

JUNE 2000

PROSPECTS

Published by the Régie des rentes du Québec

**In the event of
“severe AND
prolonged”
disability**

Québec 

DISABILITY PENSIONS UNDER THE QUÉBEC PENSION PLAN



At any time during your working life, an illness or an accident can occur. In some cases, your health or physical condition would not allow you to maintain your usual activities and you would no longer be able to work. With no employment earnings, you would need a replacement income to cover your basic needs.

One source of replacement income could be a disability pension under the Québec Pension Plan. Although such a pension provides only basic financial protection, for a majority of beneficiaries, it represents a large part of their total income. That is why it is important for you to know about the eligibility requirements for entitlement to a disability pension.

Eligibility requirements

First of all, you have to be under age 65, must not be receiving a retirement pension or have received one within the past 18 months and you must meet other requirements. Of course, you must have made sufficient contributions to the Québec Pension Plan, and you must be deemed to be disabled by the Régie des rentes du Québec.

Sufficient contributions to the Plan

As is the case for the other benefits offered by the Plan, you must have made contributions for a minimum number of years during your working life to be entitled to a disability pension. The number of years of contribution required is based on your “contributory period”. The contributory period is a reference period that begins when you reached age 18 (or in 1966, the year the Plan began, if you were 18 before that date). It ends on the date set by the Régie as the beginning of your disability. The required number of years of contribution are any one of the following 3 possibilities:

- at least 2 of the last 3 years in your contributory period;
- at least 5 of the last 10 years in your contributory period, or
- half of the years in your contributory period (but not less than 2).

Meeting the Plan definition of disability

Eligibility to a disability pension depends on the nature of your disability, which must correspond to the definition of disability in the *Act respecting the Québec Pension Plan*. Someone who has been declared disabled under another law or under the terms of an insurance policy is not necessarily disabled within the meaning of the *Act respecting the Québec Pension Plan*. Each plan has its own definition of disability.

“A person shall be considered to be disabled only if the Régie declares him to be suffering from a severe and prolonged mental or physical disability” (Section 95 of the *Act*):

- A disability is severe only if it makes the person unable to regularly pursue any substantially gainful occupation.
- A disability is prolonged only if it is likely to be permanent or result in death.

To be entitled to a disability pension, a person must prove that his or her disability is severe and permanent. Temporary unfitness for work is not covered by the *Act respecting the Québec Pension Plan*.

To be declared disabled, you must not be able to regularly do any substantially gainful work. It is not enough for you to be unable to do your previous work; your disability must prevent you from doing gainful work of any kind. However, and this is an important exception, if you left your job because of your state of health and you are between 60 and 65 years of age, the eligibility requirements are less stringent, and your disability will be judged only on the basis of your ability to return to your previous work. The Régie will declare you to be disabled if you are unable to regularly do the paid work that

you were doing when you stopped working because of disability.

Main cause of disability among Québec workers

According to the Régie’s statistics for 1998 (the latest year for which information is available), new beneficiaries of a disability pension are most likely to have the following problems:

For all age groups, the most common causes of disability are diseases of the musculoskeletal system (muscle and bone problems) and connective tissue problems, such as osteoarthritis and rheumatoid arthritis. Those are followed, in decreasing frequency, by tumors, circulatory disease (heart attack, angina, cerebrovascular disease, etc.), mental disorders and diseases of the nervous system and the sense organs.

How much is a disability pension?

In the year 2000, the maximum disability pension is 917,40 \$ a month. That amount has 2 components: every beneficiary receives a fixed portion of 345,21 \$ and a variable amount based on the contributions made to the Plan. The average amount for disability pensions paid by the Régie is 710,00 \$ a month.

Payment of a disability pension begins only in the 4th month following the one as from which the Régie declares you to be disabled. That waiting period is mainly intended to allow a future beneficiary to use up any accumulated vacation or sick days and to receive certain salary insurance benefits from a private insurance



plan. It may be that your disability had already existed for some time before you applied for a pension. In that case, the Régie can declare you to be disabled as from a date up to 12 months prior to the date of your application. At age 65, the normal retirement age, a disability pension ends. It is automatically replaced by a retirement pension; you do not have to make an application. O.D.

As the beneficiary of a disability pension, you can also receive a pension for a disabled person's child for each of your dependent children under age 18. In 2000, that pension is 55,27 \$ a month for each child.

Other sources of income (other indemnity programs)

If you are unable to work, you may be entitled to benefits from the Commission de la santé et de la sécurité du travail (CSST) if you were the victim of a work-related accident or an occupational disease, or from the Société d'assurance automobile du Québec (SAAQ) if you were involved in an automobile accident. In either case, you will have to prove that you are disabled as defined in the applicable law. The same is true if you are eligible for salary insurance benefits under a group plan or other insurance policy that includes disability coverage. As the insured, you will have to show that your disability meets the terms and conditions of the policy.

If you become disabled but do not qualify for a pension under the Québec Pension Plan or an indemnity from the Commission de la sécurité du travail or the Société de l'assurance automobile du Québec, you may qualify for one of the financial assistance programs administered by the Ministère de la Solidarité sociale.

In the following situations, you will not be able to receive a disability pension under the Québec Pension Plan:

- if your disability is related to an automobile accident and you are already receiving an income replacement indemnity from the Société de l'assurance automobile du Québec that is more than the disability pension that you could otherwise receive;
- if you receive an unreduced income replacement indemnity from the Commission de la santé et de la sécurité du travail for more than 15 consecutive days in a given month and you became entitled to the CSST indemnity after 31 December 1985.

Integration of disability pensions

If your disability entitles you to other benefits, in addition to a disability pension under the Québec Pension Plan, it is important to check with the private organization (your insurer, for example) or the public agency that provides benefits and find out whether those benefits will be reduced by the amount of the disability pension paid under the Québec Pension Plan. O.D.

How much do disabled persons live on?

The incomes of beneficiaries of a disability pension under the Québec Pension Plan vary widely, reflecting the incomes of the general population. The Régie des rentes du Québec has published some income statistics for 1997 on 27 200 beneficiaries out of a total of 48 500. For the group studied, 17% were living on less than 8 000 \$ a year, while 28% had incomes over 20 000 \$. The incomes for the remaining 55% fell between those 2 figures. Thus, 44% had incomes between 8 000 \$ and 15 000 \$ and 11% had incomes between 15 000 \$ and 20 000 \$.

What were the income sources for those people? Obviously, the main source was a disability pension under the Québec Pension Plan. According to research carried out by Mr. Francis Picotte, an actuary at the Régie des rentes du Québec, disability pensions accounted for 52% of the total income of those receiving disability pensions. In second place came benefits from supplemental pension plans ("company plans"), which accounted for 18% of total income. Then came group insurance benefits (10%), personal investment income (9%), CSST and SAAQ indemnities (4%), income from a business or from employment (3%) and income from other sources, including income security benefits (welfare) and alimony payments (3%).

Going back to work?

You must inform the Régie if you go back to work, even temporarily or on a part-time basis. If you are employed, you must give the name, address and telephone number of your employer. The Régie will contact you to evaluate whether your work is regular and how much it pays. On the basis of that information, the Régie will decide whether you can continue receiving your disability pension. If you fail to inform the Régie of your return to work, you may have to repay pension benefits that you received without entitlement.

When you reach age 65, your disability pension will be automatically replaced with a retirement pension. It is important to note that the amount of your retirement pension will be less than the amount of your disability pension. However, at that time, you may be entitled to the federal Old Age Security pension. You can apply by calling Human Resources Development Canada at 1 800 277-9915. You can also apply in writing by using the form for that purpose that is available in any Employment Canada office.

Applications handled speedily

By Geneviève Bastien

About 49% of all disability pension applications filed with the Régie des rentes du Québec are accepted following their initial analysis. What is involved in that analysis?

Mr. Guy Lachance, the Head of the Régie's Service de l'évaluation médicale and Dr. Nathalie Dubé, the Service's chief medical adviser, explain how a disability pension application is evaluated from the medical point of view once a pension officer has determined that the applicant has sufficiently contributed to the Québec Pension Plan. They also emphasize why the required medical information is needed by the Régie.



*Mr. Guy Lachance,
Head, Service de l'évaluation médicale.*

Prospects ❖ What must a disability pension application contain?

Mr. Lachance ❖ A person who can no longer work because of his or her state of health must complete the Application for a Disability Pension form, which can be obtained from the Régie's offices or its Internet site (<http://www.rrq.gouv.qc.ca>) as well as at most caisses Desjardins, Communication-Québec offices, local employment centres of the Ministère de la Solidarité sociale, rehabilitation centres and CLSCs. The applicant must give identifying information and briefly describe his or her work history. The applicant must indicate when he or she stopped working and give some specific health information, including the main impairments or characteristics associated with his or her disability. If any medication is taken, it must be mentioned.

Dr. Dubé ❖ The name of the applicant's family doctor or medical specialist must be given with a list of all treatments received and any hospitalizations, including the names of the hospitals and the admission dates. The applicant must describe his or her ability to get about. The application must be dated and signed. It is very important that the application be accompanied with a signed Authorization to Release Medical Information form.

Prospects ❖ What is the purpose of that authorization?

Dr. Dubé ❖ Sometimes the medical report provided by the attending physician is not complete or the results of some tests are not given. In such cases, the Régie must take the steps necessary to obtain

the additional information from other physicians, hospitals, clinics or agencies like the Commission de la santé et de la sécurité du travail (CSST) and the Société d'assurance automobile du Québec (SAAQ). The authorization form makes it possible for others to provide the Régie with additional medical information on the applicant.

Prospects ❖ You mentioned the medical report that the attending physician must provide. Exactly what is involved?

Mr. Lachance ❖ The attending physician must provide, on the applicant's request, a medical report that describes the applicant's state of health. The physician's report must be as specific as possible. It is not enough to say, "Mr. So-and-So is very sick." There must be medical proof. The physician must enclose examination reports and the results of tests. The medical report, like the application form, should be as complete as possible. The attending physician needs to understand his or her role in the disability pension application process. In fact, in 1996, the Régie published a guide for attending physicians. Since the beginning of 2000, the guide has been available on the Régie's Internet site. It can aid a physician in pinpointing the information that should be provided to the Régie so that the applicant's file will be complete.

Prospects ❖ Can a meagre medical report have a negative effect on a disability pension application?

Dr. Dubé ❖ A very brief medical report will not prevent the Régie's medical adviser from reaching a conclusion. The applicant will not be penalized because his or

her doctor neglected to mention certain elements in the report. On the other hand, such oversights will extend the time required to study the application. The Régie will have to find another way to obtain the information that is not in the report, and the increased wait may be inconvenient for the applicant. That is one of the reasons why the Régie published a guide for attending physicians.

Mr. Lachance ❖ On average, the time it takes to obtain the attending physician's report, from the moment we receive a disability pension application, is about 15 days. The applicant must make sure the physician sends us the report as quickly as possible since the medical analysis of the application cannot begin until the report is added to the file. If the Régie's medical staff finds it necessary to request additional medical information from other sources, the additional time needed is, on average, 45 days. Hospital personnel are already under a lot of pressure and must find the time to answer our requests for information. Depending on the completeness of the medical report and any other medical information in a file, the total time to carry out the medical evaluation varies between 60 and 125 days.

Prospects ❖ What happens once the applicant has filed an application and the attending physician has sent a medical report to the Régie?

Dr. Dubé ❖ Following an administrative check to be sure the applicant has contributed sufficiently to the Plan, the application is assigned to a nurse in the Service de l'évaluation médicale. She reads it, sees if additional information is needed and checks the information provided. This is a preliminary study. Sometimes, the attending physician provides valuable information, for example, that a cardiology file is available from a particular hospital or doctor. The nurse can speed up the procedures by following up on such indications. Once the application is complete, it is sent to one of the Régie's medical advisers, who studies it and gives a medical opinion. If needed, the medical adviser can ask for additional information. Once a medical opinion has been reached, the application is sent to a pension officer, who renders the Régie's decision to grant or not to grant a pension. It is important to note that the medical advisers never see the applicant in person. That is why it is so important for the application to be supported with high-quality medical documentation.

Mr. Lachance ❖ In the case of a medical refusal, after the medical adviser has given an opinion but before the application goes to the administrative sector to be finalized, a nurse in the Service de l'évaluation médicale carries out a very important task. She telephones the applicant to explain as clearly and humanely as possible why the application was refused and to verify whether the applicant's state

of health has changed since his or her application was made.

Prospects ❖ When a disability pension application is turned down, what recourse does the applicant have?

Dr. Dubé ❖ The applicant has the right to contest the decision by filing an application for review. He or she has 12 months to send an application for review to the Service de la révision of the Régie des rentes du Québec. The Régie has a form for that purpose that allows the applicant to explain his or her reasons for contesting the Régie's decision. If necessary, an application for review is sent to the Service de l'évaluation médicale to be re-evaluated. Since there is already a documented file, no preliminary study is needed; the application for review goes directly to a medical adviser. Out of a concern for fairness, the medical adviser who re-evaluates the file will not be the medical adviser who made the initial evaluation.

In a year, an illness can change a lot. The person may have new information on his or state of health. He or she may have had surgery or another illness may have appeared. In those cases, we obtain the pertinent medical documents and a medical adviser will study the file, taking them into account.

Mr. Lachance ❖ It is at this time that the Régie is most likely to ask for an expert examination from an independent medical specialist. Such examinations are required for 85% of the applications for review. About 260 physicians who are specialists in 35 areas carry out examinations for the Régie. Some are called on more often than others since examinations in some specialties are more frequent than in others. The specialists most likely to be called on are psychiatrists, orthopedists and neurologists. A guide recently published by the Régie helps specialists make their reports by specifying the kind of information needed by the Régie. A report that is incomplete or vague will not be very useful to the Régie's medical adviser and will not properly serve the applicant's needs. The Régie, like other public bodies or private companies who offer services to the public, has duties, obligations and service goals. Since the Régie's medical evaluations are based on the medical



Dr. Nathalie Dubé, Senior Medical Adviser, Service de l'évaluation médicale.

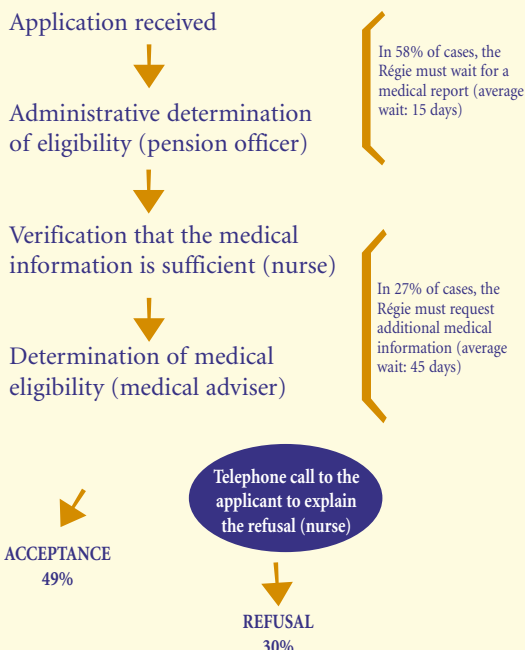
documents received, the quality of those documents is a determining factor for the quality of the service that the Régie provides and for the time needed to make an evaluation.

Dr. Dubé ❖ An adequate medical opinion is important, both for the disability pension applicant and everyone else who contributes to the Québec Pension Plan. Workers who contribute to the Plan's funding have the right to expect that pensions will be paid to those who have a real disability as defined in the *Act respecting the Québec Pension Plan*. Sometimes, applications for review are made even if a pension has been granted. This may be the case where the applicant contests the date set by the Régie as the date on which the disability began, since that date can affect the retroactive amount that the applicant may receive.

Prospects ❖ If the applicant is still not satisfied after a review of the initial decision, does he or she have any other recourse?

Dr. Dubé ❖ If an application is refused under the review procedure, the applicant can appeal the Régie's decision to the Administrative Tribunal of Québec (ATQ). The ATQ is the court of last resort, and the applicant has 60 days to lodge an appeal after being informed of the review decision. Two commissioners who are independent of the Régie des rentes du Québec sit on the ATQ. A hearing before the ATQ is a procedure under which the applicant has the burden of proof to show that the Régie erred in refusing to deem him or her to be disabled. The tribunal's decisions are rendered in writing, with reasons, after the tribunal has received evidence and heard the arguments of both sides. Decisions of the ATQ are final and without appeal.

How a disability pension application is processed



The Régie's intention to refuse an application is announced **humanely**

Reflections collected by Geneviève Bastien

The nurses in the Régie's Service de l'évaluation médicale have 2 important duties. The first is to carry out a preliminary study of all disability pension applications. The second is the delicate task of contacting some applicants by telephone to explain why their application was refused after being evaluated by a medical adviser.



Since September 1997, Ms. Hélène Lambert, Ms. Hélène Paquet and Ms. Louise Trudel have been three of the seven nurses who inform applicants that their application is going to be refused.

Prospects ❖ How do you tell someone that his or her application is going to be refused?

Ms. Louise Trudel ❖ We take the gentle approach, first telling the person that we are calling to give information about his or her application. We inform the person that the Régie is going to refuse to grant a disability pension, and we explain why the person's situation does not meet the disability requirements of the *Act respecting the Québec Pension Plan*. We make sure the person fully understands the reason for the refusal.

Ms. Hélène Lambert ❖ Our team of nurses has been trained to have the right attitude and to use easily understood terms. It is essential for people to understand what we say and for the contact to be as humane as possible.

Prospects ❖ What is an average call like?

Ms. Louise Trudel ❖ First of all, we give people a few minutes to express their feelings, if necessary. People often need to express their disappointment, so we let them talk. We note any points raised that we may be able to address later, when the atmosphere has cleared.

Ms. Hélène Paquet ❖ With some people, the call lasts only 4 or 5 minutes. With others, it may last half an hour. The way people react varies, and we adjust our approach accordingly. Each call is personalized, and we take the time to carefully explain the reasons for the Régie's decision.

Ms. Louise Trudel ❖ Sometimes, a person just doesn't want to listen to us. In that case, we insist a bit, but if the person is really not able to listen,

we leave appropriate information, names and telephone numbers so that the person can call us back when he or she is ready.

Ms. Hélène Paquet ❖ I might add that there are sometimes people we cannot reach by phone for some reason, for example, if they are away from home for a long time. In such cases, if a person calls the Régie after receiving the written decision, we get the file out and do what is needed to provide complete information.

Prospects ❖ What do you do if a person is completely overwhelmed after being informed of a refusal?

Ms. Hélène Lambert ❖ If we spot a particular problem, we urge the person to contact a resource that can provide the support their situation calls for. We assume that they will do so on their own. For more serious situations, such as a severely depressed person or someone who threatens suicide, we encourage the person to contact a suicide prevention centre. In those cases, we make a follow-up to check whether he or she has sought help or is being cared for.

Ms. Hélène Paquet ❖ We inform everyone of their right to appeal the Régie's decision, and we tell them how to make an appeal. We also ask them if there is any new medical information that we do not have and that should be added to

"Communicating with disability pension applicants requires compassion and good listening skills; the refusal of an application always provokes a reaction. That's why the Régie assigns that duty to its nurses. Our training allows us to go further than just informing people of a refusal. Being able to do that is very important." —Ms. Louise Trudel

Courteous, personalized services

The contacts between nurses and applicants whose pension application has been refused is a good illustration of the Régie's service commitments. Under its Client Services Charter, which is a guide for all its employees, the Régie commits itself to provide everyone with services that are reliable, courteous, personalized and available throughout Québec and with adequate information on their rights and responsibilities. It also undertakes to manage its affairs efficiently, with competent employees and to make its procedures as simple as possible for our clients.

The Services Commissioner

If your contacts with a representative of the Régie has left you dissatisfied, you may want to bring your comments, objections or complaints to the attention of the Services Commissioner at the Régie des rentes du Québec. The Commissioner can make recommendations to settle your case or to improve client services. You can contact any Régie employee and ask that the Commissioner's office call you back. You can also write to the Commissioner at the following address. Be sure to give your telephone number.

**Services Commissioner
Régie des rentes du Québec
Case postale 5200
Québec (Québec) G1K 7S9**

their file or that could change the decision that the Régie intends to make. An applicant may have had recent surgery or may have seen a specialist. We ask the applicant for the pertinent information. If the applicant cannot provide it, we get it from the hospital or health professional concerned.

APPEALING A DECISION of the Régie to the Administrative Tribunal of Québec



How many applicants win their case on appeal?

Every year, some applicants who are dissatisfied with a review decision rendered by the Régie exercise their right to lodge an appeal with the Administrative Tribunal of Québec (ATQ). Overall, only 3% of the decisions rendered by the Régie are contested and in those cases, 15% of the applicants win their case. Here are several examples of the types of cases submitted to the ATQ.

The applicant must prove that he or she is permanently disabled and cannot do any work.

Back and knee pain

A truck driver stopped working after having 2 work-related accidents. Two years later, he made 2 unsuccessful attempts to return to work. Thereafter, he never worked. The severity of the pain and the functional limitations they caused, together with the medical evidence in the file, led the ATQ to conclude that the applicant did meet the requirements of the *Act* since he had been unable to work since the date of his application for a pension and his condition is permanent.

Socio-economic factors cannot be taken into account in evaluating disability.

Breast cancer

A 50-year old woman had chronic pain following a mastectomy to treat breast cancer. The pain prevented her from doing heavy work. Before her illness, she worked in a factory as a panel assembler. Her lack of schooling and second-language skills contributed to her difficulty in finding work adapted to her physical condition.

The appeals tribunal upheld the Régie's refusal on review to deem the applicant to be disabled. Although the applicant had some functional limitations, she was fit to do work adapted to her physical condition. Socio-economic factors, such as age, schooling, work experience, language mastery or the availability of suitable jobs are not taken into account in the evaluation of disability, which is based entirely on medical criteria. The fact that two private insurance companies agreed to pay her an indemnity cannot be deemed to be proof that she was unable to do any work at all.

Under the Act, there is no pension for a temporary disability.

Aftermath of a fall

An engineer applied for a pension for a 3-year period during which he did not work. He stopped working because of injuries sustained in a fall from the roof of his house. Although his disability during the 3 years was real and was severe as defined in the *Act respecting the Québec Pension Plan*, it was not a prolonged disability, that is, one likely to be permanent or result in death. Even though the engineer is no longer able to work as an engineer, he is able to do gainful work adapted to his condition. In fact, he did go back to work 3 years after the accident. Since the *Act* does not provide for a pension during a temporary disability, the appeal was rejected. O.D.


HOW TO REACH THE RÉGIE

For questions concerning the Québec Pension Plan, you can telephone the Régie des rentes du Québec at one of the following numbers:

Québec region: (418) 643-5185

Montréal region: (514) 873-2433

Elsewhere in the province: 1 800 463-5185

 Service for the hearing impaired (TDD/TTY users) : 1 800 603-3540

You can contact the Régie by Internet or by mail:

Internet address: <http://www.rrq.gouv.qc.ca>

Mailing address: Régie des rentes du Québec
Case postale 5200
Québec (Québec) G1K 7S9

You can also go to one of our temporary offices in nearly 60 locations in Québec. The visits are announced in the local newspapers. You can also meet with a representative of the Régie at a client services centre in one of the following cities:

Chicoutimi
Drummondville
Hull
Montréal
Rimouski

Rouyn-Noranda
Sainte-Foy
Sherbrooke
Trois-Rivières

Québec 
Régie des rentes

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WHAT DOES *your future* HOLD?

Ask for your Statement of Participation

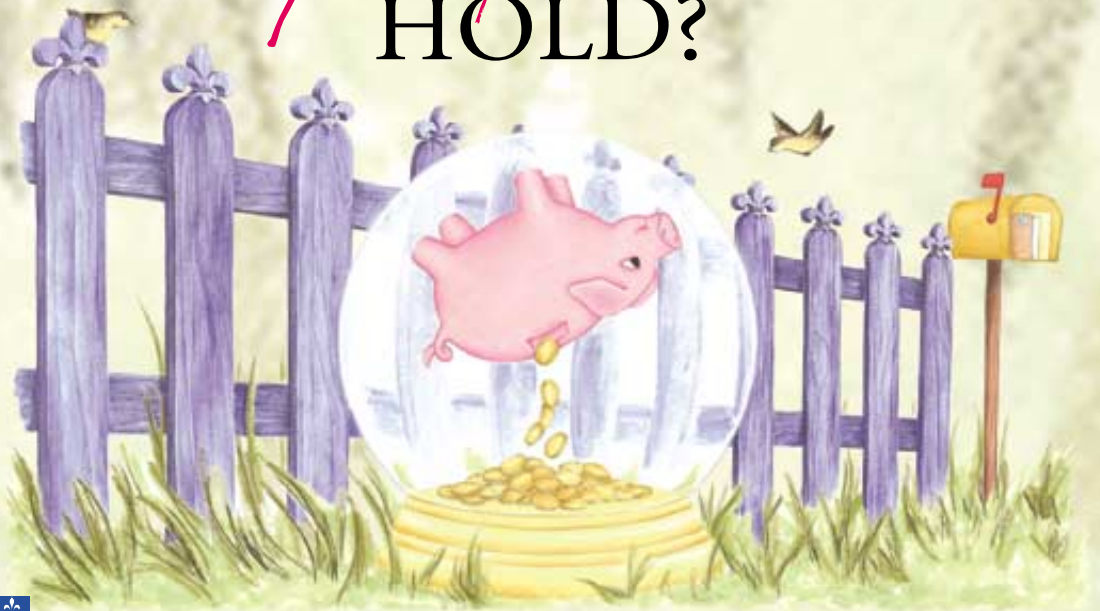
Complete the form
below. Be sure to
sign it.

Send the form to:

Régie des rentes
du Québec

Service aux cotisants
Case postale 5200
Québec G1K 7S9

Québec 
Régie des rentes



This form is not a pension application.
Please print.

Application for a Statement of Participation in the Québec Pension plan

Family name

_____ Male M Sex Female F

Given name

Social insurance number

Date of birth

year month day
1 9 _____

Address (number, street, avenue, boulevard.)

Apartment number, post office box, etc.

City or town

Province

Postal code

Telephone number (at home)
area code

Telephone number (at work)
area code

Language of correspondence

English E French F

Date _____

Signature _____

Have you received family allowances paid **directly**
to you for children born after 31 December 1958?
(Allowances are usually paid to the mother.)

If so, provide the given name and date of birth for each child.

Child's given name

Date of birth

year month

1 9 _____

Were there periods during which the family allowances were not paid directly to you?
If so, give the months and years on another sheet.