

NO MORE CUTS

Rebuild our public services!

May 24, 2005

Benefits Q&A

Questions and answers about benefits for OPSEU members in the event of a strike or lockout in the Ontario Public Service

Contents

Benefit coverage: Q1-Q3

Vacation: Q4-Q6

Sick Leave: Q7-Q15

Ontario Health Insurance Plan (OHIP): Q16

OPSEU Pension Plan: Q17-Q27

Employment Insurance (EI): Q28-Q29

Seasonal Workers and EI: Q30-Q36

Pregnancy/Parental Adoption Leaves: Q37-Q51

Long Term Income Protection (LTIP): Q52-Q57

Workplace Safety & Insurance Board (WSIB): Q58-Q67

Essential and Emergency Service Workers: Q68-Q79

Benefit Coverage

1. What insured benefits will I have when I'm on strike or locked out?

In the event of a strike or lockout in the Ontario Public Service, the OPSEU collective agreement does not apply, except for essential and emergency workers. 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 negotiates insured benefit continuation for striking members.

OPSEU will be raising the issue of insured benefits coverage for with the employer as we have done in previous rounds of bargaining. In the past, you received your usual benefit coverage but with the premiums paid by OPSEU so that you did not incur any out-of-pocket costs for insurance premiums. As in the past, we expect that we will be successful. Details will be sent to you as soon as possible.

For unclassified employees, in keeping with OPSEU's strike policy, OPSEU will provide limited insured benefit coverage through the OPSEU Joint Trusteed Benefit Fund for members on a strike or lockout that do not have insured benefits while at work but would be receiving a percentage of pay-in-lieu of benefits if it were not for the strike or lockout. The insured benefits through the OPSEU Joint Trusteed Benefit Fund for OPSEU members who are in receipt of strike pay shall include:

- \$100,000 Life Insurance; and
- Extended Health coverage.

2. Which insured benefits continued during the 2002 strike?

Basic life insurance, supplementary and dependent life insurance (if you had them before the strike), supplementary health and hospital (including drugs, vision care and hearing aids), dental and LTIP benefits were continued at no cost to members. In other words, insured benefit coverage remained the same as when you were at work.

3. What 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 employer-provided benefits that depend on the collective agreement will be provided if you are on strike or locked out.

Vacation

4. What happens if I am on vacation when a strike or lockout starts? Will I continue to be paid by the employer?

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

5. If my pre-approved vacation falls during a strike or lockout, will I get vacation pay?

No. There is no collective agreement in effect. The employer does not have to pay you vacation pay. You keep your vacation credits and can take approved vacation later.

6. I have heard of other workers getting their vacation pay during a strike or lockout. Why don't I?

You don't because you work for the Province of Ontario and they have exempted themselves from the section of the provincial Employment Standards Act that requires other employers in Ontario to provide to their workers during a strike or lockout the vacation pay that would have been paid with respect to that vacation, even if there is a purported cancellation of the vacation.

Sick Leave

7. What happens if I am on short-term sick leave when a strike or lockout starts?

Once a strike or lockout begins, the collective agreement no longer applies. The employer will stop paying your short-term sick leave benefits. But you may be eligible for Employment Insurance (EI) sickness benefits if you were on sick leave prior to the start of a strike or lockout. Be sure to keep a copy at home of any medical certificate(s) related to your sick leave that you give to your employer. However, while a simple doctor's note can be sufficient to establish a sick leave with the employer, EI will require a more detailed report to be completed by your doctor and they will make an independent decision about your eligibility for EI sickness benefits. In other words, being on sick leave prior to the strike does not guarantee getting EI benefits.

8. Is it different if I am on a "stress" leave and receiving short-term sick pay from the employer before a strike or lockout?

No. The answer to Question 7 previous still applies.

9. If I get sick during a strike or lockout can I get short-term sick leave with pay?

No, you cannot because the collective agreement does not apply.

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

Maybe, if you can show that your leave was anticipated and arrangements for it had begun before a strike or lockout started. Inform the employer in writing of the dates of any scheduled surgery and anticipated recovery periods. Be sure to keep a copy for yourself at home. Alternatively, being on short-term sick leave before a strike or lockout may show that your leave was anticipated.

11. 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 within 5 working days of the start of a strike or lockout. Make an extra copy for yourself and **apply for EI as soon as possible**. If you can't get your ROE, or there is a delay, keep track of all your efforts but don't wait for it. A temporary claim can be set up for you. Bring proof that you were working, such as pay stubs (or even T4 slips), 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.

12. 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.

13. 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 return to work. Strike pay is not considered to be earnings for EI purposes so it will not be deducted from your EI benefit.

14. Will the amount of my EI sickness benefits be affected by a strike or lockout?

Possibly. If a strike or lockout starts mid-week, it could reduce your EI sickness benefits. They are based on weekly earnings in the last 26 weeks and a partial week at work could lower that figure if it brought your earnings for the week below \$752.

15. Am I eligible for EI sickness benefits if I was on modified work (part-time or full-time) before the strike or lockout began?

No.

Ontario Health Insurance Plan (OHIP)

16. Does my OHIP coverage stop as a result of a strike or lockout?

No. OHIP is based on living in Ontario, not on being at work. If you had OHIP coverage before a strike or lockout and you keep living in Ontario, your OHIP coverage continues.

OPSEU Pension Plan

17. What happens to my pension during a strike or lockout?

Neither you nor the employer pays into the pension plan during a strike or lockout. So you don't earn pension credit during a strike or lockout. However, your membership in the plan continues and you don't lose any entitlement you had earned up to the date the strike/lockout began.

18. Why does pension credit matter?

The amount of credit you have in the OPSEU Pension Plan is important:

- It is used in calculating the amount of your pension when you retire - the more credit you have, the bigger your pension.
- It is used in determining your eligibility for early retirement options, like Factor 90 and the 60/20 option.
- It is used to determine whether you are eligible for post-retirement health and dental benefits.

As a result, buying back the credit you missed during a strike or lockout could make a big difference to your pension and your retirement.

19. Will a strike or lockout affect my early retirement date to reach Factor 90 or the 60/20 option?

Your early retirement date may be delayed if you don't buyback the pension credits you lost during a strike or lockout. However, for Factor 90 your date only changes by one half of the number of days of the strike or lockout, since your age increases even if your pension credit doesn't.

20. Can I make pension contributions while I am on strike or locked out? Or will I be able to buyback the pension credits I lose during a strike or lockout?

You cannot make pension contributions during a strike or lockout, however, afterwards you can buyback the strike or lockout period. Calculated on an annual salary of \$49,000 (which is the average annual salary of OPT members), a buyback of a strike or lockout period would cost less than \$9 per calendar day.

21. What does it mean to "buyback" the strike or lockout period?

To receive pension credit for a strike or lockout period, as a pension plan member, you have the option of purchasing, or "buying back," the period of missed service after you return to work.

After the OPS strike in 2002, the OPSEU Pension Trust (OPT) mailed individual statements to every member who missed credit due to the strike. The statement showed the details of the service the member missed and their cost of buying back credit for the strike period. If you elected to buyback the missed period, your employer was then required to also pay its share of the cost of your buyback. The buyback statement also explained the available payment options and included a form

members could use to select the option of their choice. Payment options included:

- a one-time payroll deduction, to be taken from the pay period more than 6 months after the end of the strike, or
- a single, lump-sum payment, to be made by cheque or money order and sent directly to OPTrust almost 5 months after the end of the strike (payment could be made later but the cost would be increased to reflect interest).

The OPT would need to have your current home address in order to send you this type of information. You can contact OPTrust to see if they have your correct address or if you register on-line at www.optrust.com, then you can check your address yourself and also get other useful information.

22. During a strike or lockout, can I apply to buyback pension credits for service prior to the strike, so as to be within time limits?

Yes, but you have to make the arrangements directly with the OPSEU Pension Trust (OPT).

23. Can I make pension contributions if I am on pregnancy, parental or adoption leave? What if I'm getting WSIB benefits during a strike or lockout? Does the employer match my contributions?

Yes, you may elect to make pension contributions during pregnancy, parental or adoption leaves and can continue to do so even during a strike or lockout.

If you are on WSIB benefits, you can pay into the pension plan for one year after the date of your injury. For this year, the employer must pay their share of the pension contributions. You can continue to make these pension contributions (and the employer must continue to pay their share) even during a strike or lockout.

24. Can I retire during a strike or lockout?

Yes, but you have to make the arrangements directly with the OPSEU Pension Trust (OPT).

You can contact OPTrust at:
1 Adelaide Street East, Suite 1200,
Toronto, Ontario M5C 3A7.
Telephone (416) 681-6161 or
call (toll-free) 1-800-906-7738
or fax to (416) 681-6175. The OPT can
also be reached on its web site at
www.optrust.com.

25. Will a strike or lockout have an impact on my best 60 or 36 consecutive months' salary for pension calculations?

No. These calculations are based on your salary rate, whether or not you are at work. Pay lost during a strike or lockout will not affect it.

26. How would a strike or lockout affect me if I am currently buying back eligible pension service?

If your buyback is by payroll deductions, it will stop during a strike or lockout. During the 2002 strike, buyback payroll deductions were suspended for all OPTrust members in the Ontario Public Service, whether they were on strike or not. Approximately 2 months after the end of the 2002 strike, OPTrust sent these members a special statement showing the amount of the missed deductions and outlining the available options for making up the missed payments. In most cases, members had two options:

- making a lump-sum payment within the next 6 weeks, or
- having their remaining buyback payments re-calculated to cover the missed amount.

The OPT would need to have your current home address in order to send you this type of information. You can contact OPTrust to see if

they have your correct address or if you register on-line at www.optrust.com, then you can check your address yourself and also get other useful information.

On the other hand, if your buyback payments are made directly to the OPT (e.g., quarterly payments), you can avoid additional interest charges by continuing to make your regularly scheduled payments.

27. If I die during a strike or lockout, will my survivors get their benefits under the pension plan?

Yes.

Employment Insurance

28. 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. However, you may be eligible for EI maternity, parental (includes adoption), sickness, compassionate care benefits or authorized training benefits.

29. Under what circumstances would I qualify during a strike or lockout for EI compassionate care benefits?

If your temporary absence from work to claim compassionate care benefits to provide care or support for a family members (child, parent or spouse) who is gravely ill with a significant risk of death within 26 weeks was already approved by your employer prior to the strike or lockout **and** you meet the EI eligibility requirements, then you are entitled to a maximum of up to six weeks compassionate leave (after a 2-week waiting period has been served). Be sure to keep a copy at home of any documentation related to your approved compassionate care leave.

Care or support includes:

- providing psychological or emotional support, or
- arranging for care by a third party, or
- directly providing or participating in the care.

Compassionate care benefits are available even if the family member you are helping lives outside of Canada. They are not available to care for a family member who has a disability or suffers from a chronic disease or long term illness unless the family member is gravely ill with a significant risk of death within 26 weeks.

Seasonal Workers and EI

30. As a seasonal worker, who gets laid off regularly for the summer months and collects EI during the layoff, am I eligible for EI benefits if my regularly scheduled layoff occurs before to a strike or lockout? What happens when I perform strike duties and get strike pay during my lay off?

Yes, you may be eligible. Since your summer layoff is considered to be more than a short term layoff (i.e., more than one month) you are expected to be looking for work. You would be required to report your strike pay on your weekly EI reporting cards. However, strike pay is not considered to be earnings for EI purposes so it will not be deducted from your EI benefits. However, remember that regular EI is designed for people who have no jobs and are actively looking for work so reporting strike pay may cause EI to check on your availability for work. If you spend too much time on strike duty, EI may assume that you are not available for work. and may cut you off .

31. As a seasonal worker, who gets laid off regularly for the summer months and collects EI during the layoff, am I eligible for EI benefits if my regularly scheduled lay off occurs after a strike or lockout begins? In other words, could I start my EI benefits after the June 30th end of my contract?

No. Even though you normally would not be working in the summer and would not return to work until school resumed in September, you would not be eligible for EI benefits during a strike or lockout because the strike or lockout was the event that disentitled you to EI benefits before you reached your normal layoff date. However, if your summer layoff has not ended when the strike or lockout is over, then you may be eligible to receive EI benefits for the remainder of the summer up to your return to work in September.

32. As a seasonal worker I was receiving regular EI benefits prior to the strike/lockout. If I participate in a strike or lockout can I still receive my regular EI benefits? What happens when I perform strike duties and get strike pay during my lay off?

Yes. You would be required to report your strike pay on your weekly EI reporting cards. Strike pay is not considered to be earnings for EI purposes so it will not be deducted from your EI benefits. However, remember that regular EI is designed for people who have no jobs and are actively looking for work so reporting strike pay may cause EI to check on your availability for work. If you spend too much time on strike duty, EI may assume that you are not available for work and may cut you off.

33. As a seasonal worker, what happens if I am scheduled to return to work during a strike?

Your regular EI benefits end at the scheduled return date.

34. As a seasonal worker now collecting EI benefits and without a scheduled return date will I continue to be eligible for EI benefits during a strike or lockout?

Usually, yes. However, if the employer can convince EI that there is a pattern of employment that shows that without the strike or lockout you would have been back to work, then EI will cut you off.

35. As a seasonal worker, I received a phone call to return to work and signed a contract but I have only been scheduled for 2 days of work so far and I am not scheduled to work in the future. Am I eligible for EI benefits during a strike or lockout?

It depends on the reason why you were not scheduled for more work. If it is because of a strike or lockout that you are not at work, then you would not be eligible for EI benefits. On the other hand, if you had been recalled on an “on call” basis, then it would be harder for EI to determine that you should be disqualified. Since this is not a clear cut situation, it would be best to apply for EI and have them make the determination on your eligibility.

36. As a seasonal worker, I have been called back to work but I am only working 2 days per week. As a result, I am continuing to receive EI benefits although my employment earnings are deducted from my EI benefits. Am I eligible for EI benefits during a strike or lockout?

If you are still working 40% of the week and receiving EI benefits when a strike or lockout begins, then you would not receive EI benefits for the 40% of the week that you are on strike or lockout but you could still maintain eligibility for the remaining 60%.

Don't forget that you would be required to report your strike pay on your weekly EI reporting cards. Strike pay is not considered to be earnings for EI purposes so it will not be deducted from your EI benefits. However, remember that regular EI is designed for

people who have no jobs (or are less than fully employed) and are actively looking for work so reporting strike pay may cause EI to check on your availability for work. If you spend too much time on strike duty, EI may assume that you are not available for work and may cut you off.

Pregnancy/Parental/Adoption Leaves

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

Yes, your EI benefits will continue for the duration of your leave.

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

Yes, if you can show you were arranging the leave before the strike or lockout. Write to the employer, stating your intent. Be sure to keep a copy for yourself at home.

39. If I participate in the strike or lockout prior to the start of my prearranged maternity, parental or adoption leave, will I still receive my EI benefits?

Yes, if you can show you were arranging the leave before the strike or lockout. Write to the employer, stating your intent. Be sure to keep a copy for yourself at home.

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

Yes. Strike pay is not considered to be earnings for EI purposes so it will not be deducted from your EI benefit. You still, however, have to report your strike pay on your weekly EI reporting cards.

41. Will the amount of my EI benefits be affected by a strike or lockout?

Possibly. If a strike or lockout starts mid-week, it could reduce your EI benefits. They are based on weekly earnings in the last 26 weeks and a partial week at work could lower that figure if it brought your earnings for the week below \$752.

42. 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?

Your employer should give you your ROE within 5 working days of the start of a strike or lock-out. Make an extra copy for yourself and **apply for EI as soon as possible**. If you can't get your ROE, or there is a delay, keep track of all your efforts and bring proof that you were working, such as pay stubs (or even T-4 slips), to the EI office when you apply for benefits. Don't wait for your ROE. A temporary claim can be set up for you.

43. Under the collective agreement, the employer tops up my wages to 93 per cent of my pay for the first two weeks of my maternity, parental or adoption leave. Will I get this during a strike or lockout?

No. The employer does not have to pay this for any part of the two-week period that falls during a strike or lockout.

44. Under the collective agreement, the employer tops up my EI maternity, parental or adoption leave benefits to 93 per cent of my pay. If I am on leave and getting EI benefits before a strike or lockout, will I get the top-up from the employer?

You will get the top-up while you are not on strike or locked out. The top-up will stop during a strike or lockout.

45. If my EI maternity, parental or adoption leave benefits start during a strike or lockout, will I get the top-up from the employer?

No, you will not get the top-up during a strike or lockout.

46. 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.

47. After a strike or lockout, would I be retroactively paid the top-up for the strike or lockout period?

After previous OPS strikes, the return-to-work protocol did give the top-up retroactively to members who had lost it during the strike but one can't say in advance if that would be the case if there was a strike or lockout in this round of bargaining. While what happened in the past offers us hope, it is not a guarantee for the future. We won't know what is in a future return-to-work protocol until we see it.

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

Yes, 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.

49. If my share is paid, what benefits do I get?

You will have coverage for: pension; basic life insurance; supplementary and/or dependent life insurance (if you have them); supplementary health and hospital (including drugs); and dental.

50. 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.

51. The collective agreement says I must serve 13 weeks to get leave without pay for maternity, parental or adoption leave. Will a strike or lockout interrupt my eligibility for these leaves?

A strike or lockout does not interrupt the qualifying period for these leaves. To be eligible, your hire date must be at least 13 weeks before the expected date of birth, or start of the parental or adoption leave.

Long Term Income Protection (LTIP)

52. If I am on LTIP before a strike or lockout, do my LTIP benefits continue?

Yes, because LTIP is not paid directly by the employer.

53. If I am on LTIP when a strike or lockout starts, will I receive other benefits?

In past strikes, the employer agreed that life insurance, health and dental benefits would continue for members on LTIP during a strike. We expect that the employer will honour the same position in this round of bargaining. The employer will have to continue pension contributions.

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

Yes, you will have LTIP coverage for an injury or illness that occurs during a strike or lockout.

55. Would a strike or lockout interrupt my six-month qualifying period for LTIP?

No. You are eligible for LTIP benefits if your application is approved. You can qualify for LTIP during a strike or lockout. A strike or lockout does not delay your eligibility.

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

Your LTIP benefits will begin immediately.

57. While I am returning to work on a gradual basis, I am receiving both rehabilitative employment earnings from the employer and LTIP benefits. Will I continue to receive both during a strike or a lockout?

You will receive both only if you work as an essential or emergency service worker. If you are not working as an essential or emergency service worker, then the employer does not pay you. However, your LTIP benefits continue to be paid by the insurer without the usual reduction of 50 per cent of your rehabilitative employment earnings.

Workplace Safety and Insurance Board (WSIB) Benefits

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

No, you can't.

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

In some cases, yes, provided you continue to qualify medically and co-operate with WSIB-approved programs. It may be useful to get up to date medical confirming your restrictions at the start of a strike or lockout.

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.

60. Prior to the strike (or lockout) I was getting both WSIB benefits and earnings from the employer. Do I have to tell the WSIB when my earnings cease due to the strike (or lockout)?

Yes. You are required to inform the WSIB when your earnings from your employer cease due to a strike or lockout. WSIB policy requires you to report a material change in circumstance (e.g., a loss in earnings from employment) within 10 calendar days of the occurrence. The 10 days includes the day of the change, i.e., the first day of a strike or lockout.

61. 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.

62. The collective agreement continues my salary for 30 days while I await a decision from the WSIB; or for 3 months or 65 days where an award has been made under the Workplace Safety and Insurance Act. Can I get this during a strike or lockout?

No. You will have to ask the WSIB for direct payment if your claim is approved. If you are waiting for approval, apply for sickness benefits under EI.

63. Does the WSIB pay me the equivalent of my salary?

No. If the WSIB pays you directly, you will get WSIB benefits which 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.

64. Can I use accumulated credits to supplement my WSIB benefits during a strike or lockout?

No. With no collective agreement in place, you can't use accumulated credits.

65. 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.

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

You can keep employment 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 the benefit premiums, if any. Then the employer must pay their share.

In addition, WSIB will continue to cover health care benefits directly related to your injury, if approved.

For details on what benefits apply (depending on whether you are classified or unclassified), refer to Question 1.

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

The employer will probably tell the WSIB that there is no appropriate placement for you due to the labour dispute. If this happens, inform the Workplace Safety and Insurance Board of your situation and your intention to continue following WSIB rules. You may continue to receive WSIB benefits as long as you co-operate with their requirements. To be safe, document your efforts to find alternate work with another employer that meets any applicable medical restrictions.

If WSIB discontinues your benefits, contact Membership Benefits at OPSEU Head Office and ask to speak to the WSIB Benefits Counsellor for your region.

Essential and Emergency Service Workers

68. Am I eligible for the draw if I am on short-term sick leave?

Yes. If your name is drawn and you are not at work, tell your manager that you are sick and get a doctor's note. Management will then replace you with the next person on the list.

69. I am in a classified job and the employer has provided accommodations (i.e., working a reduced workweek with modified duties) while I am returning to work on a gradual basis after an illness. In this situation, can I opt out of the draw?

No. If you are able to do the essential duties of the essential or emergency work and are chosen in the draw, then the employer has an obligation to continue to accommodate you with modified duties and to bring in another essential or emergency worker to work the hours that your medical restrictions do not allow you to work. However, if your name was on the list in error, then you could ask to have your name removed, e.g., if you have been accommodated in a job that is not your own and your medical restrictions are incompatible with the essential or emergency worker duties of your home position.

70. The employer has approved my extended education leave and I have already paid my tuition. In this situation, can I opt out of the draw?

It depends. You could ask for written confirmation from your manager that the leave approval is not affected by a strike or lockout.

71. What benefits are covered for essential and emergency service workers?

The collective agreement (except Appendix 9 and Appendix 18) applies to people doing essential and emergency service work. The employer will provide all benefits to essential service workers. The employer will cover emergency service workers on a pro-rated basis for time worked.

72. During previous strikes, as a classified essential worker I earned vacation credits for the whole month even when I only worked part of the month. So why am I only covered for insured benefits for periods when I work rather than for the whole month?

You are covered for insured benefits for the part of the month that you work, not for the whole month. Vacation credits are paid for the whole month because the collective agreement specifies that vacation credits are earned at the monthly rate ". . . in respect of a month or part thereof in which he or she is at work. . .". There is no such language with respect to insured benefits.

73. If I am an essential service worker and my approved vacation is scheduled during a strike or lockout, do I take my vacation?

The employer can deny vacation based on operational requirements. During a strike or lockout, your previously approved vacation may be cancelled. To assist you in your planning, you could ask you're your employer what they anticipate doing about your pre-approved vacation in the event of a strike or lockout.

74. What if I have pre-scheduled and prepaid a vacation?

In past rounds of bargaining, the essential services agreement let you have a temporary absence, if you could prove your vacation was pre-scheduled and prepaid. Your replacement was designated from the emergency list, and you had to report back to your position as soon as you returned from vacation.

We expect that the employer will honour the same position in this round of bargaining.

75. If I am working as an essential service worker and become ill and cannot work, will I be entitled to short term sick leave?

Yes. The collective agreement applies to essential service workers.

76. If I am working in essential or emergency services, and have a work-related accident, am I entitled to WSIB benefits and services?

Yes. Notify your employer as soon as possible after the injury occurs.

77. While I am returning to work on a gradual basis, I am receiving both rehabilitative employment earnings from the employer and LTIP benefits. Will I continue to receive both during a strike or a lockout if I am working as an essential or emergency service worker?

Yes.

78. If I work as an essential or emergency service worker during a strike or lockout, what happens to my pension contributions?

For the days that you work, it is mandatory that the employer deducts your pension contribution and makes their share of the pension contribution. As a result, you earn pension credit for the days you work. After the strike or lockout you will be able to buyback the pension credits for any periods that you did not work. In determining which days were worked during a strike, OPTrust uses payroll data provided by your employer.

79. How would a strike or lockout affect me if I work as an essential or emergency service worker during a strike or lockout and I am currently buying back eligible pension service?

If your buyback is by payroll deductions, it will stop during a strike or lockout even if you are working as an essential and emergency service worker.

Approximately 2 months after the end of the 2002 strike, OPTrust sent out a special statement showing the amount of the missed deductions and outlining the available options for making up the missed payments. In most cases, members had two options:

- making a lump-sum payment within the next 6 weeks, or
- having their remaining buyback payments re-calculated to cover the missed amount.

The OPT would need to have your current home address in order to send you this type of information. You can contact OPTrust to see if they have your correct address or if you register on-line at www.optrust.com, then you can check your address yourself and also get other useful information.

On the other hand, if your buyback payments are made directly to the OPT (e.g., quarterly payments), you can avoid additional interest charges by continuing to make your regularly scheduled payments.



Ontario Public Service Employees Union
100 Lesmill Road, Toronto, Ontario M3B 3P8
(416) 443-8888 or 1-800-268-7376
www.opseu.org

Authorized for distribution:

A handwritten signature in black ink, appearing to read 'Leah Casselman'.

Leah Casselman, President