

Your local union:

Health and Safety Accidents at Work

A collective commitment
A personal responsibility



This brochure is provided for information purposes only.
You should refer to the text of the legislation for any legal purposes.
(September 2017)

What? WHY?
WHEN? WHO?

MAKING SENSE OF IT ALL

RIGHTS?

The **Act Respecting Industrial Accidents and Occupational Diseases** establishes, among other things, the rights and protections arising once an accident has occurred. As well, it provides compensation for occupational injuries and access to physical, social and professional services necessary to rehabilitation.

The **collective agreement** includes certain elements of the legislation and reiterates the obligations of each party, the right to first aid and treatment, the right to choose one's doctor and to be paid in full for the day of the accident. The collective agreement also provides for the right to receive full salary for the entire duration of an absence associated with an occupational injury.

Your union can assist you in handling complaints and with any needs associated with health and safety in the workplace. A situation that might result in exposure to a danger to your health or safety could also justify intervention of the union.

WHAT ARE MY

**OCCUPATIONAL HEALTH AND
SAFETY AREN'T JUST A MATTER
FOR THE COLLECTIVE AGREEMENT
— FIND OUT ABOUT THE LEGISLATION!**

The Occupational Health and Safety Act focuses on the prevention and elimination at source of dangers to health, safety and the physical well-being of workers. The primary responsibility for applying this law is the employer's.

Every employer must take the necessary measures to protect the health and ensure the safety and physical well-being of his workers, see that the establishments under his authority are so equipped and laid out as to ensure the protection of the workers, supervise the maintenance of the workplace, identify risks, provide adequate information, supply the safety equipment necessary and provide the appropriate training (section 51 of the Occupational Health and Safety Act - R.S.Q. c. S-2.1).

The worker must, among other things, **participate in the identification** and elimination of risks of work accidents or occupational diseases at his workplace (section 49 of the Occupational Health and Safety Act - R.S.Q. c. S-2.1).

SOME DEFINITIONS

AN INCIDENT CAN LEAD TO A WORK ACCIDENT – KNOW THE CRITERIA TAKEN INTO ACCOUNT!

INCIDENT

An unimportant problem which may, however, lead to serious consequences.

ACCIDENT AT WORK

A sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his work and resulting in an employment injury to him.

OCCUPATIONAL DISEASE

An injury or disease arising out of or in the course of an industrial accident or an occupational disease, including recurrence, relapse or aggravation within the meaning of the Act.

Excerpts from the Act Respecting Industrial Accidents and Occupational Diseases (art. 2).

The accident which led to the occupational injury must be associated with your work, i.e., with the performance of your duties or while you are at work, i.e., during the performance of an activity related to your work duties.

In studying a file, the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) takes the following criteria, among others, into account:

- ▶ Was the event unexpected and sudden?
- ▶ Did it occur in the workplace or during working time?
- ▶ Was the person under the authority of the employer?
- ▶ Was the person performing an activity related to his or her work, or was the activity of a personal nature?
- ▶ Did the activity performed at the time of the accident serve a purpose useful to the employer?
- ▶ Was the activity part of the working conditions?
- ▶ Did it cause a professional injury? (cause and effect relationship)

Every case is studied on an individual basis by an agent of the CNESST. The relation between the occupational injury and work is determined on the basis of a medical certificate from a doctor as well as any other clinical documentation. It is not up to the school board to decide whether there has been a work-related accident.

WHAT'S THE PROCEDURE?

1 REPORT ALL INCIDENTS OR ACCIDENTS, NO MATTER HOW SERIOUS – NO ONE CAN SAY WHAT'S GOING TO HAPPEN IN THE FUTURE!

- ▶ Notify the employer as soon as possible;
- ▶ Report **all** incidents and accidents in the *Register of Accidents* that should be available in your school/centre and complete any school board forms;
- ▶ Tell a colleague about it if there were no witnesses to the incident or accident.

Be sure you know the name of any first aid providers in the school and where to find the documents for reporting incidents and accidents. Written statements allow your union to keep track of the situation and to make any necessary representations on your behalf.

2 MAKE AN APPOINTMENT WITH A DOCTOR AS SOON AS POSSIBLE – DON'T TAKE CHANCES!

- ▶ Where possible, notify the administration before you go if you have to leave the school as the result of an injury;
- ▶ See a doctor on the same day the injury occurs.

Don't just wait for the pain to go away or put off an appointment for lack of time. If you do, it makes it more difficult for the doctor to establish the link between the accident and your work, and for the CNESST to accept your claim.

3 EXPLAIN AND DESCRIBE THE DETAILS – YOUR DOCTOR IS THE KEY!

- ▶ Provide all the details of the event so that your doctor can establish the link with your work and begin the procedure with the CNESST by signing a medical certificate indicating the diagnosis and the duration of any absence;

- ▶ Submit the medical certificate to the school board and send a copy to the CNESST office in your area.

Even if the doctor feels you are capable of working, the clinical notes are entered in your file and could be useful should any other problems arise.

4 FAMILIARIZE YOURSELF WITH THE FOLLOWING PROCEDURE – THE FILE CAN GET COMPLICATED!

- ▶ A medical certificate from a doctor must be provided to the CNESST within the six months following the incident; *You should always take action as soon as possible after the incident/accident to facilitate processing of the file.*
- ▶ The CNESST issues a written decision indicating the acceptance or the rejection of the claim;
- ▶ If the work accident is not recognised, it is possible to request, in writing, a review of the decision within the 30 days of receiving that notification;

- ▶ In the event of a negative administrative review response, the case can be appealed within 45 days of its decision, and can be heard by the *Tribunal administratif du travail* (TAT); the decision is final.

The union can assist you in this procedure, but whenever possible, should be kept informed from the very beginning in order to give you the best advice and to provide the appropriate follow-up.

5 MAKING AN ACCIDENT CLAIM RATHER THAN RECEIVING SALARY INSURANCE HAS ADVANTAGES – CHECK THEM OUT!

Recognition of an occupational injury by the CNESST allows you to:

- ▶ retain your **full salary** with access to medical and rehabilitation services until your condition has stabilized;
- ▶ have recognised any permanent disabilities and functional restrictions relating to your job;
- ▶ retain days in your sick-leave bank;
- ▶ facilitate recognition of a recurrence, relapse or aggravation of the initial injury in the future.

Salary insurance provides:

- ▶ that the first five days of absence are deducted from your sick-leave bank;
- ▶ salary insurance benefits that start at 75% and are reduced in the second year to 66²/₃%;
- ▶ a given maximum for coverage of certain medical services by the insurance company (e.g., psychotherapy, physiotherapy, etc.).