



FÉDÉRATION DU PERSONNEL DE SOUTIEN  
DE L'ENSEIGNEMENT SUPÉRIEUR

## **GUIDE FOR COLLEGE SUPPORT STAFF MEMBERS**

### **SALARY INSURANCE BENEFITS (For a disability of 104 weeks or less)**

**CLAUSES 7-14.25 TO 7-14.28 AND 7-14.30 TO 7-14.34**

### **SSQ LONG-TERM SALARY INSURANCE (For a disability of more than 104 weeks)**

**Warning:** This document is an attempt to simplify certain rights contained in the college support staff collective agreement: FPSES – CSQ (C-7)

The collective agreement, all provincial letters of agreement and all laws cited remain the only official texts.

**In case of doubt, contact your Union.**

# GUIDE FOR SALARY INSURANCE AND LONG-TERM DISABILITY BENEFITS

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## WHO IS ENTITLED TO SALARY INSURANCE BENEFITS?

- the regular full-time or part-time employee who holds a position;
- the employee on probation;
- the regular employee who has been laid-off;
- the occasional or replacement employee who has accumulated six (6) months of continuous service.

## WHO IS NOT ENTITLED TO SALARY INSURANCE BENEFITS?

- the regular or occasional employee who has six (6) months of continuous service but is without a job contract; (clause 2-3.04)
- the regular or occasional employee who has less than six (6) months of continuous service but who could be eligible for 15 weeks of unemployment insurance sickness benefits;
- the student employee. (clause 2-3.05)

Note: To know what is meant by continuous service, consult the *Occasional and replacement personnel* guide on the [fpses.org](http://fpses.org) web site

## OBLIGATIONS OF THE EMPLOYEE

(clause 7-14.33)

- You are obliged to supply the Employer with all necessary information to obtain salary insurance benefits or written authorization for the Employer to obtain this information from other parties.
- You are obliged to take the necessary steps to obtain benefits payable by virtue of a law by any government agency (RRQ<sup>1</sup>, CSST<sup>2</sup>, RAAQ<sup>3</sup>, RREGOP<sup>4</sup> Pension Plan). If you neglect to take these measures, your Employer is not obliged to pay you benefits.

**Warning:** If you neglect to take the necessary steps to secure these benefits, your Employer is not obliged to pay you salary insurance benefits.

- If you are deemed eligible for such benefits retroactively, you must reimburse your Employer any amounts received.



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<sup>1</sup> RRQ = Régime de rentes du Québec

<sup>2</sup> CSST = Commission de la santé et sécurité du travail

<sup>3</sup> RAAQ = Régime d'assurance automobile du Québec

<sup>4</sup> RREGOP = Régime de retraite des employées et employés du gouvernement et des organismes publics

## **SALARY INSURANCE BENEFITS**

Salary insurance benefits are as follows: (clause 7-14.25)

- a) for the first five (5) days of your disability (the waiting period) you will be paid 100% of your salary as long as you have sick-leave days (redeemable or non-redeemable) in your bank. If not, some or all of these days will be without pay;
- b) for the next 51 weeks, you will be paid 85% of your regular salary;
- c) after this, for an additional period of 52 weeks you will be paid 66 2/3% of your regular salary;
- d) 104 weeks after the beginning of your disability, SSQ long-term salary insurance takes effect.

**IN THE CSQ-SSQ GROUP INSURANCE PLAN, LONG-TERM SALARY INSURANCE IS OBLIGATORY.**

## **DETERMINING BENEFITS**

(clause 7-14.26)

Your benefits are determined based on the salary you would be receiving if you were actually working. Your hourly wage is multiplied by the percentage applicable to either your first (1<sup>st</sup>) year (85%) or second (2<sup>nd</sup>) year (66 2/3%) of disability.

For **the part-time employee**, benefits are prorated to the time actually worked or paid in the month preceding the disability, excluding any periods of temporary lay-off.


Benefit payments terminate, at the latest, with the payment due for the last week of the month during which you take your pension. (clause 7-14.30)

## **WARNING**

If you become eligible for the following during your period of disability:

- an advancement in salary step,
- an increase in salary

your salary insurance benefits should be adjusted.

 Persons receiving disability payments on the date of the coming into force of the collective agreement (February 1, 2006), shall remain covered under the plan in effect at the beginning of their disability. (clause 7-14.43)

## LEGAL HOLIDAYS DURING A DISABILITY

Employees who are on disability receive 100% of their salary on legal holidays. (clause 7-5.04)

For each legal holiday, the Employer must pay you the difference between 100% of your salary and the benefits you are receiving, which will be either 15% or 33 1/3% depending on how long you have been on disability.

### Example 1: The full-time employee

On April 1, 2007, you were a full-time secretary class II at salary step 4, which means your hourly wage was \$17.79. You have been on disability since April 1, 2007.

Your weekly salary is  $\$17.79 \times 35 \text{ hours} = \$622.65$ .

Your annual advancement in salary step is scheduled to occur in January. Consequently, on January 1, 2008, you will move up to salary step 5. Your hourly rate will become \$18.50. A salary increase is scheduled for April 1, 2008, which will again raise your salary step 5 hourly wage to \$18.87.

At the beginning of your first year of disability, your weekly salary will be:

$\$622.65 \times 85\% = \$529.25$

Still in your first year of disability, as of January 1, 2008, your weekly salary will become  $\$647.50 \times 85\% = \$550.36$

Your weekly salary in your second year of disability will be:

as of April 1, 2008,  $\$660.45 \times 66 \frac{2}{3}\% = \$440.26$

### Example 2: The part-time employee

On April 1, 2007, you were a part-time secretary class II working 21 hours per week with an hourly wage of \$17.79. For two (2) weeks during the month preceding your disability, you worked an additional 7 hours per week.

You consequently worked an average of 24.5 hours per week in the month preceding your disability. Your average weekly salary during this month was therefore:

$\$17.79 \times 24.5 \text{ hours} = \$435.86$ .

During the first year of your disability, your weekly salary will be:

$\$435.68 \times 85\% = \$370.48$


### Example 3: The employee who is being paid an inconvenience premium (evening or night)

You are a full-time labourer who works in the evening (between 3 p.m. and 11:45 p.m.) or at night (between 10:45 p.m. and 6:45 a.m.). You are paid a fixed amount for working in the evening or a percentage premium for working at night. These premiums are payable for each hour actually worked.

Since April 2007, your weekly salary has been  $\$15.51 \times 38.75 \text{ hours} = \$601.01$ , on top of which you are paid either the evening or night premium for each hour worked.

During the first year of your disability, your weekly salary will be:

$\$601.01 \times 85\% = \$510.86$

 You will not be paid your premiums because, as long as you are on disability, you will not suffer any inconvenience.

## **BENEFITS FOR THE TEMPORARILY LAID-OFF EMPLOYEE**

### **If the disability occurs before the lay-off**

A period of lay-off does not terminate salary insurance benefits, which continue until you are able to return to work. This has been confirmed many times by jurisprudence in the education sector.

**Note:** If the Employer stops payment of your salary insurance benefits on the date that you are temporarily laid-off, **contact your Union.**

### **If the disability occurs during a temporary lay-off**

If your disability occurs while you are temporarily laid-off, you are not entitled to the salary insurance benefits provided by the collective agreement. The Employer must begin to pay you salary insurance benefits as of the date you are scheduled to be recalled to work.

In such a case, you should request special sick benefits available from Employment Insurance.

On the date on which you are recalled to work, bring your medical certificate to Human Resources. At this point, your Employer will apply the five (5) day waiting period, after which you will begin to receive salary insurance benefits.

### **If the disability occurs immediately following your return from a temporary lay-off**

If the disability occurs immediately following your return from a temporary lay-off, bring your medical certificate to Human Resources as soon as possible. At this point, your employer will apply the five (5) day waiting period, after which you will begin to receive salary insurance benefits.

### **Important**

When determining the amount of your salary insurance benefits, the Employer must not include weeks during which you were laid-off, with respect to both positions which exist by virtue of article 5-9.00 (Temporary Lay-off) or Appendix «15» (Creation of Positions with Temporary Lay-offs in Sectors other than Those Provided for in Clause 5-9.02).

**Note:** It is important for people who hold positions from which they can be temporarily laid-off to maintain their group insurance coverage during their periods of lay-off.

In order to be eligible for long-term salary insurance, the employee must have had long-term salary insurance coverage at the onset of the disability. This means that the person who occupies a position from which he can be temporarily laid-off, who did not maintain his group insurance coverage, will not be eligible for benefits if the disability begins during his period of temporary lay-off and lasts for more than 104 weeks.



## SPECIAL CASES

Special measures apply to people who are participating in:

- a gradual retirement leave
- a sabbatical leave with deferred or anticipated salary.

If you become disabled while participating in one of these plans, **contact your Union**.

Consult the following guides for more information:

*[Sabbatical leaves with deferred or anticipated salary](#)*

*[Gradual retirement](#)*

on the [fpses.org](http://fpses.org) web site

## WAIVER OF PAYMENT OF PENSION AND GROUP INSURANCE PREMIUMS

At the end of the five (5) day waiting period, you are exempt from having to pay your RREGOP pension premiums for the following 36 months of your disability.

After fifty-two (52) weeks of disability, you become exempt from having to pay SSQ group insurance premiums (life, sickness, long-term insurance), if your absence due to disability began:

- **on January 1, 2006 or later**, your waiver of premiums will continue until you reach the age of 60;
- before January 1, 2006, your waiver of premiums will be for a period of 36 months.

## ADMINISTRATIVE DISMISSAL

If you are dismissed for whatever reason during your disability, i.e., if your employment tie is broken by your Employer, **contact your Union**.

There are various forms of recourse to annul such a dismissal, either with a grievance or through the Charter of Human Rights and Freedoms.



**Do not hesitate to call your Union if you need their help.**

## CASE STUDIES

### Occasional and replacement employees

You have **accumulated 6 months of continuous service** and you are covered by article 7-14.00 which deals with group insurance. You are paying long-term salary insurance premiums. You go on disability in the course of a contract. What happens?

You will receive salary insurance benefits from the Employer until the end of your contract, in accordance with the provisions of clause 7-14.25. At the end of your contract, the Employer will stop paying you benefits until you obtain another contract. When the Employer stops paying you, you should apply for Employment Insurance sick benefits (maximum of 15 weeks).

The Employer cannot refuse to award you a new contract simply because you are on disability. Such a refusal would constitute discrimination.

While you are on disability and receiving salary insurance benefits from the Employer, you continue to accumulate time worked or paid with respect to the occasional and replacement employees priority list.

### The person on work accident or occupational illness leave

I filed a work accident or occupational illness claim. The Employer or the CSST contests my claim. In this situation, am I entitled to salary insurance benefits?

- The person who is either a **regular employee or** an occasional or replacement employee with **more than 6 months of continuous service:**

While waiting for a ruling on the CSST contestation, the employee is entitled to salary insurance benefits paid by the Employer. At the same time, she can continue to pursue her case to receive CSST benefits. If she wins her case and is paid CSST benefits, she must then reimburse the Employer.

- The occasional or replacement employee with **less than 6 months of continuous service**

This person is not covered by the group insurance plans in the collective agreement because she is paid a compensatory allowance of 4% in lieu of insurance on each paycheque.

What she should do is request special Employment Insurance sick benefits. She should also pursue her claim with the CSST which may eventually result in benefits. If she wins her case with the CSST, she will have to reimburse Employment Insurance.

For more information, consult the following guides:

[\*Work accidents\*](#)

[\*CSST vs. Salary insurance rights\*](#)



on the fpses.org web site



## LONG-TERM SALARY INSURANCE (SSQ)

### REQUEST FOR BENEFITS

- You should request these benefits from the SSQ Insurer at least **two (2) or three (3) months before** the date on which you would expect the long-term salary insurance payments to begin, which is 104 weeks after the onset of the disability;
- Request these benefits even if you are receiving disability benefits by virtue of another plan (CSST<sup>5</sup>, RRQ<sup>6</sup>, RAAQ<sup>7</sup> or other).

### AMOUNTS OF MONTHLY BENEFITS FOR DISABILITIES

#### ➤ DISABILITIES WHICH BEGAN ON JANUARY 1, 2006 OR LATER

- Long-term disability benefits will begin as of the 25<sup>th</sup> month of the disability.
- The payments will be roughly 72% of your net monthly income.
- Net salary is determined by deducting RRQ, RQAP<sup>8</sup>, RAE<sup>9</sup>, and federal and provincial contributions from your gross salary.
- The gross salary is what you were earning at the end of the 104<sup>th</sup> week of disability. If a person's gross salary is less than \$1200 per month, the monthly payments will be based on \$1200.
- The monthly payments are indexed each year in accordance with the RRQ index, with a maximum increase of three (3) percent.
- Coordination of monthly payments: monthly payments are reduced by:
  - any salary received from the Employer;
  - by 80% of the gross amount received as pension from CARRA and by 100% of any gross disability payments received from the RRQ ;
  - by 100% any disability paid by the RRQ or the RPC<sup>10</sup>, by the Act Respecting Work Accidents and Occupational Illnesses, by the Quebec Automobile Insurance Plan or by any other social law, minus the federal and provincial taxes payable on these payments;
  - any work for which you are paid.



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<sup>5</sup> CSST = Commission de la santé et sécurité au travail

<sup>6</sup> RRQ = Régime de rentes du Québec

<sup>7</sup> RAAQ = Régime d'assurance automobile du Québec

<sup>8</sup> RQAP = Régime québécois d'assurance parentale

<sup>9</sup> RAE = Régime d'assurance emploi

<sup>10</sup> RPC = Régime de pension du Canada

➤ **DISABILITIES WHICH BEGAN BEFORE JANUARY 1, 2006**

- Monthly disability payments begin as of the 25<sup>th</sup> week of disability.
- The payments equal 80% of your net monthly salary.
- Net salary is determined by deducting Employment Insurance, RRQ, RQAP, union dues and federal and provincial contributions from your gross salary.
- The gross salary is what you were earning at the end of the 104<sup>th</sup> week of disability. If a person's gross salary is less than \$1200 per month, the monthly payments will be based on \$1200.
- The monthly payments are indexed each year in accordance with the RRQ index, with a maximum increase of five (5) percent.
- Coordination of monthly payments: monthly payments are reduced by:
  - any salary received from the Employer;
  - by all pension income;
  - by all disability paid by the RRQ or the RPC, by the Act Respecting Work Accidents and Occupational Illnesses, by the Quebec Automobile Insurance Plan or by any other social law, minus the federal and provincial taxes payable on these payments;
  - Any work for which you are paid.

## **READAPTATION JOB**



You could return to a job which would support your readaptation.

This would be a **voluntary undertaking** which you would have to propose to your Union.