

Occupationally disabled in the UMC

What now?



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1 Answers to questions about disability

You are unable to work, which is a distressing situation for you and your employer. You are experiencing physical and/or mental symptoms. Disability can also lead to people questioning themselves: can I resume work in my own job or will I go to work somewhere else? And who can help me with this? This brochure provides answers to these questions. Its content was produced in a collaboration between the employees' organisations FNV Zorg & Welzijn, AC/FBZ, CMHF and CNV Connectief and NFU. NFU is the employers' organization of the UMCs. Although this brochure was prepared with the utmost care, you cannot derive any rights from its content. The UMC brochure 'Your income when unable to work' covers the consequences for your income of long-term disability. Words followed by an asterisk* are clarified in section 11, Definition of terms.

2 What is expected of you and who can support you?

When you are unable to work, you are expected to do everything you can (within your capabilities) to get back to work. You will not be alone in this; you will be supported by your manager, and if necessary you will receive the support or advice of the company doctor, the employment expert and the HRM advisor.

Problem analysis: what is the problem?

In the first few weeks of being unfit for work, you will talk to your manager and outline the situation. Partly on the basis of these talks, the company doctor will specify the nature of your disease and what you can and cannot do by at the latest six weeks after you report ill. This is called the problem analysis. This analysis forms the basis for your re-integration. It specifies why you cannot work, or can only work less, and/or whether you have any restrictions preventing you from doing your own job and what they are. The company doctor also provides recommendations about how and when you can start work again. For example, increasing the number of hours worked step by step or working other shifts or adjusting the workplace. If you cannot do your own work (temporarily or permanently), we shall examine whether you can do other work (temporarily or permanently).

Preparing an action plan

Do you and your manager expect that you can return to work (at least part-time), possibly following the advice of the company doctor and employment expert? Then you and your manager will arrange agreements to realise this as quickly and responsibly as possible. These agreements must be documented in writing in an action plan. Your manager will invite you for a talk to prepare this plan together. The plan must be ready by the eighth week of your illness. In the plan you and your manager specify what both of you are going to do to promote your re-integration and what its ultimate goal is, for example you will return to work full-time or you will look for another job. When preparing the plan, you refer to the company doctor's problem analysis. In the plan, you cover, for example, which modifications

of your workplace and what training or therapy are required. You can make agreements about three types of activities:

- 1 Adjustments to your work (temporary or permanent);
- 2 Training and therapy;
- 3 Activities to support your move to another function.

Searching for and accepting another function (temporarily or permanently) are not optional acts.

Regular progress reports

In the action plan, you also arrange to discuss your progress with the re-integration process regularly with your manager. At least once every six weeks you discuss the situation with your manager. If something has changed in the interval, you discuss that as well of course. If necessary, the company doctor is also involved. The problem analysis and the action plan may be adjusted as a result.

Implementing the action plan

You and your manager are obliged to comply with the agreements that you made in the action plan. If this does not happen, there can be consequences for any later WIA benefit.

Quickly back to work

The UMCs make every effort to help employees who are unable to work to get back on their feet as quickly as possible. That is their wish, but they are also legally obliged to do so, and agreements have also been made with the employees' organisations. Getting quickly back to work is important for all concerned.

- For yourself: it has been shown that the longer people are off work, the more difficult it is to get back to work. In addition, long-term absence leads to a reduction in your income. The government has also tightened the relevant legislation, which means you are less likely to be eligible for an occupational disability benefit.
- For your colleagues: they will be additionally burdened while you are absent, which is not a desirable situation.
- For your employer: the company must continue to pay the cost for disabled employees for longer than before without any work being done.

Occupational disability legislation

In 2006 the Work and Income according to Labour Capacity Act (WIA) was introduced. After 104 weeks of occupational disability, you become eligible for a WIA benefit.

If your loss of income is less than 35%, you do not receive a WIA benefit. The employees' organisations and NFU have agreed supplementary income arrangements. With them, you as an employee in an UMC can draw on an income supplement in some situations on the basis of the Cao UMC and the ABP Disability Pension.

From the first day of illness... until possible start of WIA

<i>when</i>	<i>who</i>	<i>action</i>
day 1	Employee:	Reporting ill to manager
	Manager & employee:	Making agreements about re-integration (around day 4)
	UMC:	Continued payment of 100% of salary for first 52 weeks for hours of sick leave
week 6	Company doctor:	Problem analysis within 6 weeks
week 8	Manager & employee:	Action plan within 8 weeks (in re-integration file)
week 50	Manager & employee:	First-year evaluation
week 53	UMC:	Continued payment of 70% of salary for hours of sick leave after 52 weeks or 85% if working more than 50% of the time
week 87	UMC:	Receives letter that WIA application + re-integration report must be submitted
	Employee:	Receives letter for WIA benefit application
week 87-90	Company doctor:	Current evaluation in re-integration file
	Manager & employee:	Final evaluation; manager ensures that employee receives all documents for re-integration report
	Employee:	WIA application digitally to UWV re-integration report to UWV
week 91		Deadline for WIA benefit application
week 91-98	UWV:	Evaluation of re-integration efforts + WIA evaluation
week 104		- Possible start of WIA - Possible dismissal of employee

3 Found another position?

During the re-integration process it can become apparent that you will likely not be able to do the work you formerly did again. If there is another position that you could in principle fulfil, then you can re-integrate to it. Two situations should be distinguished in that case:

1 The other function produces less than 35% loss of income

You can be transferred formally to the new position directly (within the period of 104 weeks). Then you are no longer registered as sick, and you are entitled to a salary guarantee (see for details the brochure ‘Your income when unable to work’). No WIA benefit is applied for because the loss of income is less than 35%. If desired, you or your manager can ask the UWV* for an expert opinion about, for example, the suitability of the new position.

2 The other function produces more than 35% loss of income

You are temporarily transferred to the other position and you are waiting for the WIA evaluation to be completed. If the WIA evaluation shows that you are indeed more than 35% disabled, you will be formally transferred and receive a WGA benefit* in addition to your income (see for details the brochure ‘Your income when unable to work’).

4 No work in the UMC

If in the course of your re-integration process it becomes apparent that you can no longer do your own job and that there is no other position available at the UMC for you, then a search will be conducted among other employers for work that you can do.

5 If you can no longer work again

If unfortunately it becomes clear that you cannot return to work and there is no prospect of improvement, you do not have to wait for the WIA evaluation until you have been sick for 104 weeks. You can request the WIA evaluation earlier from the UWV. If the UWV does indeed ascertain that you are ‘fully and permanently disabled’, then you will receive an IVA benefit*. You will no longer be obliged to undergo the re-integration process.

6 Disagreement with your manager, company doctor or health and safety expert?

It can happen that you disagree with your manager, company doctor or employment expert about your re-integration. For example, regarding the issue of what you can and cannot still do. If that disagreement cannot be resolved mutually, you can ask the UWV to provide a so-called expert evaluation of your situation.

7 At 52 weeks of absence: mandatory evaluation

Before the end of the first 52 weeks of sickness, you evaluate together with your manager the steps that you took in this period to promote re-integration. Together you decide whether it makes sense to revise the action plan. This evaluation forms part of the re-integration report.

8 After 86 weeks: apply for WIA benefit

After you have been unable to work for 86 weeks, you will receive a letter from the UWV that informs you that you may now apply for a WIA benefit. You include the re-integration report with this application. If the re-integration efforts have been adequate, then the UWV's medical advisor will invite you for a medical examination. If this medical advisor feels that there are work possibilities for you, an appointment will be made with the UWV's employment expert. The employment expert determines what sort of work you could do. S/he compares the income that you earn or could earn with this work with your former income, which determines the amount of your benefit. You can read more about this in the brochure 'Your income when unable to work'. If the UWV feels that you have not tried hard enough in the re-integration process, it can lower your benefit. If the cause is too little effort made by the UMC, then no WIA evaluation will be done and your salary will continue to be paid as usual. The additional re-integration efforts will have to be resumed in the meantime.

What is the WIA?

WIA stands for Work and Income according to Labour Capacity Act. It specifies what happens when an employee becomes partially or fully unable to continue working. It must contribute to more people becoming or remaining employed. The principles of the WIA are:

- Employer and employee are both responsible for a healthy work environment;
- Employer and employee must take steps together to enable a return to work after a long-term absence;
- The emphasis lies on what people can do, not on what they can no longer do;
- Working, and thus returning to work or working more, leads to more income;
- Someone who cannot work at all and has little chance of improvement receives a 75% benefit (IVA benefit*);
- Someone who cannot work partially (at least 35%) receives a benefit (WGA benefit*). The loss of income due to illness determines the extent of occupational disability.

9 After 104 weeks: outcome of WIA evaluation

The WIA evaluation can lead to the following three outcomes:

1 You are less than 35% disabled.

You remain employed by the UMC, and if a loss in income is involved, you are entitled to a salary guarantee. As already stated in section 3, no WIA evaluation takes place if it is already clear that you are less than 35% disabled and have found a new position.

2 You are partially disabled, between 35% and 80%.

For the percentage that you are disabled, you receive a WGA benefit and you are dismissed partially. If despite valiant efforts you and your manager have not been able to find a suitable function for the percentage that you are disabled, you can be dismissed from your job entirely. In the brochure 'Your income when unable to work', more details are given about the various possible situations. In general, the principle is that the more you work or will work, the more income you receive.

3 You are fully disabled.

You will receive an IVA or WGA benefit depending on the issue of whether the disability is expected to be 'permanent'. Dismissal follows.

Policy: look at the possibilities for work

In this case the regulations are arranged to encourage work if you are receiving a WIA benefit, as the more you work, the more income you receive. It is thus worthwhile even when receiving a benefit to cooperate with re-integration to your own job or another position in the UMC or at another employer. These regulations form the basis for the UMCs' policy for illness and occupational disability.

The employees' organisations and the NFU have agreed that employees who have to work less because of disability but are not eligible for a WIA benefit (less than 35% loss of income) will remain employed by the UMC. In addition, the UMC guarantees the salary if the employee accepts a position for fewer hours or at a lower salary level. If an employee finds a suitable position before the WIA evaluation with which at least 65% of the last salary can be earned, it is possible for the employee to be transferred to that position, and thus there is no need to apply for a WIA evaluation.

The advantage for you is that you remain outside of the welfare system.

10 Any more questions?

Your occupational disability has its own special features and demands a personal approach. If you have any questions after reading this general brochure, please turn first to your manager or HRM advisor.

11 * Definition of terms

IVA Income Support Provision for Totally Disabled Persons Regulation. Everyone who is fully unable to work and unlikely to recover, and thus fully and long-term disabled, receives an IVA benefit. This benefit forms part of the WIA (Work and Income according to Labour Capacity Act).

UWV Employee Insurance Agency. UWV implements the legal employees' insurances against disability (WIA) and unemployment (WW) among other matters.

WGA Return to Work Scheme for the Partially Disabled. Someone who is partially disabled (>35%) or is fully disabled but likely to recover receives a WGA benefit. This benefit forms part of the WIA (Work and Income according to Labour Capacity Act).



Colophon

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