



## Short-Term Disability Plan Procedures

**Category:** Office of People and Culture

**Approval Authority:** Associate Vice-President, Office of People & Culture

**Effective Date:** July 1 2025

**Amendments:** N/A

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### Purpose

The purpose of this document is to provide additional guidance and detailed instructions for the processes and procedures (the “Procedures”) related to the Short-Term Disability (STD) Plan Policy (Policy).

### Benefit Eligibility During Leaves of Absence

If an Employee becomes Disabled while on an Approved Leave of Absence that is not a leave taken under applicable minimum employment standards legislation, the Employee will be eligible for STD benefits upon the Employee’s scheduled return to work or, if and only to the extent required by the Employee’s collective agreement, on the Date of Disability.

If an Employee becomes Disabled while on an Approved Leave of Absence that is a leave taken under applicable minimum employment standards legislation, the Employee will be eligible for STD benefits on the Date of Disability.

If an Employee is Disabled while on vacation or paid time off, STD benefits may be payable on the date of the agreed-upon end of leave or return from the time off. Return of unused vacation or paid time off may be available as determined by the Office of People and Culture or any applicable collective agreement. Vacation cannot be refunded after the conclusion of the vacation period unless the individual has been hospitalized during the vacation.

If an Employee becomes Disabled while on a Sabbatical, the Sabbatical will end effective on the Date of Disability and the Employee will be eligible for STD benefits on the Date of Disability.

For seasonal Employees who become Disabled during a summer or temporary scheduled lay-off, the Employee will be eligible for STD benefits on the Date of Disability.

### **Workplace Injury / Illness**

If an Employee is absent from work as a result of a workplace incident and is eligible for STD benefits, STD benefits will be advanced to the Employee for the period of absence up to a maximum of 105 calendar days while WSIB is assessing the claim. Should the WSIB claim be approved, wages continue to be advanced by the University and not directly from WSIB. Should the WSIB decline or pend the lost time claim, Health Management & Wellness would adjudicate the absence under the Policy to determine if STD benefits are medically supported.

### **Other Benefit Coverage and Accrual**

During a period when STD benefits are payable, the Employee's benefit and pension coverage will continue in accordance with and subject to the terms of the applicable plans and applicable legislation. If applicable, vacation and service will continue to accrue during the period where STD benefits are payable.

### **Deductions / Offsets & Overpayments**

STD benefit payments are all subject to applicable source deductions as required by law, including but not limited to, applicable statutory deductions such as Income Tax, Canada Pension Plan (CPP), EI, and premiums/contributions required for employee benefit plans (including pension, where applicable) and union dues, where applicable.

The STD benefit may be reduced by any other sources of income that constitute earnings under section 35 of the Employment Insurance Regulations.

Brock reserves the right to recover from the Employee any amount of benefit that has been overpaid subject to a reasonable repayment plan.

## **Exclusions / Limitations**

### Pregnancy / Parental

Brock offers a supplemental pregnancy/parental leave benefit to eligible Employees. While in receipt of the supplemental pregnancy/parental leave benefit, and/or during a period of formal pregnancy or parental leave taken by an Employee as provided under provincial or federal legislation during which the Employee is paid EI or Québec Parental Insurance Plan (QPIP) maternity, pregnancy, or parental benefits, no benefits will be payable under the Policy, other than as noted below.

The Policy provides benefits for disabling complications during pregnancy and for post-delivery Disability. Post-delivery Disability STD benefits support the health recovery period following the birth of a child, which is six (6) weeks for a natural birth or eight (8) weeks for a caesarian section delivery, where there are no complications.

Pregnancy, in the absence of complicating or disabling factors is not considered a Disability.

### Other Exclusions and Limitations

No benefits shall be payable under the Policy where the Disability resulted from:

- Participation in a criminal act, riot, insurrection, or civil disorder; or
- Service in the armed forces.

No benefits shall be payable under the Policy during periods when the Employee:

- Is not Disabled; or
- Is not under active, continuous, and medically appropriate care of a physician licensed to practice medicine in Canada or their country of practice, with the exception of unique circumstances approved by Health Management & Wellness; or
- Travels outside of Canada for over seven (7) calendar days during any period where STD benefits are payable and is not entitled to EI benefits while outside of Canada, with

the exception of unique circumstances approved by Health Management & Wellness.

For an exception to be granted, the Employee's physician(s) must confirm that the travel will not impede on the prescribed treatment plan; or

- Is imprisoned or confined in a similar institution, including the Employee's home; or
- Is receiving benefits referred to in Section 63(g)(vii) of the Employment Insurance Regulations or the Québec Parental Insurance Plan, unless the Disability resulted from complications during pregnancy or post-delivery; or
- Is receiving Brock's supplemental maternity leave benefit, unless the Disability resulted from complications during pregnancy or post-delivery; or
- Illness or injury is covered by Workers Compensation, Canadian Pension Plan, or Quebec Pension Plan; or
- Is eligible to receive benefits for a recurring disability according to a reinstatement provision of a long-term disability (LTD) plan (as long as the reinstatement period does not exceed six months); or
- Does any work for wage or profit unless otherwise approved by the University; or
- Is Disabled as a result of a cosmetic procedure, unless attributable to an injury or medical condition; or
- Is Disabled as a result of an illness or injury from a motor vehicle accident and who receives benefits under a provincial motor vehicle insurance plan that does not take EI benefits payable into account when paying their benefits.

Participation expectations during periods when an Employee is eligible and/or in receipt of STD benefits:

- Follow medical advice and be engaged in any reasonable prescribed treatment program;
- Make reasonable efforts to recover from an illness or injury, including participating in rehabilitation or return to work programs;
- Provide sufficient medical and/or functional information as requested by the University;
- Comply with requests to participate in an independent medical evaluation or functional, cognitive, or vocational evaluation(s) as requested by Brock, as appropriate; and

- Return to reasonable, suitable, or accommodated work that is within their abilities.

### **Termination of Benefits**

For Employees actively receiving STD benefits, payments will cease on the earliest of the following dates:

- The Employee's Termination of Employment with the University; or
- The date the Employee is no longer Disabled; or
- The end of the maximum benefit period as specified in the Duration and Amount of STD benefits section above has been reached.

### **Termination of Coverage**

STD coverage will cease on the earliest of the following dates:

- The Employee's Termination of Employment with the University; or
- The Employee is on strike; or
- The Employee no longer meets all the conditions outlined in the Eligibility section; or
- The date the Policy terminates.

### **STD Request**

All requests for short-term disability (5+ consecutive sick days), or the review of excessive absences will be completed by Health Management & Wellness within the Office of People & Culture or by an approved designate of the University. STD claims are managed, reviewed, and assessed by Health Management & Wellness (or designate). Sick days up to and including 4 consecutive days, is managed and coded in the Workday HR system at the department level.

The return of initially required medical documentation in the form of an Attending Physician Statement, must be returned within 2 weeks of Date of Disability.

## **Recurrence**

In the event an Employee is absent from work because of a recurrence of the same Disability or closely related disabling condition following being deemed no longer Disabled under the Policy, the recurrence will be considered a continuation of the previous Disability as long as the absence is within three (3) months of the initial Date of Disability.

In the event an Employee is absent from work because of a recurrence of the same Disability or closely related disabling condition following being deemed no longer Disabled under the Policy, the recurrence will be considered a new STD claim as long as the absence falls outside three (3) months of the initial Date of Disability.

If Total Disability occurs due to a new cause within a period greater than one (1) calendar day following the end of the period in which the Employee is deemed no longer Disabled under the Policy, then the absence will be considered a new STD claim with a new Date of Disability and eligibility requirements.

## **STD Approval**

Five (5) plus consecutive sick days or ongoing absences related to underlying injury/illness require supporting medical documentation and approval from Health Management & Wellness or an approved designate of the University. To complete an initial adjudication decision, Health Management & Wellness (or designate) will review all requested medical documents including the mandatory Attending Physician Statement, limitations, and restrictions to determine if an Employee is considered Disabled. Total Disability / Disability / Disabled as defined. The University (or designate) maintains approval authority for compensation for all Employees, benefit entitlement is contingent upon receipt of the requested documentation, its subsequent review and approval as well as active participation in the program by the Employee.

## **STD Claim Decision**

Initial adjudication decisions will have one of the following three outcomes all of which are communicated to the Employee and are based both on eligibility/exclusions/limitations, criteria

of the Policy and Procedures and supporting medical documentation.

**Supported:** Communication to detail specific dates of absence and support. At the end of the approval period, Employees are expected to return to work or provide additional medical information to substantiate ongoing absence.

**Pended:** If there is insufficient information to determine whether an Employee is considered Disabled, the claim will pend and await additional details to complete a successful review. With Employee consent, Health Management & Wellness may reach the Employee's physician for additional information concerning the specific absence from work, for the relevant purpose(s) of determining eligibility for income replacement benefits; approving an unpaid medical leave of absence; and/or facilitating an early and safe return to work.

**Unsupported:** Based on received documentation, the Employee's Disability claim is not supported. STD benefits will end. Should it be decided that the claim did not meet minimal eligibility or that there is no sufficient evidence of Disability from work, a repayment of STD benefit may be required and/or an alternate absence will need to be entered in the Workday HR system. (e.g., Lieu time, vacation, etc.)

### **STD Claims Management**

Following claim approval, the Employee will be paid STD benefits for the duration of their approval period or up to a maximum of 105 calendar days, whichever comes first. Health Management & Wellness will maintain frequent contact with the Employee throughout their claim, to monitor Employee status and to assess their return-to-work potential. Health Management & Wellness may request additional medical documentation from the Employee or their healthcare team, to determine whether they continue to be Disabled from work and their absence remains supported. Approval timelines, frequency of contact with the Employee, and the frequency of requesting updated medical documentation will all be determined on a case-by-case basis, by Health Management & Wellness (or designate). Any changes in the case management plan will be communicated to the Employee and their supervisor right away.

### **Decision Review (Appeal)**

If an Employee does not agree with the decision regarding the eligibility for STD benefits and/or the disability claims adjudication, they may request a review of the decision.

Employees must detail their intent to request a review of the decision in writing, to Health Management & Wellness, within 14 days of the initial decision.

The Employee is responsible for the payment of any costs associated with the provision of new medical reports and other evidence or information that may be required for the review. New medical information or evidence must be submitted within 30 days of the appealing decision.

STD benefits are not payable while a claim is under review.

### **Return To Work**

Health Management & Wellness (or designate) is continuously assessing an Employee's ability to return to work by identifying limitations and restrictions. Should there be an opportunity to provide a safe return to work, Health Management & Wellness will provide the Employee with accommodations to enable a safe reintegration into the workplace. Accommodation may include modified duties, modified work schedules, assistive devices, etc. Under the Duty to Accommodate, the University has a legal obligation to explore and implement appropriate accommodations, up to the point of undue hardship.

Should return to work be commencing beyond 105 calendar days of sick time for illness/injury, during a pending/approval/appeal with Long Term Disability, beyond a declined STD claim decision, the Employee will be paid for hours worked only, until a return to full hours is safely reached.

While in modified work, an Employee may be eligible to receive STD benefits to top up any loss in Earnings until the earliest of: (i) the Employee has returned to their regular, full-time equivalent hours; or (ii) the Employee has received STD benefits for 105 calendar days. Under no circumstance will an Employee's earnings combined with STD benefits exceed 100% of their pre-disability Earnings.

## Requirements

Employees participating under the Policy must remain active participants, in communication and contact with Health Management & Wellness (or designate). Employees must return requested medical information in the requested timeframe throughout the claim and accommodation process, must be reachable by telephone, email or other agreed upon method(s). This may include a requirement for Employees to use personal phone number and email to maintain communication.

Any deviation from approved claim dates must be discussed and approved by Health Management & Wellness (or designate) to ensure safe work is being provided and that medical clearance has been received.

Participation expectations during periods when an Employee is requesting, eligible and/or in receipt of STD benefit include the following:

- Follow medical advice and any reasonable prescribed treatment program;
- Make reasonable efforts to recover from an illness or injury, including participating in rehabilitation or return to work programs;
- Provide medical and/or functional information as requested by the University (or designate); or
- Comply with requests to participate in an independent medical evaluation or functional, cognitive, or vocational evaluation(s) as requested by the University (or designate) as appropriate;
- Where an Employee travels outside Canada to seek medical treatment that is not readily or immediately available in Canada, their physician(s) must confirm that the treatment being received is not readily or immediately available in Canada;
- Comply with requests for additional medical information from treating physicians to ensure appropriate adjudication and safe return to work planning;
- Return to reasonable, suitable, or accommodated work that is within their abilities; and
- Ensure coding of vacation time is independently managed. Vacation time preapproved during the approved short term sick time will be lost and non-refundable. It is the

responsibility of the Employee to retract approved vacation time during short term sick coding. Vacation cannot be refunded after the conclusion of the vacation period unless the individual has been hospitalized during the vacation. Return of unused vacation or paid time off may be available as determined by the Office of People and Culture or any applicable collective agreement.

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**Review Period:** 5 years

**Next Review Period:** 2030

**Related Policies and Policy Instruments:** Short-Term Disability Plan Policy, Employment Accommodation Policy, Long-Term Disability Policies (provided by a third party);

**Required Consultations:** Executive Team, Senior Administrative Counsel, Employee Unions

**Recommended Consultations:** N/A