

Health & Safety Edition

October 2019

WORKPLACE HEALTH AND SAFETY... IT IS EVERYONE'S RESPONSIBILITY!

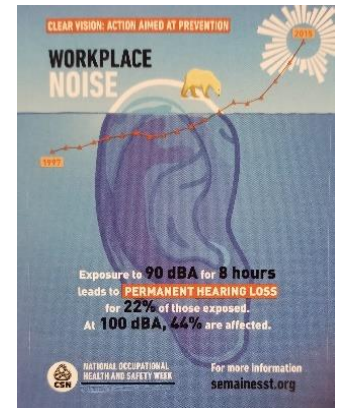
As workers, we must, among other things:

- become familiar with the prevention program(s) applicable (e.g. First Aid, WHMIS)
- take the necessary measures to ensure our health, safety and physical well-being
- not endanger the health, safety or well-being of others
- participate in the identification and elimination of dangers/risks in our workplace;

The employer must, among other things:

- take the necessary measures to protect the health and ensure the safety and well-being of his worker.
- ensure that the working procedures and organisation of work (physical and workload/pace) do not adversely affect the worker.
- supervise workplace maintenance & provide sanitary installations (drinking water, adequate lighting, ventilation, heating & sanitary quarters for eating
- supply safety equipment and see that it is kept in good condition
- Inform the worker of the risks of the job and provide the appropriate training, assistance or supervision to ensure that the worker can safely do the job
- Provide the worker, free of charge, the required protective equipment, and require that the worker use the equipment in the course of work

DID YOU KNOW?



What is a workplace accident or illness?

Workplace accident: a sudden and unforeseen event, **attributable to any cause**, which happens to a person, arising out of or in the course of his/her work and resulting in an employment injury to him. An injury that happens at the workplace while the worker is at work is presumed to be an employment injury.

Some examples:

- falling from a stool and twisting an ankle
- getting hit in the head by a student in crisis
- breaking a bone during a school field day
- Slicing a finger on the photocopier
- Twisting one's back while transferring a student
- Getting splashed in the eye with a corrosive liquid

Occupational disease: a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work

Examples:

- Hearing impairment caused by noise
- Tendonitis or bursitis resulting from repetitive movement over an extent of time

1- Report your work accident

Report any accident ASAP to your immediate superior. Fill out the accident/incident report form provided by the employer (HS1). If your injury is too severe, the accident report will have to be completed later, but as soon as reasonably possible. Include in your report: the **circumstances** surrounding the injury (specifically what you were doing), the **time and location** where it took place and **who was present** if there were witnesses. Also include the **kind of pain** you felt as well as **where** the pain was situated. **Keep a copy of your report!**

Declare every accident/incident, even if it seems minor! A sharp back pain from intervening with a child in crisis may seem to go away quickly at first but could result in a chronic problem later! Also, declaring accidents helps the employer target areas for where prevention measures can be developed.

2- See a Doctor

DO NOT WAIT to consult a doctor, even if the injury seems to be relatively unimportant. **Tell the doctor it was a work accident!** The doctor must fill out and give you a CNESST medical attestation, giving a detailed description a diagnosis of the injury. You then forward this form to the CNESST/ Salary insurance coordinator at the EMSB. **KEEP A COPY!**

3- Fill out your CNESST form

After seeing your doctor, you may want to fill out, and submit to the CNESST, the *Worker's Claim*, available online on the CNESST website (optional). Be sure to include the same information as on the employer accident form and any other information you feel is relevant. You must give the employer a copy of this completed and signed form.

4- Wait for the CNESST decision

Normally it takes 8-12 for the CNESST to decide whether your injury is a work accident.

5- Contest the CNESST decision

If your claim is denied by the CNESST, you have 30 days to contest the decision.

Call the APPA immediately if you have been refused! The union will discuss your case with you and ask you to sign a mandate giving the APPA permission to act on your behalf through the contestation process. **DO NOT DELAY!** If the 30-day limit is passed, you lose your chance!

Medical Evaluation

When you are accepted for CNESST, the EMSB or the CNESST may request that you be evaluated by one of their doctors. You are obliged to accept.

If this evaluation disagrees with your doctor's, the CNESST will request a third examination by the Medical Evaluation Bureau (BEM) to examine you and produce its written opinion. The CNESST is obliged to adhere to this opinion.

If you or the EMSB disagrees with the findings, the case will be brought to the TAT (Tribunal administrative du Travail). If you wish, a CSN legal counsellor will be assigned free of charge to argue your case. Once both sides have presented, their case, the TAT will come to a final decision

Will I be paid?

Your salary is at 100% while awaiting the CNESST decision. **If accepted**, you will receive 90% of your **net** pay and all benefits for which the collective agreement entitles you: SSQ, CARRA... **If you are refused**, but still off work due to your injury, you will automatically receive EMSB salary insurance if you are entitled. However, if you are not entitled to salary insurance under our collective agreement, you will not be paid (i.e. you receive 11% fringe benefits on every pay).

GREAT NEWS FOR WORKERS ON CNESST

For years, workers on CNESST have been claiming their medications through group insurance instead of paying in full and then applying for reimbursement from the CNESST. This had 2 negative repercussions:

- 1- The worker was covering between 20-33% of the cost of the medication which should have been covered 100% by the employer.
- 2- The cost of insurance premiums rose because of the claims, thereby costing the worker more for group insurance.

This practice will be changing! Workers will no longer have to pay a penny for their medications at the pharmacy if it is due to a work accident!

STAY TUNED FOR MORE INFORMATION...

PSYCHOLOGICAL HARASSMENT

The Act respecting labour standards protects employees against psychological harassment. In everyday language, to “harass” someone means to constantly attack someone.

For there to be psychological harassment, the behaviour must:

- Be vexatious and repeated, or vexatious and serious
- that are hostile or unwanted
- affect the employee’s dignity or psychological integrity
- create a harmful work environment

Examples of harassment:

- Making crude, degrading or offensive remarks; Intimidating gestures
- Preventing a person from expressing himself, isolating him or ignoring him
- Discrediting a person through rumours, ridicule, and humiliation
- Belittling a person

If you feel you are a victim of psychological harassment, please contact the APPA at 514-254-3503 Extension 204 or 205.



RIGHT OF REFUSAL

You have the right to refuse work when you feel that your work is too dangerous for you or another person unless your refusal places another person in immediate danger or when the working conditions are normal for the type of work (example- a fireman faced with a raging fire)

- Notify your union **before** ceasing to work (if possible)
- You must notify your supervisor as soon as you cease work

Note: All persons who have exercised their right of refusal, or who have had to stop working are entitled to their wages and other benefits unless the claim is found to be unreasonable.

Role of your union:

- To meet with the employer to decide on which corrective measures to apply
- To ensure that the work is not performed by another worker or an outside establishment

The employer may request you to remain available and may assign you to other duties.

If you or the union believe that the corrective measures are not satisfactory you may continue to refuse perform your work.

In such cases, the union must make every effort to obtain the required corrective measures before contacting the CNESST inspector.

PREGNANT OR BREASTFEEDING?

You may be entitled to be reassigned or removed from your post if your working conditions are hazardous to your health or that of your unborn or breastfeeding child.

Conditions:

- You must be physically fit to work
- You must be reasonably able to perform the tasks to which you have been reassigned
- The new tasks do not introduce another risk to you or your unborn or breastfed child

What steps should you take?

MEDICAL CERTIFICATE:

- 1- You must see your physician and describe your working conditions. If the physician considers you to be at risk, he or she will complete the form: *Preventative Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker*.
- 2- The form is then studied by the physician designated by the director of public health for the region in which the establishment is located. **You do not have to pay for the certificate.**

REASSIGNMENT:

- 3- The certificate is submitted to the employer. This is a request to be **REASSIGNED** to either other tasks, or to have the workstation modified to eliminate the hazard.
- 4- While reassigned, **you are entitled to the same wages and benefits as before.**

PREVENTATIVE WITHDRAWAL AND INDEMNITIES

If the hazards cannot be eliminated or you cannot be reassigned, then you may stop working and will be paid indemnities

- First 5 days of work stoppage: Employer pays usual wages
- 14 days following: 90% NET salary paid by the employer
- After the 14 days: 90% net salary paid directly to you by the CNESST until:
 - The date of reassignment

- The 4th week prior to the expected delivery date
- Until breastfeeding stops

Note: the CNESST may stop paying indemnities for a specific period (lay-off etc.) during which the work-related risks no longer exist

FREQUENTLY ASKED QUESTIONS:

If I don't use the mechanical lift when I transfer a student, I forego my right to CNESST if I get hurt.

False: *If you are hurt on the job, it is a workplace accident and you are entitled to CNESST benefits... However, if you were supposed to use a lift, you can be reprimanded for not having done so.*

I was outside during recess and I was hit in the head with a ball. I have a concussion. Will I be covered?

Yes: *You were injured while at work while doing your job. It is work accident and you will be covered.*

I wore heels to work and sprained my ankle tripping over a carpet while walking to class. I was told I was not eligible for CNESST since I am not supposed to wear heels. Is this true?

False: *You were injured on the job. Though you may face sanctions from the employer if you did not follow a written directive, your accident is still eligible for CNESST.*



**APPA
Health & Safety
Committee**

**Striving to improve your
working conditions**

Health and Safety contact numbers:

The APPA: 514-254-3503 (ext. 204 or 205)

EMSB Health & Safety dept.: 514-483-7200 x7497

CNESST: 1-844-838-0808