

10. Definitions of incapacity

General terms

Insured occupation cover

A member is incapacitated if we are satisfied that they are:

- Unable, by reason of their illness or injury, to perform the material and substantial duties of the insured occupation, and are
- Not performing any occupation

If the member is required by the terms governing the employment relationship to hold a licence or certificate which is issued only when the member meets required medical standards, we must also be satisfied that they are unable, by reason of their illness or injury, to perform the material and substantial duties of any gainful occupation with any employer for which they are reasonably fitted by reason of training, education or experience.

The term “licence” does not include a licence to drive ordinary cars, vans or motorcycles.

Gainful occupation cover

A member is incapacitated if we are satisfied that they are unable, by reason of their illness or injury, to perform the material and substantial duties of:

- The insured occupation, and of
- Any gainful occupation with any employer for which they are reasonably fitted by reason of training, education or experience, and
- They are not performing any occupation

Combined cover

- For the deferred period and the first 2 years following the completion of the deferred period the insured occupation cover definition applies
- Beginning immediately after the first 2 years following the completion of the deferred period the gainful occupation cover definition applies

Definitions

Insured occupation means the trade, profession or general role that the member was actively undertaking for you immediately prior to incapacity.

If a member has returned to work for you after a period of incapacity and payment of benefit has stopped for a period of 52 weeks, insured occupation means the occupation the member was following immediately prior to any further period of incapacity.

Where the insured occupation includes working in excess of 48 hours per week, an incapacitated member will be considered able to perform that requirement if they are working, or have the capacity to work, 48 hours per week.

For the insured occupation cover definition of incapacity, material and substantial duties means the duties that are normally required for the performance of the member's insured occupation and which cannot be reasonably omitted or modified. It is those duties required for the performance of the occupation at their, or any other employer. The insured occupation does not include:

- Work activities, contractual or not, which the member undertook for, or at, the employer prior to incapacity which are not a common feature of the member's trade, profession or general role
- The specific manner in which the member was expected to complete work tasks for a specific employer or at a specific location
- Any trade, profession or general role undertaken by the member other than for the employer
- The journey between the member's normal residence and the member's normal place of work

Gainful occupation means an occupation that is providing, or can be expected to provide, the member with an income within 12 months of their return to work:

- Which exceeds 2/3rds of their gross earnings from the employment relationship immediately prior to incapacity, increased in line with any percentage increase in the RPI since the date of incapacity, and
- For working the same number of hours the member worked in the course of the employment relationship immediately prior to the incapacity

For the gainful occupation cover definition of incapacity material and substantial duties are the duties that are normally required for the performance of the gainful occupation as it is performed for, or at, their, or any other employer and which cannot reasonably be omitted or modified.

General terms

Serious illness definition qualifying conditions

Arthritis

Active and progressive forms of inflammatory polyarthritis including widespread joint destruction with major clinical deformity of three or more joint areas.

Blindness

Permanent and irreversible loss of sight to the extent that even when tested with the use of visual aids, vision is measured at 3/60 or worse in the better eye using a Snellen eye chart.

Burns

Physical, thermal or radiation injuries and scarring causing severe and multiple deformities or structural abnormalities, or

Third Degree Burns - Burns that involve damage or destruction of the skin to its full depth through to the underlying tissue and covering at least 20% of the body's surface area.

Cancer

Any malignant tumour positively diagnosed with histological confirmation and characterised by the uncontrolled growth of malignant cells and invasion of tissue, and there is evidence of continuing progression of the disease.

Dementia/brain injury/stroke

Organic brain disorders due to physical damage or degenerative brain disease including all dementias and causing persisting neurological deficit.

Heart and lung disease

Progressive impairment of the cardio-respiratory function which severely and persistently limits effort tolerance to below 3 METs as measured by exercise testing.

HIV/AIDS

Severe and progressive immune deficiency states characterised by the occurrence of severe constitutional illness, of opportunistic infections, or tumour formation secondary to infection by HIV.

Injury to hands

Severe tissue damage and scarring of both hands which renders the hands functionless for all dextrous manipulation.

Kidney failure

Chronic and end stage failure of both kidneys to function, as a result of which regular dialysis is necessary.

Liver failure

Chronic and end stage liver failure.

Loss of ability to communicate

Severe hearing and speech impairment, causing the inability to communicate effectively beyond family and close friends.

Loss of independent existence

Severe mental or physical impairment such that throughout the day or night they require frequent or prolonged:

- Attention in connection with their bodily functions, or
- Supervision in order to avoid substantial danger to themselves or others

Loss of limbs

Amputation of:

- Both hands at or above the level of the carpo-metacarpal joints, or
- Both feet at or above the level of the tarso-metatarsal joints, or
- One hand and one foot at or above the level of the carpo-metacarpal and tarso-metatarsal joints.

Neurological disease

Severe and progressive neurological or muscle wasting diseases, including but not restricted to Multiple Sclerosis and Motor Neurone Disease, with objective clinical neurological findings and a confirmed medical diagnosis.

Paralysis

Tetraplegia - Paralysis of both arms and both legs.

Paraplegia - Paralysis of the lower limbs (including uncontrollable involuntary movements or ataxia which effectively renders the person functionally paraplegic).

Hemiplegia - Dense paralysis of the upper limb, trunk and lower limb on one side of the body.

Persistent vegetative state

A person in a vegetative state may seem to be awake and reflex responses may remain, but it is widely accepted that they have no awareness of their surroundings and that they are incapable of feeling mental distress or physical pain.

Psychosis

Schizophrenia, paranoid psychosis, or depression with psychotic features (but excluding alcohol or drug-induced psychosis) with objectively demonstrable mental impairment and incapacity.

Terminal illness

Advanced or rapidly progressing incurable illness where in the opinions of an attending consultant and our Chief Medical Officer, the life expectancy is no greater than 12 months.