



Procedures to follow concerning a work accident

It is important to open a file and keep a copy of all documents that pertain to the incident, in the event that they are required for future reference.



Report your work accident



It is imperative that any work accident be reported as soon as possible, whether or not any medical assistance is required.

There is a form produced by the Board specifically for this purpose which is available in every workplace. When writing up your report, be as clear as possible concerning the **circumstances** regarding the accident including the **time** and **location** where it took place and **what caused it**; the **type of injury** whether visible or not: **what kind of pain** you have and **where your pain is situated**. Even an accident which appears to be unimportant must be reported. For example, if you lift something heavy, or a child pulls on your arm and you feel a sudden sharp pain that soon diminishes, it should be written up on the work-accident form. This type of injury may reappear as chronic pain, and, if not reported at the time, will be hard to prove at a later date. Make a photocopy of your accident report for yourself, before handing it in at your workplace.

If your injury is too serious to be filled out after the accident occurs, you may fill the report out later. However, **do it as soon as possible**. It is a good idea to keep a file for yourself, with a photocopy of the accident report and a written description of any other details that may be of use later on, such as any witnesses who were present at the time of the accident.



See a doctor



Do NOT wait to consult a doctor, even if the injury seems to be relatively unimportant. Be sure to explain that you had a work accident. Give the doctor the details and make sure you are thoroughly examined. It is very important that the doctor fill out the **CNESST medical certificate** giving a **diagnosis of the injury, and a detailed description**. He/she will then give you the report which you will forward to the Health and Safety Administration Officer at the School Board. Be sure to keep a copy for yourself.



Fill Out the CNESST Form



After seeing your doctor, you may want to fill out the CNESST Worker's Claim which is furnished by the Board and is available in your workplace. However the Board will not request you to do so. They will send the Employer's Notice to the CNESST with all the pertinent information concerning your case and will attach your doctor's CNESST medical certificate and the accident report that you already filled out. If you **do decide** to fill out the Worker's Claim, be sure to include the **same information** that you put in the accident report **plus any other information you feel is relevant**. Keep a copy for yourself and send the original to the Health and Safety Administration Officer at the School Board right away so that they can include it with the other documents.

* This document is intended to simplify and make more accessible the information that is stipulated by the law. This document has no legal value and does not include all the articles stipulated by the law.



Wait for the CSST Decision

Normally, it takes from 8 to 10 weeks to receive a decision from the CNESST, as to whether or not they recognize your injury as a being a work-accident.



Contesting the CSST Decision

If your claim is denied by the CNESST, you have only 30 days in which to contest the decision. If it is not done within the delay, you have lost your chance to contest. When you receive a letter from the CNESST refusing your claim, do not contest on your own. Call your union as soon as possible to discuss the situation, and forward a copy of your letter of refusal to them. If you decide to contest the decision, the union can do it on your behalf. The union will send you a form asking for your written permission for the union to represent you, and will then send a letter of appeal to the CNESST.

Medical Evaluation



When you are accepted for CNESST, it is very possible that the EMSB and/or the CNESST request that you undergo a medical evaluation, using a doctor assigned by one of them. If this is the case you must accept. In the eventuality that one of the resulting evaluations is in disagreement with your own doctor's evaluation, the CNESST will

request a third examination by the Medical Evaluation Bureau (BEM), who will then assign a doctor to examine you and produce a written opinion. The CNESST must adhere to this final opinion. If either you or the Board is in disagreement with the decision, it is up to either one of you to contest. If you or the Board decides to contest this decision, the case will be brought before the CLP (Commission des lésions professionnelles). If you wish to be represented by your union, a CNESN legal counsellor will be assigned to argue your case. Once both sides have presented their case, the CLP will come to a final decision.

WHAT WILL BE COVERED BY THE CSST?



Health Services

If your claim is accepted you have the right to benefit from certain free medical services for injuries resulting from a work accident. Initially, however, you may have to pay for some of these services yourself. You will be reimbursed by the CSST once you have sent them the original bills (keep copies for yourself). Some examples of items that can be reimbursed are as follows:

- Medicine and pharmaceutical products related to your injury
- Physiotherapy and ergotherapy would be covered at 100%
- An orthopaedic appliance or external prosthesis
- Travelling expenses for medical reasons (public transportation; parking; meals; accommodation; etc.)

N.B: Some other treatments may be accepted if the CNESST deems them valid, (such as referral to a psychologist due to a traumatic shock resulting from your accident), but ALL treatments must be prescribed by your doctor in order for them to be accepted by the CNESST. Although the CNESST initially allows for a limited number of treatments prescribed, they will then require a "motivated" request from your doctor for any further treatments.

Your Salary



Your salary will be covered at 100% while waiting for a CNESST decision.

If the decision is favourable, you will receive 90% of your **net** pay and will maintain all the benefits you are entitled to in our Collective Agreement, SSQ, CARRA, etc.

If the CNESST **refuses** your claim, and you are still off work due to your injury and you are eligible for salary insurance, you will automatically receive EMSB salary insurance. However if you are **not** entitled to salary insurance under our collective agreement, your salary will not be paid.

Will I be paid until I am better?

You will be paid until you can return to work because you have completely recovered from your injury or until your injury has been judged consolidated. Consolidated does not mean that you are better, it simply means that the doctor considers the injury to have healed as much as possible, and determines that there will be no future improvement. The CNESST will request a medical examination in order to evaluate whether, in fact, the injury is consolidated and whether your injury leaves you with a permanent incapacity and work limitations.

What will I receive for a permanent disability?

The BEM doctor will evaluate your permanent disability and declare a percentage of incapacity. This percentage is **not** based on your ability to return to work. It is based on the health of your **entire** body. This means that a perfectly healthy person has 0% disability. A completely incapacitated person where nothing is functioning (ex: someone in a permanent coma) would be closer to 100%. The percentage given is also based on your age. A person of eighteen may receive twice as much money as a person of sixty-five who ends up with the same disability. Therefore, if you were to have a herniated disk that prevents you from working at your present job but allows you to live somewhat normally otherwise, the CNESST might only judge the disability as being two or three percent. When the percentage is fairly low, the lump sum accorded is correspondingly very minimal.

Will I receive my salary for the rest of my life?

When your injury has been consolidated with physical limitations the CNESST will try to negotiate an agreement with your employer to find you an appropriate job that will respect your limitations. If there is a difference in salary, the CNESST will pay you the difference. However, if this is not possible and you are obliged to leave your place of employment, the CNESST will pay your salary during one year of retraining, plus the cost of the retraining course, on the assumption that it will allow you to be re-integrated into a workplace. You are then expected to find a job. You will not be guaranteed the same salary that you held before, but will be paid the difference between the salary received in your new job and the salary of a job that the CNESST judges would be suitable for a person with your type of disability. If a person in this situation refuses employment, without a valid reason, the CNESST may stop paying him/her.

What are the advantages and disadvantages?

Advantages of being covered by CNESST

When someone has the misfortune to have a work accident, the CNESST provides salary and benefits that allow the person the time he/she needs to recover from his/her injury.

If a person is incapacitated on a permanent basis, the CNESST will attempt to negotiate with the person's employer to find a suitable job for him that respects his/her limitations.

The CNESST will pay for one year of retraining.

The CNESST will cover the difference in salary between the job the person obtains and a job that the CNESST judges to be suitable with regard to the person's limitations.



Disadvantages of being covered by CNESST

If a person cannot be re-integrated in his/her own workplace that person will have to find another job suited to his/her limitations. In order to do so he/she may need to take some training but the CNESST will not pay for more than a one-year course.

The amount that is paid for disability is usually very minimal. Having limitations often makes it difficult to find a job with the same pay that the person had before the work accident. The job that is judged as suitable by the CNESST often pays less than the job the injured person held previously.

Most employers who offer benefits often ask a future employee to undergo a medical evaluation before hiring him. A person with physical limitations may be refused.

If a person were to refuse a job that the CNESST considers appropriate, they may stop paying his/her salary replacement revenue.

