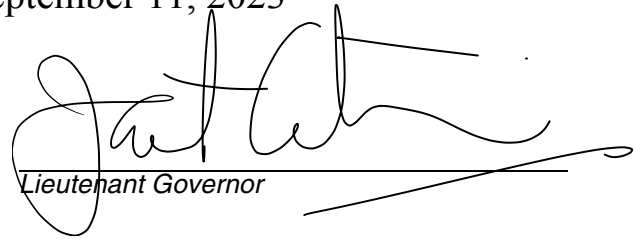


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 521

, Approved and Ordered September 11, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Long Term Disability Plan Regulation, B.C. Reg. 409/97, is amended as set out in the attached Schedule.



Minister of Finance



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Public Service Benefit Plan Act, R.S.B.C. 1996, c. 386, s. 7*

Other: *OIC 1325/97*

R10706617

SCHEDULE

- 1** *Section 2.1 (a) of the Long Term Disability Plan Regulation, B.C. Reg. 409/97, is amended by adding the following passage of text immediately before the passage of text that begins with “Where an employee”:*

An employee must submit an LTD Plan application within four (4) weeks following the end of the applicable Short Term Illness and Injury Plan period. An employee who fails to submit an application within the four (4) weeks will be presumed to have abandoned the employee’s claim for Long Term Disability benefits. An employee shall be afforded the opportunity to rebut such presumption to the LTD Plan Administrator and demonstrate that there were reasonable grounds for not having submitted an application within the four (4) weeks.

- 2** *Section 2.2 (a.1) (ii) is amended*

(a) *by striking out “Plan Type A – 70% of the first \$2 600 of monthly earnings and 50% of the monthly earnings above \$2 600;” and substituting “Plan Type A – an amount specific to each employee group listed in Schedule A, as established by the agency responsible for administering this regulation in accordance with the applicable terms and conditions of employment;”,*

(b) *by striking out “Plan Type B – 70% of the first \$2 700 of monthly earnings and 50% of the monthly earnings above \$2 700;” and substituting “Plan Type B – an amount specific to each employee group listed in Schedule A, as established by the agency responsible for administering this regulation in accordance with the applicable collective agreement;”, and*

(c) *by striking out “Plan Type D – 68.3% of the first \$2 400 of monthly earnings and 50% of the monthly earnings above \$2 400;”.*

- 3** *Section 2.2 is amended*

(a) *in paragraph (d) by adding “An employee also remains eligible for retirement allowance and pre-retirement leave provided the employee has completed the required years of service prior to receipt of Long Term Disability benefits and otherwise meets the requirements of the retirement allowance and pre-retirement provisions where such a leave or allowance is provided in a collective agreement or term and condition of employment.” after “under an enactment.”, and*

(b) *by adding the following paragraph:*

(f.1) For certainty, an employee described in paragraph (f) is entitled to the paid leave described in section 49.1 (1) (a) of the *Employment Standards Act*.

- 4** *Section 2.3 is amended*

(a) *in paragraph (b) by striking out “Plan Type D or E” and substituting “Plan Type E”,*

(b) *by repealing paragraph (c),*

(c) in paragraph (e) (iv) by striking out “exceed 85%” and substituting “reach 100%” and by striking out “24 months” and substituting “25 months”, and

(d) in paragraph (e) (v) by adding “if such earnings are in excess of \$200 per month” after “by 100% of such earnings”.

5 Section 2.4 is amended

(a) by repealing paragraph (c), and

(b) in paragraphs (d) and (e) by striking out “Plan Type D or E” and substituting “Plan Type E”.

6 Section 2.5 is amended

(a) by striking out “accident, sickness or mental or nervous disorder” wherever it appears and substituting “illness or injury”, and

(b) by striking out “present employees who have been continuously employed since April 1, 1987 (1977 for employees covered by Plan Type G)” and substituting “an employee who has been continuously employed for the period of five (5) years immediately preceding the employee’s claim”.

7 Section 2.6 (a) is amended by striking out “accident, sickness, mental or nervous disorder” and substituting “illness or injury”.

8 Section 2.7 (c) is amended

(a) by striking out “and, provided the period during which the employee returned to work is longer than one (1) month”, and

(b) by striking out “If the period during which the employee returned to work is one (1) month or less, the subsequent disability shall be deemed a continuation of the preceding disability and the disabled employee shall be entitled to benefit payments in accordance with the provisions of this plan.”

9 Section 2.8 (b) is amended

(a) by adding “for any period” before “when”, and

(b) by striking out “serving a prison sentence” and substituting “detained, confined or imprisoned in a prison or similar institution”.

10 Section 2.13 (c) is amended by striking out “Plan Type D or E” and substituting “Plan Type E”.

11 Section 2.14 is amended by striking out “injury, sickness, mental or nervous disorder” and substituting “illness or injury”.

12 Section 2.20 is amended

- (a) in paragraph (b) by striking out “(BCPSA 7 form)” and by striking out “work process consistent with Rehabilitation Committee principles” and substituting “work process, or”, and*
- (b) in paragraph (c) by striking out “returned to the ministry/employer who shall within 10 work days forward the application to the secretary of the Rehabilitation Committee” and substituting “returned to the Secretary to the Rehabilitation Committee within 10 work days”.*

13 Section 4 is repealed.

14 Section A in Schedule A is amended

- (a) by repealing paragraph (d),*
- (b) in paragraph (f) by striking out “the British Columbia Innovation Council” and substituting “Innovate BC”,*
- (c) in paragraph (ee) by striking out “First People’s Heritage, Language and Cultural Council” and substituting “First Peoples’ Heritage, Language and Culture Council”,*
- (d) by repealing paragraphs (gg) and (ii),*
- (e) in paragraph (xx) by striking out “Partnerships British Columbia” and substituting “Infrastructure BC Inc.”, and*
- (f) by adding the following paragraphs:*
 - (ggg) all eligible regular excluded employees of the Habitat Conservation Trust Foundation;*
 - (hhh) all eligible regular employees of the British Columbia Energy Regulator;*
 - (iii) all eligible regular employees of the InBC Investment Corp.;*
 - (jjj) all eligible regular excluded employees of BC Infrastructure Benefits Inc.*

15 Section B is amended

- (a) in paragraph (d) by striking out “Queen’s Printer” and substituting “King’s Printer”,*
- (b) by repealing paragraphs (l), (n), (o), (r) and (v), and*
- (c) by adding the following paragraph:*
 - (jj) all eligible regular bargaining unit employees of the Habitat Conservation Trust Foundation.*

16 Section D is repealed.

17 Section E is amended by striking out “regular employees” and substituting “regular bargaining unit employees”.