

Short Term Sick Plan (STSP) Article 37

What is STSP

The Short Term Sickness Plan (STSP) provides income protection for regular Office of the Provincial Advocate for Children and Youth (OPACY) (classified) employees who are unable to attend work due to illness or injury for up to 130 sick days per year. It consists of six working days of absence at 100% salary and the remainder (up to 124 working days) at either a 66.67% or a 75% salary rate depending on the nature of the illness or injury. You can choose to use other accumulated credits (such as vacation) to make up the remaining difference in your pay.

To receive the 75% salary rate, you must provide a medical certificate from a legally qualified medical professional certifying that you are (or were) unable to attend to work due to a severe or serious chronic mental or physical illness or injury. (For all other absences due to illness, you will receive 66.67% salary.)

What constitutes a “severe physical or mental illness or injury”, or a “serious chronic physical or mental illness or injury” is not prescribed under the OPACY AMAPCEO Collective Agreement, but the Collective Agreement does provide some examples.

A severe physical illness or injury may include (but is not limited to) the following:

- Stroke, serious accident, hospitalization in excess of two days, quarantine, Pandemic event, shingles, etc.

A serious chronic mental or physical illness or injury may include (but is not limited to) the following:

- Cancer, Crohns, multiple sclerosis, cystic fibrosis, etc.

If you feel that your particular medical or health condition would qualify under this provision, then you should submit the necessary certificate from your medical practitioner to your Manager. Should your Manager question the validity of your illness or condition being “a severe or serious chronic illness or injury”, you still retain the right to file a dispute under the OPACY AMAPCEO Collective Agreement, and to seek assistance in doing so from an AMAPCEO Workplace Representative.

If you require more than 130 sick days, STSP can serve as the ‘bridge’ between your first day of absence and your first day of Long Term Income Protection (LTIP), if you are deemed eligible to receive LTIP benefits.

NOTE: Temporary (unclassified) employees have a different sick leave entitlement. As an unclassified employee you are entitled to earn attendance (sick) credits of 1¼ days for each full month that you are at work or are on vacation, bereavement, or jury/witness leave. You are entitled to use your accumulated attendance credits in the event that you are unable to attend to your duties by reason of illness or injury. For more information on sick leave for fixed term employees, please see Art. UC5 of the OPACY AMAPCEO Collective Agreement.

If you are a Youth Amplifier, speak to your Workplace Representative about your rights to sick leave under the Collective Agreement.

STSP Eligibility

You will receive your 130 days of STSP credits on January 1 of each year assuming you have fulfilled the following eligibility criteria:

- If you are a new employee, you will receive your annual allotment of STSP credits after working 20 consecutive scheduled working days; and
- If you have started a sick leave in one calendar year and you are unable to return to work until after the start of the next calendar year, you will continue to use the remaining STSP credits from the previous year until those credits have been exhausted (if needed). You will receive your new allotment of STSP credits after you have been at work for at least 20 consecutive scheduled working days.

Medical Information Required for STSP

The Employer can request medical documentation from a legally qualified medical practitioner if you are absent from work due to illness or injury:

- For more than seven consecutive business days; or
- If the Employer has a legitimate reason to suspect the abuse of sick leave.

They may also reasonably ask for the following medical information depending on the circumstances of the case:

- An independent medical assessment (for more information see the section below);

- Details about a medical condition which relates to carrying out job duties, along with information on any work restrictions which may apply upon a return to work; and
- Periodic medical practitioner's certificates during extended sick leave situations, including information regarding a return to work prognosis.

It is often helpful for medical documentation to contain the following information:

- The name, address, telephone number, and signature of your medical practitioner;
- The date you were assessed;
- Confirmation that you were unable to perform your duties at work due to an injury or illness for the specified period of absence;
- The start and expected end/reassessment dates; and
- The expected date of your return to work, or the date on which you will next be seen by your medical practitioner.

You are not required to provide the diagnosis of the illness which led to your absence.

Employers Request for an Independent Medical Examination

If you are frequently absent from work, the Employer may require you to undergo an independent medical examination (IME). Before requesting an IME, the Employer should have already gotten medical documentation from your medical practitioners. You should first contact an OPACY [Workplace Representative](#) before agreeing to do an IME. If you and the Employer cannot agree on who that IME provider will be, you may choose a qualified medical practitioner from the referral service of the College of Physicians and Surgeons.

Health Benefits and Pension Contributions throughout an STSP Leave

While receiving paid STSP, your health benefits coverage is maintained as if you were at work. You will also receive pension contributions during this period. All deductions and contributions shall be made as though you were receiving your regular salary.

Questions?

Please direct any questions to an AMAPCEO OPACY [Workplace Representative](#). A complete list of Workplace Representatives can be found on the AMAPCEO website at www.amapceo.on.ca