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Injury-on-Duty Leave

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Injury-on-Duty Leave

1. Introduction

In virtually all cases where the Treasury Board is the employer, employees disabled due to an occupational illness are entitled to injury-on-duty leave with full normal pay for such reasonable period as is determined by the employer, where the disability is confirmed by a Provincial Workmen's Compensation Board pursuant to *the Government Employees Compensation Act*.

2. Authority

For the majority of employees, provisions for injury-on-duty leave are negotiated through the process of collective bargaining and the provisions are contained in the collective agreements. To determine the injury-on-duty leave provisions applicable to specific groups, the relevant collective agreement must be consulted.

Injury-on-duty leave may also be granted, in accordance with *the Public Service Terms and Conditions of Employment Regulations*, to employees whose terms and conditions of employment are governed by these Regulations.

The following "Management guidelines for the administration of injury-on-duty leave" have been developed in consultation with several departments, including Labour Canada, which administers the *Government Employees Compensation Act*. Departments should ensure that all personnel associated with the administration of injury-on-duty leave are familiar with these guidelines.

3. Guidelines

3.1 General

Injury-on-duty leave should not be granted unless an injury report has been submitted to Labour Canada pursuant to the *Government Employees Compensation Act*, and the claim subsequently allowed. Departments should ensure that verification of the period of disability is obtained from Labour Canada before approving such leave and periodically, where necessary, to confirm continuing disability. In the case of a minor (non-disabling) injury where no time is lost beyond that required for immediate medical treatment, the employee should be allowed appropriate time off with pay to obtain such treatment.

3.2 Verification of disability period

In the case of a disabling injury, that is, any injury which prevents the employee from returning to work for the next regular shift or any subsequent workday, departments should, prior to granting or terminating injury-on-duty leave, ensure that certification verifying disability and the date on which such disability commences or ceases has been received from Labour Canada. In cases involving extended periods of injury-on-duty leave, periodic verification should be requested from the appropriate regional office of Labour Canada, as necessary to support the continued provision of this leave. Labour Canada form APC-5(71) is used to inform departments in this regard.

While a department is awaiting the receipt of certification required for the granting of injury-on-duty leave, the disabled employee may be granted sick leave to the extent of his or her sick leave credits. If the employee has insufficient sick leave credits, he or she may be advanced additional sick leave in accordance with the terms of the applicable collective agreement or other applicable authority. When sick leave is granted and injury-on-duty leave is subsequently approved for the same period, the employee is to be credited with the number of days of sick leave involved.

3.3 Medical review

If there is a reasonable doubt concerning the disability status of an employee at any time while on injury-on-duty leave, a special medical assessment of the employee's physical condition can be made by the department through the nearest medical service regional office of Health and Welfare Canada. If, as a result of this medical assessment, the employee is considered fit for work, this should be reported immediately along with all supporting documents, to the appropriate regional office of Labour Canada, which will arrange for a review of the employee's disability status.

3.4 Termination of injury-on-duty leave

Injury-on-duty leave should not be granted beyond the date certified through Labour Canada that the employee is fit for work, including "light duty" work, where it is available. (An employee reporting to the department that he or she has been medically authorized to return to work may do so, pending the receipt of confirming certification from Labour Canada.)

An employee who has been authorized to perform "light duty" work should be provided with work which is commensurate with his or her physical capability. If such work is not available and the employee's disability is of a temporary nature, injury-on-duty leave may continue to be authorized, subject to paragraph 3.2, until appropriate work is found for the employee, or until he or she has been certified as ready to assume normal duties.

Should the total period of injury-on-duty leave granted to an employee with respect to an injury or illness reach 130 working days, a special departmental review of the case should be carried out and a decision made as to whether or not the continued

provision of such leave beyond this period is warranted.

Where a decision is made to discontinue the provision of injury-on-duty leave to a disabled employee, the appropriate regional office of Labour Canada should be immediately notified of the date that injury-on-duty leave will terminate. Upon receipt of such notification, Labour Canada will make the required arrangements for the disabled employee to receive Provincial Workers' Compensation payments from the date injury-on-duty leave ceases until the claim is settled. (Provincial wage compensation benefits for totally disabled employees are generally 75% of earnings, based on a maximum annual earnings ceiling. Specific information concerning provincial compensation benefits may be obtained from the appropriate regional office of Labour Canada.)

4. Reference

This chapter replaces chapter 5-2 of *PMM* volume 16.

5. Enquiries

Enquiries concerning the above should be directed through the appropriate departmental representative to:

*Benefits Group
General Personnel Policy Development and Compensation Division
Personnel Policy Branch
Treasury Board Secretariat*