

Benefits in the event of a strike or a lockout



INSURED BENEFITS

What insured benefits will I have when I'm on strike or lockout?

In the event of a strike or lockout of CAAT Support bargaining unit members the collective agreement does not apply. For some members, the loss of insured benefits that are normally provided through the collective agreement would result in extreme hardship. That is why OPSEU has negotiated to maintain coverage of insured benefits through the existing benefit plan for striking members as per OPSEU's current strike policy.

If you are covered for benefits on August 31, 2011 you will continue to be covered for the following benefits during the strike:

- Basic life (\$25,000)
- Accidental death & dismemberment (\$25,000)
- Supplementary member life (for the amount you previously elected to a \$50,000 max.)
- Supplementary spousal life (for the amount you previously elected to a \$50,000 max.)
- Supplementary dependent life (if you normally have this coverage)
- Extended health care
- Dental care
- Long term disability coverage

You will be able to continue to use your drug card and the same claim forms for your benefit claims.

This coverage is expected to remain in effect until the end of the strike or lockout. In the unlikely event a strike or lock out continues beyond October 31, 2011 the benefits continuation will be reviewed.

What other employer-provided benefits, such as vacation, bereavement leave, maternity leave top-up, and short-term sick pay, would continue during a strike or lockout?

No other employer-provided benefits that depend on the collective agreement will be provided if you are on strike or locked out as they are not insured benefits.

VACATION

Can I use my vacation time when a strike or lockout starts? Will I get paid?

No. You are considered to be on strike or locked out once a labour dispute starts. The employer is not obligated to give you vacation pay.

SICK LEAVE

Can I get short-term sick leave with pay from the college when I'm on strike or locked out?

No, because the collective agreement does not apply. The employer will stop short-term sick leave benefits, but you can apply for Employment Insurance sickness benefits. Be sure to keep a copy at home of any medical certificates related to your sick leave that you give to your employer.

Am I eligible for Employment Insurance (EI) sickness benefits during a strike or lockout?

Your eligibility for EI sick benefits will be determined by EI. Contact Service Canada at 1-800-662-6232 or www.servicecanada.gc.ca.

To apply for EI sickness benefits I need my Record of Employment (ROE) from my employer. During a strike or lockout can I get my ROE?

Your employer should give you your ROE. If you can't get it, or there is a delay, don't wait for your ROE. Apply as soon as possible. A temporary claim can be set up for you. Bring proof that you were working, such as pay stubs, to the EI office when you apply for benefits. If you informed your employer of any scheduled surgery or provided medical certificates for your sick leave then take copies with you to the EI office. You can also apply on-line at www.servicecanada.gc.ca.

EI has a two-week waiting period at the beginning of every claim. Will I have to wait the two-weeks if I was on short-term sick leave before a strike or lockout?

If you were on short term-sick leave before a strike or lockout, EI may waive the two-week waiting period. You need to ask them to do this and let them know that you were previously on an employer paid sick leave plan.

Can I participate in the strike or lockout while I am receiving EI sickness benefits or in the two-week waiting period?

You could lose your EI sickness benefits if your involvement in the labour dispute leads EI to think you are well enough to work.

EMPLOYMENT INSURANCE

Can I get regular Employment Insurance (EI) if I'm not working because of a strike or lockout?

No. Generally, if you're unable to work because of a strike or lockout you cannot get regular EI benefits.

PREGNANCY/PARENTAL/ADOPTION LEAVES

What happens if I'm on maternity, parental or adoption leave and a strike or lockout starts? Will my EI benefits continue?

Your EI benefits will continue for the duration of your leave, but you will not receive your sub benefits (the top up to 93%) from the employer.

Would the top-up start up again after a strike or lockout?

Yes, as long as you are still getting EI maternity or parental (include adoption) benefits and the top-up provision still exists in the new collective agreement. However, you will not receive it for any portion of the strike or lock-out period.

Will I receive EI maternity, parental or adoption leave benefits if my leave starts during a strike or lockout?

Eligibility will be determined by EI. Contact Service Canada at 1-800-622-6232 or www.servicecanada.gc.ca.

Can I participate in a strike or lockout while I am on maternity, parental or adoption leave and still receive my EI benefits?

Yes. However, keep in mind that EI pays these benefits on the assumption that you need the time off to care for your child. Strike pay is not considered to be earnings for EI purposes so it will not be deducted from your EI benefit. However, you are still required to report it.

To apply for EI maternity, parental or adoption leave benefits I need my Record of Employment (ROE) from the employer. If my leave starts during a strike or lockout can I get my ROE?

If you can't get your ROE, or there is a delay, bring proof that you were working, such as pay

stubs, to the EI office when you apply for benefits. Apply as soon as you can. Don't wait for your ROE. A temporary claim can be set up for you.

Do I have benefit coverage if I am on maternity, parental or adoption leave during a strike or lockout?

Yes, under Employment Standards legislation you are entitled to benefit coverage while on leave as long as you pay your share of pension contributions and benefit premiums. If your portion is paid, then the employer must make its contributions and continue your benefit coverage.

What happens if my maternity, parental or adoption leave ends and I'm ready to return to work while a strike or lockout is still on?

You are considered on strike or locked out and you should report for strike duties.

LONG TERM DISABILITY (LTD)

If I am on LTD before a strike or lockout will my LTD benefits continue?

Yes, because LTD is not paid directly by the employer. It is paid by the insurer. So long as you continue to be totally disabled as defined by the insurance policy, you will continue to receive your LTD benefits. You will also continue to receive your insured benefits under the same provisions as the members who are strike.

If I become ill or injured while on strike or locked out, will I be eligible for LTD benefits?

If you become ill or disabled during the strike period, Short Term Disability and the elimination period would begin on the first scheduled day of return after the strike or lockout ends.

Would a strike or lockout interrupt my qualifying period for LTD?

Yes. Days where a strike is taking place will not be considered towards qualifying for Long Term Disability benefits. A strike or lockout will delay your eligibility for LTD. You will commence your qualifying period when the strike is over.

If approved, will my LTD benefits begin immediately or will they be delayed until after a strike or lockout ends?

It depends. If you have been approved for LTD benefits and have satisfied the qualifying period prior to the strike starting, your benefits will begin immediately. If your qualifying period has not been met, then the strike will delay benefits by the amount of working days the strike lasts for.

If I am injured while on strike duty, can I make a WSIB claim?

No.

If I am getting WSIB benefits, will they continue during a strike or lockout?

In many cases, yes, provided you continue to qualify medically and co-operate with WSIB approved programs.

However, if WSIB discontinues or threatens to discontinue your benefits, contact Membership Benefits at OPSEU Head Office and ask to speak to the WSIB Benefits Counsellor for your region.

If I have an approved WSIB claim and I am in receipt of WSIB benefits, who pays me during a strike or lockout?

WSIB will pay you directly. WSIB benefits are 85 per cent of your net average earnings for any injury or illness that occurred after January 1, 1998 or 90 per cent for any injury or illness prior to that.

Would my strike pay affect the WSIB benefits that I get during a strike or lockout?

No. Strike pay is not considered earnings by WSIB and therefore is not offset from WSIB benefits.

Will I have insured benefit coverage if I am on WSIB during a strike or lockout?

You can keep employment benefits (pension and insured benefits) for one year from the date of your injury or until you return to work, whichever is sooner. To be covered, you must pay your share of any benefit premiums. If you do, the employer must pay their share.

What happens if I am getting WSIB benefits and am ready to return to some type of work during a strike or lockout?

If WSIB discontinues your benefits during a strike or lockout, contact Membership Benefits at OPSEU Head Office and ask to speak to the WSIB Benefits Counsellor for your region at 1-800-268-7376.