company will make every reasonable effort to return the employee to work. If the employee is unable to perform the work they did prior to their absence, ABC Company may assign the employee to a different position with new terms and conditions of employment.

If ABC Company cannot return an employee to work within 21 days after receiving a certificate from a qualified medical practitioner stating that they are fit to return to work, we will, within those 21 days, notify the employee in writing whether they can be returned to work and, if not, the reasons why not.

If an employee is laid off or terminated, or if a function of their job is discontinued, within nine months of their return to work after a work-related illness or injury, ABC Company shall provide evidence to an inspector that this was not related to the employee's absence due to work-related illness or injury.

1. LONG-TERM DISABILITY

1. Long-Term Disability Plan

ABC Company has a long-term disability (LTD) plan provided through an external insurance company to protect employees from potential loss of income in the case of a medical event that prevents them from working for an extended time. The insurance contract guarantees that employees will continue to receive plan benefits in the event that ABC Company becomes insolvent or files for bankruptcy.

2. Income Replacement

ABC Company's LTD plan provides income replacement at a level of [PERCENT] of an employee's pre-disability salary.

3. Benefits

While on LTD, the employee is exempt from paying contributions to pension, health and other benefit plans. Their contributions will be covered based on their pre-disability salary, not their long-term disability salary.

4. Return to Work

When employees return to work, they will resume being paid absolutely no lower than their pre-disability salary.

While on full-time LTD, the employee's schedule for salary review will be suspended. When they return to work, they will again be subject to this schedule.

5. Successive Illness or Injury

If an employee becomes unable to work due to the same or a directly related illness or injury within [TIME] of returning to work, it will be considered a continuation of the original illness or injury and the same disability benefits will resume immediately.

If the same or a directly related illness or injury occurs after the employee has been back at work for [TIME] or longer, they are eligible to begin a new period of sick leave, followed by a return to LTD if the absence becomes long enough. This is also the case if, at any time after returning to work for at least one full shift, the employee is disabled due to an unrelated illness or injury.

6. Rehabilitative Employment

If an employee recovers to the extent that they are able to return to work part-time or under modified work conditions or duties, under an arrangement approved by ABC Company, the insurer, the employee and their licensed physician, they will continue to receive LTD benefits at a rate of [RATE]. The total of the employee's earnings from the modified work schedule combined with the adjusted LTD benefits must not equal more than [PERCENT] of the employee's pre-disability salary.

* * * * *

1. QUESTIONS OR CONCERNS

Consult [CONTACT INFO] for clarification or further details on ABC Company's sick leave, work-related illness or injury, or LTD policies.

Signed: _____ President/CEO

Date:

The ABC Company Sick Leave, Work-Related Illness or Injury Leave, and Long-Term Disability Leave Policy should be consulted whenever there are concerns about illness, injury and disability-related leave in the workplace.