



# OPS CONTRACT 2002

Information for OPSEU members in the Ontario Public Service

January 31, 2002

# Benefits Q&A

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

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# Benefits in General

## **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 insured benefits issues with the employer as we have done in previous rounds of bargaining. As in the past, we expect that we will be successful. Details will be sent to you as soon as possible.

## **2. Which insured benefits continued during the 1996 strike?**

Basic life insurance, supplementary and dependent life insurance (if you had them before the strike), supplementary health and hospital (including drugs) and LTIP benefits were continued at no cost to members.

## **3. Which insured benefits did not continue during the 1996 strike?**

Dental benefits were not continued. Expenses incurred during the strike were not reimbursed *even if the receipts were submitted to the insurer **after** the strike was over.*

## **4. 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.

## **5. What benefits will I have if I am an essential or emergency service worker?**

The collective agreement (except Appendix 9 and 18) will apply to workers performing essential and emergency services. The employer will cover all the usual benefits for essential service workers. Benefits for emergency service workers will be pro-rated on a daily basis for time worked.

# Vacation

## **6. What happens if I am on vacation 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 obliged to give you vacation pay.

## **7. 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.

# Sick Leave

## **8. Can I get short-term sick leave with pay when I'm on strike or locked out?**

No, because the collective agreement does not apply.

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

The employer will stop short-term sick leave benefits, but you can apply for Employment Insurance (formerly Unemployment 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.

**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. Being on short-term sick leave before a strike or lockout may show that your leave was anticipated. 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.

**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. 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.

**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. 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. Will I be able to buy back the pension credits I lose during a strike or lockout?**

Yes. After the strike in 1996, The OPSEU Pension Trust (OPT) sent each eligible member the cost, payment options and timelines for buying back lost pension credit. The OPT will need to have your current home address in order to send this information.

**19. Will a strike or lockout affect my early retirement date to reach Factor 80, 90 Factor or 60/20?**

Your early retirement date may be delayed if you can't or don't buy back the pension credits you lost during a strike or lockout. However, for Factor 80 and 90 Factor 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. I will qualify for Factor 80 before it is scheduled to expire on Mar. 31, 2002. Can I still get to my Factor 80 qualification date if I am on strike or locked out?**

Yes, because you can buy back lost pension credit after a strike or lockout ends.

**21. 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 leave. If you are on WSIB benefits, you can pay into the pension plan for one year after the date of your injury. The employer must match your contributions.

**22. 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 them 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](http://www.optrust.com).

**23. During a strike or lockout, can I apply to buy back 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).

**24. 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.

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

If your buy-back is by payroll deduction, it will stop during a strike or lockout. You will need to have the deduction re-calculated after a strike or lockout to make up any missed payments and so that you can complete the buy-back within the time limits.

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

Yes.

## Employment Insurance (formerly Unemployment Insurance)

**27. 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 or authorized training benefits.

**28. As a seasonal worker I was receiving regular EI benefits prior to the strike. If I participate in a strike or lockout can I still receive my regular EI benefits?**

Yes, however, remember that regular EI is designed for people who have no jobs and are actively looking for work. If you spend too much time on strike duty, EI may assume that you are not available for work. Strike pay is not considered to be earnings for EI purposes so it will not be deducted from your EI benefit.

**29. 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.

## Pregnancy/Parental/Adoption Leaves

**30. 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.

**31. 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.

**32. 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.

**33. 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.

**34. 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.

**35. 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. If you can't get it, 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.

**36. 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.

**37. 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.

**38. 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.

**39. 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.

**40. 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.

**41. 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.

*Note: During the 1996 strike, the insurer only processed dental claims for work done during the strike when they were submitted with an authorization form signed by a Ministry Benefits Coordinator.*

**42. 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.

**43. 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)

**44. 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.

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

In past bargaining, 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.

*Note: During the 1996 strike, the insurer only processed dental claims for work done during the strike when they were submitted with an authorization form signed by a Ministry Benefits Coordinator.*

**46. 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.

**47. 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.

**48. 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.

## Workplace Safety and Insurance Board Benefits (formerly WCB)

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

No, you can't.

**50. 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.

**51. 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.

**52. 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.

**53. 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.

**54. 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.

**55. 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.

**56. 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 any benefit premiums. If you do, the employer must pay its share.

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.

*Note: During the 1996 strike, the insurer only processed dental claims, for work done during the strike when they were submitted with an authorization form signed by a Ministry Benefits Coordinator.*

**57. What happens if I am getting WSIB benefits and 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 should continue to receive WSIB benefits as long as you co-operate with their requirements.

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

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

The collective agreement (except Appendix 9 and 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.

*Note: During the 1996 strike, the insurer only processed dental claims, for work done during the strike when they were submitted with an authorization form signed by a Ministry Benefits Coordinator.*

**59. What happens to my benefits if I rotate through essential or emergency assignments?**

The employer has said you will be covered for the time you are at work if you rotate through essential and emergency service assignments.

**60. 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.

**61. 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.

**62. 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.

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

In past bargaining rounds, 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.



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Authorized for distribution:

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

Leah Casselman, President