

Appeal Process

The Employee has the right to appeal a non-supported claim decision rendered by the Disability Management Provider.

What is an appeal?

An appeal is a written request from an Employee that details the reason(s) for believing that the non-support decision is incorrect and to have this decision reconsidered in light of new facts. The appeal process is designed to provide an opportunity for a review of the non-support decision when the Employee provides additional information that was not already on file with the Disability Management Provider.

Appeal Process for PSAC represented Employees

The CPC/PSAC collective agreement provisions apply. The following is meant to provide administrative guidelines.

First Appeal

Notification & Intent to Appeal

- **The employee will receive written confirmation detailing the reason(s) their claim is not supported.**
- The Employee will be informed verbally and in writing of their right to appeal a non-support decision and the process they must follow.
- The process requires the Employee to:
 - Notify the Disability Management Provider in writing with his intent to appeal within 7 calendar days of the non-support decision, including the reason(s) for the appeal
 - Submit to the Disability Management Provider additional evidence to support his claim for Short Term Disability benefits within 30 calendar days from the notice of appeal.

Abandonment of Appeal

- Failure by the Employee to provide written notice of appeal within 7 calendar days or failure to provide additional evidence to support his claim within 30 calendar days will result in Canada Post terminating Short Term Disability benefits, and any Short Term Disability benefits received to date for the non-supported absence by the employee will be recovered as per the Recovery Process.

Appeal Decision

- Upon receipt of the additional information the Case Manager will review the claim with a Senior Case Manager/Operations Specialist, and the Occupational Medical Consultant

- The Employee and the Team Leader will be notified in writing and verbally on the decision of the 1st level appeal.

Support decision

- Short Term Disability benefits will be approved for the period supported.
- Any entitlement to benefits for the non-supported period will be reconciled and paid by Canada Post based on the Disability Management Provider's decision.

Non-Support decision

- If the absence continues to be non-supported, the Team Leader consults with the Subject Matter Experts (Occupational Abilities Manager/Co-ordinator, Labour Relations, Human Rights, etc) to discuss internal management of the decision. They will determine an appropriate action plan with regards to consequences and next steps.
- A non-support decision at the 1st level appeal will result in Canada Post terminating Short Term Disability benefits, and any Short Term Disability benefits received to date for the non-supported absence by the employee will be recovered as per the recovery process

Second Appeal

If the claim continues to be non-supported in whole or in part in the first appeal and the Employee chooses to proceed with a further appeal, the following process will be followed:

- **The employee will receive written confirmation detailing the reason(s) their claim is not supported.**
- Notify the Disability Management Provider in writing with his intent to appeal within 7 calendar days of the non-support decision, including the reason(s) for the appeal
- Submit to the Disability Management Provider additional evidence to support his claim for Short Term Disability benefits within 30 calendar days from the notice of appeal.

Abandonment of Appeal

- Failure by the Employee to provide written notice of appeal within 7 calendar days or failure to provide additional evidence to support

his claim within 30 calendar days will result in Canada Post terminating Short Term Disability benefits, and any Short Term Disability benefits received to date for the non-supported absence by the employee will be recovered as per the recovery process.

Appeal Decision

- Upon receipt of the additional information to support the claim, the Case Manager will review the claim with a Disability Management Supervisor, and an Occupational Medical Consultant
- The Employee and the Team Leader will be notified in writing and verbally on the decision of the 2nd level appeal.

Support decision

- Short Term Disability benefits will be approved for the period supported.
- Short Term Disability benefits will recommence and entitlement to benefits for the non-supported period will be reconciled and paid by Canada Post based on the Disability Management Provider's decision.

Non-Support decision

- If the claim continues to be non-supported, the Team Leader consults with the Subject Matter Experts (Occupational Abilities Manager/Co-ordinator, Labour Relations, Human Rights, etc) to discuss internal management of the decision. They will determine an appropriate action plan with regards to consequences and next steps.

Third Appeal

Once the Employee has been advised in writing that his second appeal has been denied, the employee or his authorized representative has 10 working days to advise the Case Manager, in writing, of the intent to appeal. An independent occupational health specialist shall review the claim, including any further information provided. The claim documents will include a release that the Employee may sign if they wish to authorize a bargaining unit representative to represent the Employee's interests during this final review.

The independent occupational health specialist shall have the authority to hold a fact finding meeting and/or hearing.

If the parties (Canada Post and the bargaining agent) are unable to agree on an independent occupational health specialist within 15 working days from the notice of appeal, either party can make a request to the Minister of Labour for the appointment of an independent occupational health specialist to make a final review and determination.

Next Steps – 3rd appeal decision

Support decision

- Short Term Disability benefits will be approved for the period supported.
- Short Term Disability benefits will recommence and entitlement to benefits for the non-supported period will be reconciled and paid by Canada Post based on the Disability Management Provider's decision.

Non-Support decision

- If the claim continues to be non-supported, the Team Leader consults with the Subject Matter Experts (Occupational Abilities Manager/Co-ordinator, Labour Relations, Human Rights, etc) to discuss internal management of the decision. They will determine an appropriate action plan with regards to consequences and next steps.

The decision of the independent occupational health specialist shall be final and binding upon both parties, without creating a precedent, and shall not be subject to the grievance procedure under the collective agreement.

The fees and expenses of the independent occupational health specialist including the costs of the hearing, if any, shall be shared equally between the parties.

There is no further access to Short Term Disability or Long Term Disability benefits if the claim is non-supported after the third appeal.

Appeal Process for APOC represented and Management/Exempt employees

The CPC/APOC collective agreement provisions apply. The following is meant to provide administrative guidelines.

First Appeal Notification & Intent to Appeal

- **The employee will receive written confirmation detailing the reason(s) their claim is not supported.**
- The Employee will be informed verbally and in writing of their right to appeal a non-support decision and the process they must follow
- The process requires the Employee to:
 - Notify the Disability Management Provider in writing with his intent to appeal within 7 calendar days of the non-support decision, including the reason(s) for the appeal
 - Submit to the Disability Management Provider additional evidence to support his claim for Short Term Disability benefits within 30 calendar days from the notice of appeal.

Abandonment of Appeal

- Failure by the Employee to provide written notice of appeal within 7 calendar days or failure to provide additional evidence to support his claim within 30 calendar days will result in Canada Post terminating Short Term Disability benefits, and any Short Term Disability benefits received to date for the non-supported absence by the employee will be recovered as per the recovery process.

Appeal Decision

- Upon receipt of the additional information the Case Manager will review the claim with a Senior Case Manager/Operations Specialist, and the Occupational Medical Consultant
- The Employee and the Team Leader will be notified in writing and verbally on the decision of the 1st level appeal.

Support decision

- Short Term Disability benefits will be approved for the period supported.
- Any entitlement to benefits for the non-supported period will be reconciled and paid by Canada Post based on the Disability Management Provider's decision.

Non-Support decision

- If the absence continues to be non-supported, the Team Leader consults with the Subject Matter Experts (Occupational Abilities

Manager/Co-ordinator, Labour Relations, Human Rights, etc) to discuss internal management of the decision. They will determine an appropriate action plan with regards to consequences and next steps.

- A non-support decision at the 1st level appeal will result in Canada Post terminating Short Term Disability benefits, and any Short Term Disability benefits received to date for the non-supported absence by the employee will be recovered as per the recovery process

Final Appeal

Once the Employee has been advised in writing that his first appeal has been denied, the employee or his authorized representative has 10 working days to advise the Case Manager, in writing, of the intent to appeal. An independent occupational health specialist shall review the claim, including any further information provided. The claim documents will include a release that the Employee may sign if they wish to authorize a bargaining unit representative to represent the Employee's interests during this final review.

The independent occupational health specialist shall have the authority to hold a fact finding meeting.

If the parties (Canada Post and the bargaining agent) are unable to agree on an independent occupational health specialist to consider the appeal within 15 working days from the notice of appeal, either party can make a request to the Minister of Labour for the appointment of an independent occupational health specialist to make a final review and determination.

Next Steps

Support decision

- Short Term Disability benefits will be approved for the period supported.
- Short Term Disability benefits will recommence and entitlement to benefits for the non-supported period will be reconciled and paid by Canada Post based on the Final Appeal decision.

Non-Support decision

- If the absence continues to be non-supported, the Team Leader consults with the Subject Matter Experts (Occupational Abilities

Manager/Co-ordinator, Labour Relations, Human Rights, etc) to discuss internal management of the decision. They will determine an appropriate action plan with regards to consequences and next steps.

- There is no further access to Short Term Disability or Long Term Disability benefits if the claim is non-supported after the final appeal.

Recurrence

Recurrence of the same or related medical condition—within 30 calendar days

- Should an Employee have a recurrence of the same or a related medical condition within 30 calendar days of his return to work following a Short Term Disability leave, the situation will be reviewed as a recurrence.
- If medically supported, the Employee will receive a continuation of his Short Term Disability benefits, with no Qualifying Period, at the appropriate level of benefits and up to the maximum benefit payment (if medically supported) for the remaining duration of the 30 week benefit period.

Recurrence of the same or related medical condition— greater than 30 calendar days

- After an Employee has returned to work following a Short Term Disability leave for longer than 30 calendar days, any subsequent absence is considered a new period of illness or injury, unless the Employee had not returned to work on a full time basis.
- If medically supported, the Employee will be eligible for benefits based on a new 30 week period, subject to the appropriate Qualifying Period.
- Individual cases can be reviewed on their merit based on extenuating circumstances, and may be considered as a recurrence of the same or related medical condition within 30 calendar days.

Change in Status & Transfers between Groups

Change of Status within Group

(Term, Part-Time, Full Time, etc) within group(s) eligible Short Term Disability Program

- If an Employee changes his status:
 - The Short Term Disability Program will change according to the eligibility of the new status.
 - Personal Days are reconciled (recovered/allocated)
 - Personal Day accrual and payment are not affected until the Employee returns to work at which time reconciliation will occur.
 - If an Employee changes his status while receiving Short Term Disability benefits:
 - Short Term Disability benefits continue

Transfers between Groups

- Personal Days will be reconciled in the event of a transfer during a fiscal year.
- If an Employee transfers from the Short Term Disability Program to the sick leave plan:
 - Eligibility for the Short Term Disability Program ceases
 - Personal Days are reconciled and are prorated based on the hours the employee is scheduled to work and paid out/recovered accordingly
- If an Employee transfers from the cumulative sick leave plan to the Short Term Disability Program:
 - The cumulative sick leave plan ceases
 - Top up credits will be allocated to Employees at the time of transfer
 - The allocation of top up credits will be made for each Employee based on his length of service and attendance record.
 - Eligibility for the Short Term Disability program begins
 - Personal Days will be allocated based on the hours the employee is scheduled to work and the expected time on the Short Term Disability Program
- If an Employee transfers to another group while receiving Short Term Disability benefits:
 - Short Term Disability benefits continue
 - The accrual and payment of Personal Days are not affected until the Employee returns to work at which time reconciliation occurs

- Once the Employee returns to work, he will be eligible for the plan he transferred into

Exclusions

Short Term Disability benefits are not payable in the following situations:

- During any period when the Employee is imprisoned;
- Any illness or injury due to the commission of, or attempt to commit, an assault or other criminal offence;
- Any illness or injury related to substance abuse, unless the Employee agrees to receive ongoing, active professional treatment deemed appropriate for the condition being treated.

Integration of Benefits

When in receipt of Short Term Disability benefits, an individual may be eligible for other disability benefits or receive income from other sources. The Short Term Disability benefit payments will be reduced by the income received from any of the following sources:

- Earnings from other employment, unless the Employee can show proof that this employment pre-dated the injury or illness;
- Benefits payable under any Workers' Compensation program (where reduction is permitted by law);
- Benefits paid for lost wages from no-fault government insurance or automobile insurance (where reduction is permitted by law);
- Any other disability, severance payment or salary continuation benefits resulting from employment; or
- Retirement income from an employer providing income that becomes payable only after the employee becomes disabled.
- Canada Pension plan, or Quebec Pension plan: The Disability Management Provider will review each claim to determine if an application for disability benefits to the Canada or Quebec Pension Plan (CPP, QPP) is appropriate.

If Canada Post has paid or is obliged to pay any benefits for an injury or illness for which a third party is or may be liable for damages (e.g., a motor vehicle accident), Canada Post will seek reimbursement for any amounts received in lieu of wage replacement where permitted by law for any settlement obtained through a legal process called subrogation.

Note: Not all provinces allow for a right of recovery in motor vehicle accident cases.

Case Closure

The Disability Management Case Manager will close a claim upon resolution, which can include the following:

- Return to work at either a pre-injury/illness state, or at maximum medical recovery
- Transition to Long Term Disability
- End of Employment (released, resigned, retired, deceased)
- Maternity Leave
- Leave of Absence (non-medical)

The Disability Management Case Manager will provide written information to the Employee, the Team Leader, and AccessHR for all closed cases.

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