

NSTU  
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# NSTU

The

# Teachers' Guide to Disability Benefits

# 2023





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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 an NSTU Member Assistance Program (MAP) available to NSTU and PSAANS members that offers support during an absence from work. MAP is a unique group of services 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**

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. 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. Manulife Employee and Family Assistance Program (EFAP)**

The Manulife Employee and Family Assistance Program provides several 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 situations 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.

Manulife EFAP also provides Lifestyle and Specialty Coaching Services that are designed to allow you to take a pro-active approach to everyday challenges and life transitions with information and coaching from experts in their field. 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 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 service 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 three Early Intervention Program (EIP) 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 EIP Case Coordinators are occupational therapists who focus on maintaining or improving a person's health and wellbeing. The goal of the EIP is to help decrease the incidence and duration of disability and use of sick leave. 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: The Manulife Employee and Family Assistance Program (EFAP) provides counselling services to help cope with stress and psychological disorders. Depression Care Services are also available through the EFAP 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 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 regarding 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 Programs**

### **Chronic Disease Program**

The Chronic Disease Program is a healthcare navigation service that provides comprehensive and personalized support to members and their families in the event of illness or other health crises.

The Chronic Disease Program is led by Nurse Case Managers who act as partners and advocates for you and your family. Nurse Case Managers will help you understand your condition, test results, and treatments and will follow the most up-to-date guidelines for all chronic conditions to ensure the best possible outcomes.

Once connected with a Nurse Case Manager who is a specialist in your disease or condition, you will have a single point of contact to ensure continuity of care.

The Chronic Disease Program services include:

- Comprehensive health assessment, including a review of medical records. In-depth review of treatment plans to ensure they are consistent best-practices.
- Explanation of diagnosis, tests, and treatments. Explore alternative treatment or symptom management options.
- Education on how to manage symptoms to minimize treatment side effects.
- Facilitate access to diagnosis tests, treatments, and clinical trials. Explore alternative treatment or symptom management options.
- Ongoing virtual nursing support, health education, and coaching throughout navigation to ensure the individual has the information needed to make informed health care decisions.
- Virtual second opinion when needed.

**The Chronic Disease Program can be accessed directly by dialing 1-844-453-6788, or [carepath.ca](https://carepath.ca).**

## **Elder Care Program**

The Elder Care Program will connect you with a Nurse Case Manager who will work with you and your family one-on-one to help you understand and navigate the health care system so you can make informed decisions and appropriate arrangements for care.

Carepath will have an initial consultation assessment with you and/or your aging loved one and develop a personalized care plan based on your individual preferences and common senior health care needs.

A Nurse Case Manager will help you prepare for any upcoming medical appointments and give you information and services to promote safe and independent living. When staying at home is no longer a safe option, they'll help you and your family find the right senior living facility, such as retirement homes, long-term care, and/or respite facilities.

You and your family will receive ongoing virtual nursing support, health education, and coaching to ensure you have the information you need every step of the way.

**The Elder Care Program can be accessed directly at 1-844-453-6788, or [carepath.ca](https://carepath.ca).**

## Mental Health Program

Carepath's Mental Health program is designed to promote prevention and early intervention for mental health issues, including acute mental illness and chronic mental health conditions. The program provides timely access to confidential support for those who need it, as well as return-to-work planning for members on sick leave or long-term disability.

The Mental Health program is committed to addressing gaps in access to community-based mental health services. This means all members will have:

- An initial assessment within 24 – 48 hours.
- Access to care from anywhere in Canada, thanks to the use of distance technologies.
- Coverage is available to the member, spouse and dependent child(ren) over the age of 12.

The Mental Health Program helps members and their families suffering from mild to severe mental health disorders, as well as those struggling mentally or emotionally due to another health condition or life event. The program provides psychoeducation and counseling to members and their families, providing multiple levels of support and guidance using distance technologies such as telephone and virtual resources (mobile app, email, and secured video call).

This program provides two levels of intervention – Navigation and Counselling/ Psychotherapy.

- Navigation is provided by qualified mental health clinicians, generally mental health nurses and clinical social workers, for those with mild to moderate distress. They provide assessment psychoeducation, supportive counseling, and coaching with the goal of enhancing self-care strategies and management of concerns. The role of the navigator is to ensure a smooth integration with the member's existing circle of health/ medical care and to provide assistance in navigating the mental health care system.
- Counselling is provided by advanced practitioners, for members and their families (individual, couples) experiencing moderate to severe symptoms, including for chronic illness with mental health/wellness components.

- Psychotherapy is provided when navigation is not sufficient, and psychotherapy is required for members with more complex needs. The program navigators enlist the services of one of Carepath’s advanced practitioners, including Masters/PhD prepared social workers, mental health nurses, or psychologists, each of whom has more than 10 years experience in psychotherapy. When the situation warrants, access to in-depth psychiatric assessment, consultation, and assistance with care planning is available.

The Mental Health Program is designed to complement broad healthy-workplace strategies and community based mental health services, and to address gaps, improving the timeliness of service delivery. This is made possible by offering solutions that promote prevention and early intervention of mental health issues, acute mental illness, or chronic mental health conditions.

**The Mental Health Program can be accessed directly at 1-844-453-6788, 1-888-393-8267, or [carepath.ca](https://www.carepath.ca).**

## 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 Education Entity's 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 NS Pension.)*
  
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 MAP)*

Note: Relevant phone numbers are found in Appendix A

## 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, they 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.
- Your Immediate supervisor must be notified of the injury within 14 days of the injury date.
- Such leave shall not exceed two 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, they will be entitled to use paid sick leave.
- The Education Entity may request a teacher to be examined by a medical practitioner agreeable to the teacher's physician and a physician appointed by the Education Entity. Member should also contact Member Services Staff at the 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 approved Injury on Duty (IOD) may be submitted to the IOD Committee under the Leave for Injury on Duty Article. For further information, please call the NSTU.*

## Section 4

# SICK LEAVE

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

Generally,

- Every full year, 100% contract teacher is entitled to twenty days paid sick leave per school year.
- 100% of unused sick leave may be credited to a total of one 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.

Sick leave must be used before you become eligible for other benefits such as Long Term Disability (LTD) and/or Employment Insurance (EI) Sickness Benefits. 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 their Education Entity 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 SICK LEAVE BENEFITS

Teachers contribute to Employment Insurance under the Employment Insurance Act and subsequently are entitled to receive benefits provided 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 Government of Canada website.

Employment Insurance legislation changes on occasion. In order to serve teachers most effectively with up-to-date information, teachers should call **1-800-206-7218** or to visit the web site at <https://www.canada.ca/en/services/benefits/ei/ei-sickness.html>.

### **Who is eligible?**

A teacher claiming a sick leave benefit must have had 600 or more hours of insured employment in the last 52 weeks (or since the start of their 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 Benefits.

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

The maximum number of weeks payable to teachers on a EI Sickness Benefit claim is 26 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 \$650.00 per week.



## **When should I apply?**

Applications for EI Sickness Benefit should be made the day following expiration of contractual sick leave benefits. All sickness benefits available from the Education Entity 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 the direct deposit option, you should take a voided personalized cheque with you to your Service Canada site.

## **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 one-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 payment by the end of the fourth week (28 days) after applying for benefits.

## Section 6

# LONG TERM DISABILITY (LTD) BENEFITS

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 Group Insurance Profile made available to all teachers by the NSTU Group Insurance Trustees. In the event that clarification is needed, please refer to the Group Insurance Profile which can be accessed via the NSTU Group Insurance Trustees' website at: <https://nstuinsurance.ca/> for details.

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

Any teacher not on unpaid sick leave as of June 30, 2014, was enrolled. Please contact the Administrator of the NSTU Group Insurance Plan, Johnson Inc. at (902) 453-9543 or toll free at 1-800-453-9543 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 twenty 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 NSTU and speak to the Staff Officer assigned to LTD. You may be directed to contact an LTD Claims Specialist at Johnson Inc., or the NSTU Member Assistance Program who will assist you in this process as needed. Ordinarily, LTD applications should be sent three months in advance of the date that sick leave will expire.

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

Application forms may be obtained from the LTD Claims Specialist at Johnson Inc. at (902) 453-9543 or toll free at 1-800-453-9543.

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 Education Entity 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. 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 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. Note that paid sick leave days are only used during the school year on days the teacher is expected to report to work.

If you have less than 60 days of accumulated sick leave, you should apply for EI Sickness Benefits. Application for EI Sickness Benefits should be made the day following expiration of paid sick leave. Please refer to the EI Sickness Benefits section on page 10 for details.

### **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 members in the Deferred Salary Leave Plan, earnings will be calculated as though the member 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 member on behalf of their 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.

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.

To request a reduction in the tax deducted from CPP, application may be made to Canada Revenue Agency (CRA) by calling General Inquiries at 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 online at <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-disability-benefit.html> or by calling Service Canada at 1-800-277-9914 (English) or 1-800-277-9915 (French).

### 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 their contributory period, they must have contributed in all of these years; or
- If the applicant has more than four years in their 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 (YMPE).

### **What is the definition of disability?**

A person is eligible for disability benefits “only if they are 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 your Education Entity.

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

Application kits in either French or English are available online or from any Service Canada 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.

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 CPP. 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 them; and
- Their rights and responsibilities.

Payments begin the fourth month after the date you are deemed 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 2023 is \$1,538.67 per month (\$18,464.04 per year). The child's benefit is \$281.72 per month in the year 2023. 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. CPP 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 \$6,660.00 in the calendar year of 2023 without a requirement to report income. Once earnings exceed \$6,660.00 in the calendar year of 2023 (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 CPP, as long as they remain disabled. However, if a diploma or degree is obtained upon completion of schooling or training, CPP 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 they have 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. CPP 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 benefits under the EI Sickness Benefit 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 Service Canada 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, 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.

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 they are unable to work and information that provides an anticipated return to work date. If 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. You should also discuss this with the NSTU Staff assigned to LTD benefits and/or retirement.

**Q. If I resign from my job while on LTD, 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 provided you were under contract on the date of disability. 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 Teachers' Pension Plan, then you must resign your position.

**Q. What happens to my NSTU insurance benefits while I am on sick/injury on duty 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 – even on unpaid sick leave.

**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 ceased working, apply for EI benefits the day following the expiration of your paid sick leave. Please see section on EI Sickness Benefit, page 10.
  - 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 (APSEA/CSAP/RCE)	Paid Sick Leave (APSEA/CSAP/RCE)	EI Sickness Benefits (Gov't of Canada)	Long Term Disability (NSTU Group Insurance Plan)	Canada Pension Plan (CPP) Disability Benefits
Eligibility Criteria	Any Teacher injured while performing approved teaching duties.	Full year, 100% contract teacher is eligible for 20 days sick leave 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.
Elimination Period	Salary continues without interruption.	Salary continues without interruption.	1 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.
When to Apply	Immediately following injury.	Not applicable as Education Entity is notified by school administration.	The day following expiration of paid sick leave by the Education Entity.	Apply 3 months in advance of expiration of paid sick leave.	Immediately after ceasing work, provided that the disability appears to be long term or permanent. Otherwise, within two years of date of disability.
How to Apply	See site's administration for forms.	Not applicable.	Apply online at <a href="https://www.canada.ca/en/services/benefits/ei/ei-sickness/apply.html">https://www.canada.ca/en/services/benefits/ei/ei-sickness/apply.html</a> or contact Service Canada office.	Contact Claims Specialist at Johnson Inc. and/or NSTU Staff Office assigned to LTD.	Apply online at <a href="https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-disability-benefit/apply.html">https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-disability-benefit/apply.html</a> or contact Service Canada office.

Calculation of Benefits/Income Support	Leave for Injury on Duty (APSEA/CSAP/RCE)	Paid Sick Leave (APSEA/CSAP/RCE)	EI Sickness Benefits (Gov't of Canada)	Long Term Disability (NSTU Group Insurance Plan)	Canada Pension Plan (CPP) Disability Benefits
	Full salary.	Full salary.	Benefit rate is 55% of teacher's weekly earnings up to a maximum of \$650.00 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 2023 is \$1,538.67/month or \$18,464.04.
Length of Collection of Benefits/Income Support	Leave of IOD will not exceed 2 years from date of injury.	Teachers may accumulate up to one full year (195 days). Teachers may also use 20 days of current allocation per year.	Max. length of collection is 26 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 (age 65 or 35 years of service, whichever comes first).	May be temporary or collected up to age 65.

# Appendix A

## LIST OF CONTACT NUMBERS

### Education Entities

#### *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**

Local – (902) 424-8500

**Johnson Inc.**

(902) 453-9543 or 1-800-453-9543

**NS Pension**

(902) 424-5070 or 1-800-774-5070

**Canada Pension**

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

**NSTU Member Assistance Program (MAP)**

(902) 477-5621, press 3 or 1-800-565-6788, press 3

**Nova Scotia Teachers Union**

(902) 477-5621 or 1-800-565-6788

**Manulife EFAP (Optional Counselling)**

1-877-955-6788 (English) or (514) 875-0720 (French)







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