

WHAT DO YOU DO IF YOU SUFFER AN INDUSTRIAL ACCIDENT?

Every industrial accident must be reported to the employer regardless of how minor it may be.

- 1 Inform the employer as soon as possible.
- 2 If the accident causes you to lose less than one day of work it still must be entered into the industrial accident register.

The accident victim must confirm the date of the accident and verify the description of the injury.

If everything is correct the accident victim must sign the register.

- 3 Ask the employer for a copy of the accident register.

Note: There must be an accident register in each of the employer's establishments.

Incidents (for example, verbal aggression, threats, harassment) should also be declared and entered in the register. This information may help enable a better understanding of the situation and allow better industrial accident prevention, and possibly improve the defense of industrial accident cases.

- 4 If the accident causes you to lose more than one day of work, you must provide your employer with a medical certificate from the physician who treated you.
- 5 Inform your union of all industrial accidents and ask for any help you need in following the procedure.

A declaration receives more attention from the employer and the CNESST when it is in writing.

Contact your union.

**Prevent
and cure**



Centrale des syndicats
du Québec

CSQ

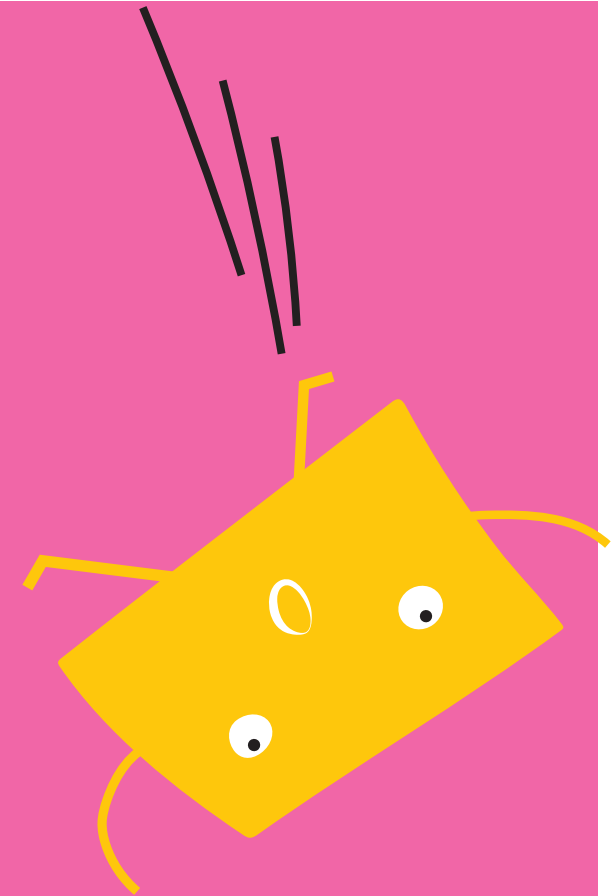
Centrale des syndicats du Québec (CSQ)
Occupational Health and Safety

9405 Sherbrooke Street East, Montreal, Québec H1L 6P3
Telephone: 514 356-8888 • Fax: 514 356-9999
E-Mail: [sst@lacsq.org](mailto:ssst@lacsq.org)

**For advice and solutions, consult your union or
lacsq.org/ssst**

This brochure is offered to you only as an indication. Please consult the official laws for legal information.

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DECLARING INDUSTRIAL ACCIDENTS

An important notice for you, workers:
You have rights!



CSQ

INDUSTRIAL ACCIDENT: KEY DEFINITIONS

Industrial accident

"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."*

Employment injury

"An injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation."*

An accident must **arise out of or in the course of work**.

An accident that arises **out of work** is one that occurs while the worker is performing the very duties for which he or she was hired.

An accident that arises **in the course of work** is one that occurs while the victim is performing work related to his or her duties. The concept of " in the course of work " includes any activity (even ones not specifically requested) related to his or her own work that the worker was engaged in when the accident occurred.

*Source: an Act respecting industrial accidents and occupational diseases.

IMPORTANT CLARIFICATIONS

For an accident to be considered an industrial accident there must be an actual direct or indirect link between the victim's work and the activity actually being carried out when the accident occurred, and that activity must also have been carried out under the employer's control and authority.

Remember that the facts and circumstances surrounding every accident are different, and that every case must be studied individually.

Always contact your union for help when dealing with the employer and the CNESST.

WHAT ARE MY RIGHTS?

The Act respecting industrial accidents and occupational diseases provides industrial accident victims with a number of rights.

You have the right:

- A** to receive first-aid and emergency medical services;
- B** to choose your physician;
- C** to be transported without charge to a health establishment, to the physician you choose, or to your home;
N.B.: The employer reimburses you for these transportation costs.
- D** to be reimbursed for any medical or travel expenses, once you have submitted the worker's claim form and any related receipts to the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST);
- E** to receive income replacement indemnities**
 - for the day on which the accident occurred the employer pays 100 % of your salary;
 - during the first 14 days following the accident the employer pays 90 % of your net salary, and is reimbursed by the CNESST;
 - starting on the 15th day following the accident the CNESST pays 90 % of your net income directly to you.
- F** to receive a lump-sum indemnity for permanent physical injuries suffered, the amount of which is determined by the degree of impairment and your age;
- G** to benefit from physical, social and vocational rehabilitation programs;

- H** to return to the job you were doing when the accident occurred, to an equivalent job, or to suitable employment, once you are ready to return to work. In establishments where there are less than 20 employees you have a one-year period in which to exercise this right; in establishments where there are 20 or more employees you have a two-year period;*
- I** to contest a CNESST decision and request that the CNESST review its decision (within 30 days of the initial decision);
- J** to appeal the CNESST decision before the health and safety division of the Tribunal administratif du travail (within 45 days of the review); the decision of the CNESST is final and binding on both parties;
- K** to lodge a complaint before the CNESST or to file a grievance should you believe that you have been the victim of discrimination, sanctions or disciplinary measures because you suffered an employment injury or because you exercised your legal rights.

** The rights in your collective agreement may be superior to those provided by the law.

