Understanding Québec’s Occupational Health and Safety Plan

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Understanding Québec’s Occupational Health and Safety Plan
This guide is intended to make Québec's Occupational Health and Safety Plan easier to understand. It has no legal bearing and does not replace current laws and regulations. Workers who sustained an employment injury before August 19, 1985 and who are therefore covered by the Workmen's Compensation Act, as well as their employers, should contact the CSST to learn about their rights and obligations.

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Note – In this document, the masculine is used to designate both sexes, with no discrimination intended. La présente brochure est aussi disponible en version française
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Québec’s Occupational Health and Safety Plan is the result of a broad consensus. This social contract, which binds more than three million workers and their employers, is intended first and foremost to prevent industrial accidents and occupational diseases, but also to provide assistance to the victims thereof.

Québec has adopted laws establishing the rights and obligations of workers and employers. These laws include the Act respecting occupational health and safety, which deals with prevention and inspection, and the Act respecting industrial accidents and occupational diseases, which governs worker compensation and rehabilitation.

These laws make both workers and employers responsible for health and safety in the workplace. The application of these laws is the responsibility of the Commission de la santé et de la sécurité du travail (CSST).

The following pages give an overview of the CSST and Québec’s Occupational Health and Safety Plan. For further information, please contact your CSST regional office.
The role of the CSST
The Commission de la santé et de la sécurité du travail administers the Occupational Health and Safety Plan. It is concerned, for example, with preventing employment injuries; however, it also acts as public insurer for both workers and employers, providing them with the services to which they are entitled.

In the area of prevention, the CSST:
• promotes occupational health and safety;
• supports workers and employers in their efforts to achieve a healthier, risk-free work environment;
• inspects work premises.

As Plan administrator, the CSST sees to the funding of the Plan through the premiums it collects from employers.

In the area of compensation, it:
• compensates workers who sustain an injury as a result of an industrial accident or occupational disease;
• ensures that workers receive the medical assistance they require in light of their condition;
• sees to it that workers who suffer permanent physical or mental impairment due to an employment injury benefit from rehabilitation services.

To fulfill its role, the CSST not only relies on the cooperation of workers and employers, but also on the collaboration of the health, research, education and other sectors.

The CSST: an organization with joint representation
The CSST is headed by a joint Board of Directors, which is made up of an equal number of worker and employer representatives. The Board has 15 members who are appointed by the government; they include the CSST’s Chairman of the Board and Chief Executive Officer and seven representatives of both parties. Thus, workers and employers take part in developing and managing occupational health and safety programs.

The Chairman of the Board and Chief Executive Officer chairs the meetings of the Board and ensures that it operates effectively. He is responsible for administering the Plan, managing the CSST and maintaining good relations with the government. He also heads a management committee, which coordinates, in particular, the implementation of the decisions made by the Board.

1. See the section "Some definitions."
2. See the section "Some definitions."
3. See the section "Some definitions."
The CSST and its partners
The Occupational Health and Safety Plan requires the cooperation of a number of partners, all of which play a vital role. These partners include:

- the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, which conducts scientific research in occupational health and safety, trains researchers and offers laboratory services;
- the Ministère de la Santé et des Services sociaux, the regional boards (mainly their public health departments) and the health and social services centres, which offer health services emphasizing prevention;
- joint sector-based associations, which provide businesses in their sectors with training, information, research and counselling services on the prevention of work-related accidents and diseases; and
- the Ministère de l’Éducation, du Loisir et du Sport, which incorporates occupational health and safety into its educational programs.

The CSST also relies on the collaboration of trade unions and employer associations, which provide their members with training and information on occupational health and safety.

The CSST supports its partners in occupational health and safety matters by providing prevention information and training, technical assistance and, in certain cases, financial aid. To help coordinate and optimize the impact of the efforts by the various groups, the CSST has set up consultation mechanisms enabling it to work more effectively with all its collaborators.

The CSST: a team at your service
To remain close to its client base, the CSST has offices throughout Québec. Its personnel, divided into 20 regional branches, provides all its prevention-inspection, compensation (indemnification and rehabilitation) and financing programs and services. Thus, workers and employers have easy access to a local representative who can respond to their requests and make the appropriate decisions.

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4. See the list of such associations on page 42.
CSST regional offices

1. Île-de-Montréal - 1
2. Île-de-Montréal - 2
3. Île-de-Montréal - 3
4. Laval
5. Longueuil
6. Valleyfield
7. Saint-Jean-sur-Richelieu
8. Yamaska
9. Outaouais
10. Laurentides
11. Lanaudière
12. Mauricie et Centre-du-Québec
13. Estrie
14. Chaudière-Appalaches
15. Québec
16. Abitibi-Témiscamingue
17. Saguenay-Lac-Saint-Jean
18. Bas-Saint-Laurent
19. Côte-Nord
20. Gaspésie-Îles-de-la-Madeleine
The CSST also provides various information and counselling services. For example, it:

- meets with workers and employers at their workplace to make them aware of their prevention-related rights and obligations, and supports them in their prevention efforts, if need be;
- manages a documentation centre with an audio-visual library, which is open to the public and can be accessed by computer throughout Québec;
- provides access to a computerized toxicological index through a state-of-the-art Web site, containing information about industrial or commercial products used in Québec;
- produces, publishes and distributes many general and specialized information documents, including the magazine Prévention au travail, available free of charge;
- gives employers direct electronic access to information and data of concern to them;
- maintains a Web site at www.csst.qc.ca.

**Personalized online services**

The CSST offers its employer clients, partners and suppliers a full range of electronic products and services that facilitate and accelerate the exchange of information.

These products and services — particularly the Portrait de l’employeur (Employer Profile), the Portrait du travailleur (Worker Profile), the Relevé à la moyenne et à la grande entreprise (Statement for Medium-sized and Large Businesses), electronic mail, the electronic form Avis de l’employeur et demande de remboursement (Employer’s Notice and Reimbursement Claim), and the Guide et simulateur de calcul des indemnités de remplacement du revenu (Income Replacement Indemnity Calculation Simulator and Guide)—pave the way for simplified, effective and accelerated management of every aspect of occupational health and safety. Services are also offered to hospital centres, physiotherapy and occupational therapy clinics, and health and social service centres.

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5. For further details, visit the CSST’s Web site (Guichet CSST).
Is it necessary to register with the CSST?

You are an employer

A company operating an establishment in Québec which has at least one worker, whether full-time or not, must register with the CSST within 14 days of hiring its first worker. It must also supply, within 60 days, all the necessary information about the nature of its activities and the wages it expects to pay out during the year. The CSST then uses this information to determine the premium the company must pay. This mandatory insurance service protects the company against the risk of having to bear a major financial burden that could be caused by an employment injury.

You are a worker

Workers are automatically insured if they are the victim of a work-related accident or disease. They do not have to register with the CSST and do not have to pay for this coverage. Under certain conditions, other persons, such as student trainees, are also covered by the CSST.

Any company owner, partner or director of a business or other legal entity may benefit from personal coverage if they apply to the CSST. Most domestics and self-employed workers — i.e. persons in business for themselves — are not automatically covered by the CSST. They can, however, register on their own or through an association to which they belong. Volunteers, for their part, are protected, provided the organization or company benefiting from their services applies to the CSST for coverage.

Personal coverage may not be lower than the minimum wage or higher than the maximum yearly insurable earnings. In the event of an employment injury, the compensation provided is based on the amount specified in the application.

You are not covered by the compensation plan

Persons employed by an individual to take care of another person but not living with that person, as well as persons whose principal source of income is derived from sports, are not covered by the compensation plan.
Industrial accidents and occupational diseases have dire personal and economic repercussions... for workers, who can be caused impairment, upsetting their personal, family and social lives; for businesses, which can be deprived of experienced labour; and for everyone, since the cost of employment injuries drives up production costs, thus increasing the price of goods and services.

The solution, in a word, is prevention. For years, the CSST has been encouraging workers and employers to take charge of preventing industrial accidents and occupational diseases. It offers them support in identifying and eliminating hazards in their workplace and in maintaining safe, healthy working conditions at all times.
The prevention program
Employers that operate in sectors designated by regulation as priority sectors (as a result of the frequency and seriousness of employment injuries) and those that belong to a prevention mutual group are required to implement a prevention program tailored to each establishment. All employers would do well to have such a program, however, since it helps them protect their workers’ health and safety.

The prevention program must include practical measures for eliminating dangers specific to the establishment or work environment. For the employer, this program is the prevention management tool of choice.

Cooperation between workers and employers
Cooperation between workers and employers is the key to success in preventing work-related accidents and diseases. The best way to provide for this cooperation is to set up a joint health and safety committee, with a mandate to improve the health and safety conditions of all the workers it represents.

The committee can, for example, evaluate risks, keep accident records, investigate accidents, submit recommendations to the employer, and participate in worker training and information programs.

One or more worker members of the health and safety committee are assigned the responsibility of prevention representative. This responsibility involves identifying health and safety hazards, inspecting the work premises, investigating accidents, making recommendations, and helping workers exercise their rights.

Occupational health services
Occupational health services are usually provided by the health and social services network, which has medical or paramedical personnel who can provide workers with prevention-oriented health services adapted to the hazards they face.

6. See the section “A made-to-measure insurance plan.”
The main services offered by the network are:

- determining health hazards in the workplace and informing workers about the necessary protection methods;
- detecting and preventing any health problems that may be caused or aggravated by workplace-related hazards;
- setting up and making available an appropriate first aid service;
- analyzing the work carried out and determining the physical characteristics of each worker to help ensure they are assigned to tasks that do not jeopardize their health;
- monitoring environmental conditions on the work premises.

**Joint sector-based associations**

To take prevention one step further, workers and employers can set up associations that are joint, i.e. that have equal representation of both parties.

These associations are created following agreement between the employers’ and the workers’ associations in a given sector. Joint sector-based associations are funded by the premiums of employers in that sector. They dispense training, information, research and counselling services to workers and employers in the sector. They provide workers and employers, for example, with technical and professional assistance in setting up a health and safety committee and developing a prevention program. There are presently 12 joint sector-based associations in Québec.  

**When and how does a CSST inspector intervene?**

Employers and workers are in charge of occupational health and safety in their work environment; however, the CSST inspectors are responsible for ensuring that the law and regulations are respected at establishments and on work sites. An inspector intervenes when a complaint is made or a serious industrial accident takes place. He can visit the workplace for other reasons, e.g. to support the employer or workers in their prevention efforts, render a decision when a worker exercises his right of refusal to work, carry out a general inspection of the health and safety measures, or encourage the company to eliminate specific hazards targeted by the CSST. The inspector can also act as mediator in the event of a dispute between the employer and the prevention representative or between members of the health and safety committee, if the parties so wish. Workers can request the intervention of an inspector by contacting a CSST regional office any time, 24 hours a day.

However, workers are encouraged to discuss the matter with their employer, health and safety committee or their recognized association first in order to find and implement solutions to health and safety problems. The methods used by the inspector range from issuing a notice to correct a

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7. See the list on page 42.
Can a worker refuse dangerous work?

A worker is entitled to refuse work that he has reason to believe might put him or someone else in danger. A worker may not exercise this right, however, if it jeopardizes the health or safety of another person, or if the conditions under which the job is to be performed are normal for the type of work to which he is assigned. As soon as a worker exercises his right of refusal, he must notify his immediate superior or his employer thereof and give the reasons for this action. He must remain available on the premises to perform other work, if necessary. The immediate superior or the employer must then call upon the safety representative to look into the problem and come up with possible solutions. If the establishment does not have a safety representative or if he is unavailable, the immediate superior or the employer must call upon a union representative or an employee designated by the worker exercising his right of refusal. If the employer and the safety representative cannot agree that there is a hazard or how to correct the situation, either may request the intervention of a CSST inspector. The worker may also call upon an inspector if he is not satisfied with the conclusion reached by the employer and safety representative. The inspector must decide as quickly as possible whether or not a hazard exists. His decision must be implemented, even if the parties are not in agreement.

situation, to suspending operations or closing down the work premises. Fines are levied for a breach of the law or regulations or refusal to comply with a decision or an order handed down under the legislation.
However, a request can be made to have this decision reviewed by the CSST, at the regional office concerned. It should be noted that, under certain circumstances, the employer may ask another employee to replace the worker exercising his right of refusal. However, the employee must be advised of the worker’s action and his reasons for such action, and may, in turn, refuse to do the work as well. A worker may not be penalized for exercising his right of refusal. He will continue to draw his salary and may not be dismissed or otherwise disciplined unless he abuses his right. In such a case, the burden of proof rests with the employer.

The For a Safe Maternity Experience program
A pregnant or breast-feeding worker benefits from special protection. If her working conditions endanger her health or that of her unborn or nursing child, she has the right to be reassigned immediately to another job that does not involve such hazards and that she is able to perform.

If her workstation cannot be modified or she cannot be assigned to another station, she has the right to stop working temporarily and receive compensation from the CSST. This is not a maternity leave, but rather a preventive program aimed at allowing the worker to continue her job in complete safety. The employer can achieve this objective in many ways, e.g. by:
• eliminating the hazard at source;
• modifying the worker’s job;
• adapting her workstation;
• reassigning the worker to another job or workstation.

8. See the section “Can a CSST decision be challenged?”.
9. Employees of federal institutions are exempt from the For a Safe Maternity Experience program.
Certificate
To exercise her right to a safe maternity, the worker must ask a physician to fill out the form Preventive Withdrawal and Re-assignment Certificate for a Pregnant or Breast-feeding Worker. This physician must consult with the physician in charge of health services at the establishment where she works or, in the absence of one, the physician designated by the public health director for the area in which her workplace is located. Without such consultation, the certificate is not valid. The certificate is available to the worker free of charge.

Breast-feeding
The worker must follow the same procedure if she wishes to take advantage of this right for the period during which she breastfeeds her baby. Even if she has been granted a reassignment or preventive withdrawal for pregnancy, she must obtain a new certificate for breast-feeding. In this case, however, only hazards threatening the health of the nursing child are taken into consideration.

Reassignment
Once submitted to the employer, the certificate automatically constitutes an application for reassignment to a modified workstation or to a new risk-free job that the worker is reasonably able to perform. The worker continues to draw the same salary and enjoy the same benefits as those associated with her former job. If there is a discrepancy in compensation between the two jobs, because of reassignment to a part-time or lower-paying job, the employer may ask the CSST to assume the difference.

Withdrawal
The worker may stop working if the employer cannot immediately eliminate the hazards at source, adapt or modify work conditions deemed dangerous, or reassign the worker to another job. She will receive compensation until such time as she is offered a safe job by the employer, gives birth, or finishes breast-feeding.
Compensation

For the five working days following her temporary withdrawal from work, the worker is paid her regular salary by her employer; this amount is not refunded by the CSST. For the 14 calendar days following this initial five-day period, the employer pays the worker 90% of her net salary. This amount is refunded to the employer by the CSST. Thereafter and until the reassignment date, the birth, or the end of the breast-feeding period, the worker receives 90% of her net income\textsuperscript{10} from the CSST. The gross income used to calculate the compensation may not exceed the maximum yearly insurable earnings. The compensation received is not taxable.

When a worker exercises her right to reassignment or preventive withdrawal, the employer must notify the CSST and fill out the Reimbursement Claim for the Preventive Withdrawal or Re-assignment of the Pregnant or Breast-feeding Worker. The employer must allow the worker to return to her former job at the end of her reassignment or work withdrawal period.

Any decision concerning the exercise of the right to reassignment or preventive withdrawal may be contested under the provisions of the law.

\textsuperscript{10} See the section "Some definitions."
What do you do in the event of an industrial accident or occupational disease?

The employer must be advised as soon as an industrial accident occurs. It must ensure that the injured worker receives first aid promptly and, if necessary, is taken to a health establishment, a physician or home, depending on the worker’s condition. The employer must conduct an investigation into the causes of the accident and take corrective measures to prevent similar events from occurring. In the event of a major accident causing serious injury or death to one or more workers, or resulting in property damage of $50,000 or more, the employer must notify the CSST immediately.
The cost of transportation for the injured worker must be paid or reimbursed by the employer. The injured worker may choose his attending physician and the health establishment where he will receive the treatment he needs.

In the event of a minor accident following which the worker requires first aid, but is not prevented from performing his work beyond the day he sustained the injury, there is no need to advise the CSST. The employer must pay the worker his net wages for the part of the work day he was unable to complete because of his injury. However, the law requires that the accident be recorded in a register signed by the worker.

Should the injured worker be unable to resume work the following day, the CSST must be informed. The worker must provide his employer with a medical certificate. The employer must compensate the worker for the initial 14 calendar days he is unable to work and apply to the CSST for reimbursement. If the worker is absent for more than 14 days, or if he is entitled to certain benefits under the law, he himself must submit a claim to the CSST within a six-month period.

The procedure to follow in the event of an occupational disease is essentially the same as that described for industrial accidents. For further information, contact your CSST regional office.

**Is the worker’s income protected?**

If the worker is unable to perform his job as the result of an employment injury, the law guarantees him financial support until he can resume his job or take on an equivalent or suitable job.

**The day of the accident**

The day of the accident, the employer must pay the worker the wages he would have earned had the accident not occurred. The portion of his wages corresponding to the hours he did not work is covered by the employer and not reimbursed by the CSST.

**The days following the accident**

If the worker’s inability to work extends beyond the day of the accident, the worker must provide his employer with a medical certificate confirming that he is unable to resume his job. Upon receiving this certificate, the employer must pay him compensation during the normal pay period.

**During the first 14 days**

During the first 14 days of disability, the employer must pay the worker 90% of his net wages for the days he would have normally worked. Net wages are calculated by subtracting income tax as well as deductions for employment insurance and the Quebec Pension Plan from gross wages; gross wages may not exceed the maximum yearly insurable earnings.
To be reimbursed, the employer must complete the form Avis de l’employeur et demande de remboursement (Employer’s Notice and Reimbursement Claim) and send it, along with the worker’s medical certificate, to the CSST regional office. This reimbursement claim must be made within 48 hours of the worker’s return to work, or within 48 hours of the end of the first 14 days of disability, whether or not the worker must extend his absence beyond this period.

The CSST will reimburse the employer within 14 days of receiving the reimbursement claim, failing which it will pay the employer interest from the first day the payment is overdue. The employer may choose to take advantage of the CSST’s direct deposit service for the reimbursement of compensation. This service enables the employer to receive the payments owed in its bank account, at the branch of its choice.

As of the 15th day
If, after 14 full days of absence, the injured worker is still unable to resume work, he will receive an income replacement indemnity directly from the CSST. The worker must formally request this indemnity by completing the Worker’s Claim form, available from his employer or the CSST regional office, and sending it to the CSST. The employer is required to provide the worker with any assistance he may need in filling out this form.

As long as his injury prevents him from returning to work, the worker will receive a cheque from the CSST every two weeks covering the compensation to which he is entitled. If he is registered for the direct deposit service, the amounts owed him will be deposited directly into his bank account. Compensation is usually paid throughout the period required for healing or consolidation of the injury, since the worker is considered incapable of returning to work.

Once the injury has healed, the worker will receive compensation as long as he requires rehabilitation that will enable him to resume his job or, if that is not possible, to take on an equivalent or suitable job.

11. See the section “Some definitions.”
Throughout this process, a claims officer or rehabilitation counsellor will deal directly with the worker. The worker may contact either of them at any time to discuss his needs or seek information.

The indemnity paid by the CSST is equal to 90% of the worker's net income, calculated on the basis of his gross income.12 Gross income may not exceed the maximum yearly insurable earnings. The Table of Income Replacement Indemnities, published every year by the CSST, specifies the amounts payable to a worker based on his income and family situation (under income tax laws).

In the event of an occupational disease
The income of a worker suffering from an occupational disease is also protected. The procedure and terms and conditions are similar to those described for an industrial accident, except for certain details. Further information is available at your CSST regional office.

Are medical assistance costs paid by the CSST?
All medical assistance costs associated with an employment injury are paid by the CSST. The CSST covers:
- the services of a health professional (physician, dentist, optometrist, pharmacist);
- the care and treatment provided by an establishment in the Québec health and social services network (e.g. a hospital or health and social services centre);
- drugs or other pharmaceutical products;
- orthotics and prostheses, under certain conditions;
- the care and treatment given at private health care institutions by health workers and defined in the Regulation respecting medical aid, provided this care or treatment was prescribed by the attending physician (e.g. in audiology or physiotherapy);
- technical aids and other expenses provided for under the Regulation.

The attending physician and medical reports
The physician chosen by the worker plays a vital role throughout the compensation, medical assistance and evaluation, and physical rehabilitation process. The physician's reports are crucial and the CSST’s decisions are based on the physician's opinion on the following points: the diagnosis; the expected stabilization date or period for the injury; the nature, need, adequacy or length of care or treatments administered or prescribed; the existence or percentage of permanent physical or mental impairment; the existence or evaluation of functional limitations.

Does this mean that the employer or the CSST cannot challenge the report of the worker’s

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12. See the section "Some definitions."
attending physician? Not exactly. The employer and the CSST may require that the worker undergo a medical examination by a health professional of their choice, according to established terms and conditions.

The employer may contest the report of the worker’s attending physician within the required time period, if the employer obtains a report from a health professional who, after examining the worker, contradicts the attending physician’s conclusions on the above-mentioned points.

The CSST, for its part, may request the opinion of a health professional of its choice any time on one or more of the above-mentioned points, even if the worker’s attending physician has not come to a decision in that respect.

The reports contradicting that of the attending physician are submitted to the latter so that he can provide the CSST with a supplementary report in support of his conclusions and include, if need be, a substantiated consultation report. The CSST submits these reports, if applicable, to a member of the Bureau d’évaluation médicale, who settles the issue. If he deems it appropriate, this member will also give his opinion on the points on which the attending physician or designated health professional has not reached a decision. The members of the Bureau d’évaluation médicale are appointed by the Minister of Labour and are independent of the CSST. The law thus grants health professionals exclusive jurisdiction in evaluating medical matters.

The CSST is bound by the opinion of a member of the Bureau d’évaluation médicale, when it is rendered within the time limit required by law. The CSST must render a decision based on this opinion. Both the worker and the employer may contest this decision.
Any worker in Québec who suffers an industrial accident or occupational disease benefits from two fundamental rights: the right to return to work and the right to rehabilitation.

To protect the right to return to work, the CSST makes every effort to maintain the employment relationship between the worker who sustains an employment injury and his employer. This ongoing contact better enables the worker to provide for his financial and professional future.

To facilitate the worker's return to work, the prompt intervention and cooperation of all parties concerned — the worker, his representatives, his employer, the physicians and the CSST — are essential. The right to rehabilitation is in line with this approach, as it is aimed at same objective: enabling the worker to return to work.
What is the right to return to work?
The right to return to work obliges the employer to reinstate a worker who is able to resume his job or hold an equivalent position, and to pay his salary and associated benefits. If, however, a worker is unable to resume his job or hold an equivalent position because of an employment injury, he is entitled to the first suitable job available at his employer's establishment, subject to any seniority rules included in his collective agreement.

The right to return to work must be exercised within the required time limit, i.e. two years if the employer's establishment had more than 20 employees at the beginning of the period of continuous absence, and one year in other cases.

The exercise of this right is subject to the terms and conditions of existing collective agreements. In the absence of such terms and conditions, or if the establishment does not have a health and safety committee, workers and employers must come to an agreement or ask the CSST to intervene.

The right to return to work also applies to construction workers. It allows the worker who is able to resume his job to be reinstated in the position at the establishment where he was working when the accident occurred or the disease became manifest, subject to the terms and conditions of the regulation regarding the placement of employees.

What is the right to rehabilitation?
When a worker suffers from permanent physical or mental impairment to the point where his social and occupational reintegration is jeopardized, particularly his return to the job he held, he may benefit from rehabilitation services.

The goal of rehabilitation is to help the worker re-enter the job market by eliminating or alleviating his physical or mental disability and helping him overcome the personal and social consequences of his employment injury.
Personalized rehabilitation plan

Once the worker is eligible for rehabilitation, a CSST counsellor devises a personalized rehabilitation plan in cooperation with the worker, and invites the worker’s representative and employer to take part. This process is personalized, since each worker’s situation is unique.

This plan may include rehabilitation that is physical (such as occupational therapy), social (such as adaptation of the home) and vocational (such as adaptation of the workstation). It may be amended for valid reasons to take into account new circumstances or needs that may arise during the rehabilitation process.

The CSST covers the worker’s rehabilitation expenses. However, it may suspend or cancel the personalized rehabilitation plan if the worker disregards a measure provided for under the plan or refuses to comply with a measure.

Return to work after rehabilitation

The ultimate goal of the rehabilitation measures contained in the personalized plan is to help the worker return to work. As a result, the approach adopted by the CSST establishes certain priorities, namely, to reinstate the worker:

- in his job, or if it no longer exists, in an equivalent position at his employer’s establishment; or
- in a suitable job at his employer’s establishment; or
- in a suitable job elsewhere in the labour market.

If a worker is reinstated in a suitable job at a lower wage, the CSST will pay him a reduced income replacement indemnity. This compensation is calculated and revised according to terms and conditions provided for by law.

Thus, the CSST’s actions highlight the participation and commitment of all parties in finding interim or permanent return-to-work solutions. In this respect, temporary assignment represents a potential interim solution.
A return-to-work solution: temporary assignment

Temporary assignment is intended to enable a worker who has sustained an employment injury, but has not yet fully recovered, to return to work promptly. It allows his employer to assign him to another job until he can resume his former position or take on another suitable position.

Temporary assignment is granted, with the attending physician’s prior consent, according to the following criteria:

• the worker is reasonably able to perform the work proposed;
• the work does not pose any danger to his health, safety or physical well-being;
• the work favours his rehabilitation.

A worker on temporary assignment is entitled to the wages and benefits associated with the job he held prior to his industrial accident or occupational disease.

If the worker does not agree with his physician’s recommendation and believes he is unable to accept the assignment, he may appeal it. If the establishment does not have a health and safety committee or a safety representative, the worker may deal with the CSST directly. The worker may appeal the decision through the Direction de la révision administrative. If the appeal period, the worker is not required to do the work assigned to him by his employer as long as the medical report has not been confirmed by a final decision.

13. See the section “Can a CSST decision be challenged?”.
Depending on the seriousness of an industrial accident or occupational disease, other compensation may be paid by the CSST, such as compensation for bodily injury or compensation in the event of the worker’s death. Other recourse may also be available to anyone who feels they have been wronged.
What is the compensation for bodily injury?

A worker can suffer permanent physical or mental impairment as a result of an industrial accident or occupational disease. In such a case, the worker is entitled to lump-sum compensation for bodily injury. The amount of compensation varies according to the percentage of the worker’s permanent impairment and his age when he sustained the injury. This compensation covers the full range of bodily injuries suffered and is established according to the anatomo-physiological deficit (long-term effects), physical disfigurement, and the resulting suffering and loss of enjoyment of life.

The worker’s attending physician is responsible for assessing the percentages of permanent impairment according to an established table. The percentages for each injury are cumulative and others may be added when symmetrical organs or limbs are injured (e.g. both arms).

The assessment that determines the worker’s percentage of permanent impairment is carried out as soon as the injury has stabilized. The CSST then establishes the amount of compensation for bodily injury within a maximum period of two years.

If it is medically impossible to assess the full effects of the injury at the end of this period, the CSST will decide on the minimum amount of compensation. The CSST will increase this amount if need be, as soon as possible thereafter. In the event of a recurrence, relapse or aggravation of the injury, the worker is entitled to new compensation if he suffers new permanent impairment.

The CSST pays the worker interest on the amount of compensation for bodily injury as of the date of his claim for the employment injury.

What are the rights of the worker’s dependants in the event of his death?

When a worker dies as the result of an industrial accident or occupational disease, his dependants are entitled to compensation. Dependants include the spouse, minor children, adult children under 25 years of age who are full-time students or disabled, and any other person financially dependent upon the worker.

Spouse

The spouse receives compensation equal to 55% of the income replacement indemnity the worker would have been entitled to at the time of death. This is temporary compensation, paid in monthly instalments over a period of one to three years, depending on the spouse’s age at the time of the worker’s death. In addition, the spouse is eligible for vocational rehabilitation.

The CSST also pays the spouse a lump sum that may not exceed three times the worker’s gross annual employment income at the time of his death.

14. See the section “Some definitions.”
death, taking into account the maximum yearly insurable earnings. This sum does not affect the Québec Pension Plan benefits to which the spouse may be entitled. The CSST also pays a benefit for funeral costs and an allowance for immediate expenses created by the worker’s death.

Minor and adult children
The deceased worker’s minor children receive a monthly benefit, indexed annually, until they come of age. At age 18, they receive a lump sum, if they are still full-time students. This also applies to adult children under 25 years of age who, at the time of the worker’s death, are full-time students.

Other dependants
Any person under 35 years of age who depended on the worker for more than 50% of his needs when the worker died is entitled to a lump sum. For persons 35 years of age and over, compensation is equal to 75% of the worker’s gross annual income, and may be adjusted.

Persons who depended on the worker for 10% to 50% of their needs are also entitled to compensation.

Worker’s mother and father
If the deceased worker had no dependants, his mother and father, or persons acting in that capacity, are each entitled to compensation. If one of the parents is deceased or has been deprived of his parental authority, his compensation is added to that paid the other parent.

In the event of disability
If the dependants entitled to compensation are disabled when the worker dies, special terms and conditions may apply. For further information, contact your CSST regional office.

What is the worker’s recourse against penalization?
Under the law, the employer may not dismiss, suspend, transfer or otherwise penalize a worker because he has suffered an industrial accident or occupational disease. This also applies to a worker who has exercised a right or a function provided for by the law and regulations on occupational health and safety.

A worker who is penalized for any of these reasons may defend his rights in one of two ways: he may follow the grievance procedure specified in his collective agreement, or file a complaint with the CSST. If he elects to appeal to the CSST, he has 30 days to file his complaint; he must present it in writing and remit a copy to his employer.
To pave the way for agreement between the worker and his employer, the CSST may, with the worker’s consent, attempt conciliation. If agreement is not possible, the CSST will process the worker’s complaint.

If, upon examining the complaint, the CSST is fully satisfied that the worker was penalized within six months of the date he sustained an employment injury or exercised a right or function provided for under the law or regulations, it will be presumed that the measure was taken for one of these reasons. The burden of proof is then transferred to the employer, and the employer must prove that the measure was taken for another just and sufficient cause.

The CSST has 30 days to render its decision. The employer may be ordered to reinstate the worker, cancel a penalty or cease retaliatory measures, and to pay the worker any wages or benefits withheld.

Reconsideration of a CSST decision

Reconsideration is a process, initiated under certain circumstances and within specified time limits, that is aimed at disencumbering review and appeal structures. When a decision causes dissatisfaction, the CSST encourages communication between the persons concerned and the employee handling the file. Before the CSST renders its decision, it informs the parties in question of the content of the decision.

Can a CSST decision be challenged?

Generally speaking, anyone who feels wronged by a CSST decision has the right to contest it. However, the procedure to follow varies according to the nature of the decision.

In most cases, the first step is to submit a written request for review, indicating the subject matter of the decision and the reasons it is being contested. This request must be sent to the CSST regional office in the area where the worker lives.

A worker may not be penalized by his employer because he has suffered an industrial accident or occupational disease.

As a rule, the request for review must be filed within 30 days after the CSST decision is received. However, this time limit is 10 days when the request for review concerns an inspector’s order or decision, the right of refusal to

Other compensation and recourses
work, or a refusal to reassign a pregnant or breast-feeding worker.

After examining the request, the CSST reviewer telephones the person who submitted it to obtain more detailed information. The reviewer then tries to obtain other facts, which could shed new light on the matter, from the parties concerned. He also informs them of the legal framework as well as the grounds for and impact of his decision.

An administrative review enables workers and employers to have a CSST decision reviewed through a quick, simple and humane process. There is no hearing. The reviewer communicates directly, by telephone, with the persons concerned. The goal is to ensure that the decision has been rendered in accordance with the law, taking into account all the facts and circumstances specific to the case.

To contest the decision rendered by the CSST following an administrative review, a request must be submitted to the Commission des lésions professionnelles (CLP) within the required time limit. The CLP is an administrative tribunal made up of members appointed by the government. Before hearing the parties and handing down a decision, the CLP can offer them conciliation services to help them reach an agreement.

Most CSST decisions take effect as soon as they are rendered, even when a request for review or appeal is pending before the Commission des lésions professionnelles. Some exceptions may, however, apply.
A made-to-measure insurance plan

The CSST provides an essential insurance service to Québec businesses. It assures them, in return for the payment of a premium, that their workers will be compensated if they sustain injuries following an industrial accident or occupational disease. It also protects them against any major financial burden that could result from an employment injury.

The CSST has therefore developed ratemaking that is based on generally accepted insurance principles and that encourages prevention.
Average premium rate
To establish the ratemaking for a given year, the CSST first estimates the financial needs of the Occupational Health and Safety Plan. These needs include the cost of the employment injuries that will occur during the year, as well as the cost of the For a Safe Maternity Experience program, prevention-related expenses, and administration and other charges. The CSST uses these financial requirements and estimated insurable earnings to determine the average rate.

Employer’s premium rate
Each year, the CSST adopts a regulation that establishes classification units representing the sectors of the Québec economy. Each employer is classified in a unit according to the nature of its overall activities. The premium rate is set according to generally accepted insurance principles. This rate will vary according to the risk associated with the activity and the cost of accidents. For example, insuring pharmacy employees costs less than insuring factory workers.

There are three ratemaking methods for establishing the premium rate applicable to an employer: the unit-rate plan, the personalized-rate plan and the retrospective plan.

Unit-rate plan: for small businesses
This ratemaking method is generally intended for employers whose total annual premium does not exceed a few thousand dollars. The premium is calculated according to the rate for each unit in which the company’s activities are classified and per $100 of insurable payroll.

Employers in a given unit are insured collectively: when an accident occurs, the group as a whole bears the cost. However, if each employer takes measures to prevent or reduce the costs of industrial accidents, all the employers in the unit benefit over the long term.

Personalized-rate plan: for medium and large businesses
This method applies to employers whose total annual premium generally varies between a few thousand dollars and approximately $300,000.

The premium is based on a personalized rate; in other words, the rate for the unit(s) in which the business has been classified is adjusted to take into account its efforts to prevent employment injuries, facilitate the rehabilitation of injured workers, and promote their prompt and lasting return to work.
Retrospective plan: for very large businesses

This method of ratemaking is designed for very large businesses with an annual assessment generally exceeding $300,000.

The purpose of retrospective ratemaking is to adjust the employer’s assessment according to changes over four years in the cost of injuries that occurred during a year. This adjustment takes into account the limit per claim that best meets the employer’s insurance needs.

Prevention mutual groups: strength in numbers

The CSST offers small and medium businesses the opportunity to form a prevention mutual group with other employers. It is a way for them to get involved in promoting the prevention of work-related accidents and diseases, the rehabilitation of injured workers and their prompt and lasting return to work. Businesses that belong to a prevention mutual group are collectively insured under the personalized-rate plan, which takes into account their common performance in occupational health and safety.

Important steps for the employer

There are a number of steps preceding the payment of the employer’s annual premium.

In October

The CSST sends the employer the Classification Decision to inform the employer of the classification of its activities and its premium rate for the following year.

In January

The employer receives the Statement of Wages form, on which it indicates the wages paid the previous year and the estimated wages for the current year. The employer must return the duly completed Statement of Wages form to the CSST within the required time limit. At this point, the employer may subscribe for personal coverage for the persons in the business not covered by law.

The CSST provides employers subject to the personalized rate with the Notice of Personalized Rates including the data used to calculate their rates.

In March

The employer must return the duly completed Statement of Wages form to the CSST before March 15.

The CSST sends out the Assessment Notice. The employer must pay its premium according to the terms and conditions provided, before the notice deadline.
Recourse in respect of financing

The CSST may redetermine the employer’s classification, assessment or benefit cost imputation, subject to certain conditions and within specified time limits, on its own initiative or on the employer’s request, if an error has been made or a decision has been rendered without knowledge of an essential fact. Redetermination of a decision is aimed at disencumbering the review and appeal structures.

If an employer believes it has been wronged by a new determination, it may also contest the decision before the Direction de la révision administrative. It must submit a written request for review to the CSST within 30 days, indicating the reasons why it is challenging the decision. The reviewer will render a decision, stating the reasons therefor. If the employer disagrees with this decision, it may submit a request to the Commission des lésions professionnelles within 45 days.

15. For details, see the section “Can a CSST decision be challenged?”.
Some definitions

**Conciliation**
Conciliation is a process in which a conciliator is brought in to try to resolve a problem between two people or organizations. The conciliator’s role is not to settle the issue, but rather to help find a solution that will satisfy both parties. For conciliation to take place, both parties must agree to participate.

**Consolidation**
The healing or stabilization of an employment injury following which no improvement of the state of health of the injured worker is foreseeable (An Act respecting industrial accidents and occupational diseases, Chapter 1, Section 2).

**Employer**
A person who, under a contract of employment or of apprenticeship, uses the services of a worker for the purposes of his establishment.

**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 Act respecting industrial accidents and occupational diseases, Chapter 1, Section 2).

**Equivalent employment**
Employment of a similar nature to the employment held by the worker when he suffered the employment injury, from the standpoint of vocational qualifications required, wages, social benefits, duration and working conditions (An Act respecting industrial accidents and occupational diseases, Chapter 1, Section 2).

**Gross annual income**
Income that a worker derives from his employment during the course of a year. This income is determined on the basis of the worker’s employment contract or income of the past twelve months.

**Health professional**
Physician, dentist, optometrist, pharmacist.

**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 (An Act respecting industrial accidents and occupational diseases, Chapter 1, Section 2).

**Net income**
Gross annual income derived from a job, less the usual deductions at source, namely federal and provincial income tax, and contributions to employment insurance and the Québec Pension Plan. Net income takes into account the worker’s real family situation under income tax laws.
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 (Act respecting industrial accidents and occupational diseases, Chapter 1, Section 2).

Permanent physical or mental impairment (PPMI)
Physical or mental injury that will most likely have a long-term effect on the worker.

Spouse
The person who, at the date of death of a worker,
1. is married to, or in a civil union with, and cohabits with the worker, or
2. lives with the worker in a de facto union, whether the person is of the opposite or the same sex, and
a) has been living with the worker for not less than three years, or one year if a child has been born or is to be born of their union, and
b) is publicly represented as the worker's spouse.

Suitable employment
Appropriate employment that allows a worker who has suffered an employment injury to use his remaining ability to work and his vocational qualifications, that he has a reasonable chance of obtaining and the working conditions of which do not endanger the health, safety or physical well-being of the worker, considering his injury (An Act respecting industrial accidents and occupational diseases, Chapter 1, Section 2).

Worker
A natural person who works for an employer for remuneration under a contract of employment or of apprenticeship, except:
• a domestic;
• a natural person engaged by an individual to care for a child or a sick, handicapped or aged person and who does not live in the dwelling of the individual;
• a person whose principal source of income is derived from sports.
CSST regional offices

<table>
<thead>
<tr>
<th>Region</th>
<th>Address Details</th>
<th>Phone Numbers</th>
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<tbody>
<tr>
<td>Abitibi-Témiscamingue</td>
<td>33, rue Gamble Ouest               Rouyn-Noranda (Québec) 9X 2R 3 Tel. (819) 797-6191 1 800 668-2922 Fax (819) 762-9325 2e étage 1185, rue Germain Val-d’Or (Québec) J9X 2R3 Tel. (819) 354-7100 1 800 668-4593 Fax (819) 874-2522</td>
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<tr>
<td>Gaspésie-Îles-de-la-Madeleine</td>
<td>163, boulevard de Gaspé Gaspé (Québec) G4X 2V1 Tel. (418) 368-7800 1 800 668-6789 Fax (418) 368-7855 200, boulevard Perron Ouest New Richmond (Québec) G0C 2B0 Tel. (418) 392-5931 1 800 668-4595 Fax (418) 392-5406</td>
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<tr>
<td>Bas-Saint-Laurent</td>
<td>180, rue des Gouverneurs Case postale 2180 Rimouski (Québec) G5L 7P3 Tel. (418) 725-6100 1 800 668-2773 Fax (418) 725-6237</td>
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<tr>
<td>Chaudière-Appalaches</td>
<td>777, rue des Promenades Saint-Romuald (Québec) G6W 7P7 Tel. (418) 689-3300 1 800 668-4613 Fax (418) 689-2498</td>
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<tr>
<td>Côte-Nord</td>
<td>Bureau 236 700, boulevard La Hontan Sept-Iles (Québec) G6W 7P7 Tel. (418) 689-3300 1 800 668-4613 Fax (418) 689-2498</td>
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<tr>
<td>Laurentides</td>
<td>85, rue D’E Martigny Ouest Saint-Jérôme (Québec) J 9X 2R 3 Tel. (819) 797-6191 1 800 668-2922 Fax (819) 762-9325</td>
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<tr>
<td>Estrie</td>
<td>Place-Jacques-Cartier Bureau 204 1650, rue King Ouest Sherbrooke (Québec) J9X 2R 3 Tel. (819) 821-5000 1 800 668-3090 Fax (819) 821-6116</td>
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<tr>
<td>Longueuil</td>
<td>25, boulevard La Fayette Longueuil (Québec) J 5K 2B 7 Tel. (418) 442-6200 1 800 668-4612 Fax (418) 442-6373</td>
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<tr>
<td>Mauricie et Centre-du-Québec</td>
<td>Bureaux 200 1055, boulevard des Forges Trois-Rivières (Québec) G0Z 2J 9 Tel. (819) 372-3400 1 800 668-6210 Fax (819) 372-3286</td>
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<tr>
<td>Outaouais</td>
<td>15, rue Gamelin Case postale 1454 Gatineau (Québec) J8X 3Y 3 Tel. (819) 778-8600 1 800 668-4483 Fax (819) 778-8699</td>
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<tr>
<td>Saguenay-Lac-Saint-Jean</td>
<td>Place-du-Fjord 901, boulevard Talbot Case postale 5400 Chicoutimi (Québec) G7X 6P8 Tel. (418) 696-5200 1 800 668-0887 Fax (418) 545-3543</td>
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<tr>
<td>Saint-Jean-sur-Richelieu</td>
<td>145, boulevard Saint-Joseph Case postale 100 Saint-Jean-sur-Richelieu (Québec) J9P 2Z 1 Tel. (450) 359-2100 1 800 668-2204 Fax (450) 359-1307</td>
<td></td>
</tr>
</tbody>
</table>
Joint sector-based associations for occupational health and safety

Secteur administration provinciale
Bureau 10
1220, boulevard Lebourgneuf
Québec (Québec) G2K 2G4
Tel. (418) 624-4801
Fax (418) 624-4858
www.apssap.qc.ca

Secteur affaires municipales
Bureau 710
715, square Victoria
Montréal (Québec) H2Y 2H7
Tel. (514) 849-8373
Fax (514) 849-8873
www.apsam.com

Secteur affaires sociales
Bureau 950
5100, rue Sherbrooke Est
Montréal (Québec) H1V 3R9
Tel. (514) 253-6871
Fax (514) 253-1443
www.apsas.qc.ca

Secteur construction
Bureau 301
7905, boulevard Louis-H.-Lafontaine
Anjou (Québec) H1K 4E4
Tel. (514) 355-6190
Fax (514) 355-7861
www.asp-construction.org

Secteur fabrication d’équipement de transport et de machines
Bureau 202
3565, rue Jarry Est
Montréal (Québec) H1Z 4K6
Tel. (514) 729-6961
Fax (514) 729-8628
www.asfetm.com

Secteur fabrication de produits en métal et de produits électriques
Bureau 301
2271, rue Fernand-Lafontaine
Longueuil (Québec) J4G 2R7
Tel. (450) 442-7763
Fax (450) 442-2322
www.aspme.org

Secteur habillement
Bureau 1011
9310, boulevard Saint-Laurent
Montréal (Québec) H1N 1N4
Tel. (514) 361-4528
Fax (514) 361-2061
www.asp-habillement.com

Secteur imprimerie et activités connexes
Bureau 450
7450, boul. des Galeries-d’Anjou
Anjou (Québec) H1M 3M3
Tel. (514) 355-8282
Fax (514) 355-6818
www.aspimprimerie.qc.ca

Secteur mines et services miniers
Bureau 570
979, avenue de Bourgogne
Sainte-Foy (Québec) G1W 2L4
Tel. (418) 653-1933
Fax (418) 653-7726

Secteur services automobiles
Autoprévention
Bureau 900
4200, boulevard Saint-Laurent
Montréal (Québec) H2W 2R2
Tel. (514) 844-2886
Fax (514) 844-1584
www.autoprevention.qc.ca

Secteur transport et entreposage
Préventex
Association paritaire du textile
Bureau 203
2035, avenue Victoria
Saint-Lambert (Québec) J4S 1H1
Tel. (450) 671-6925
Fax (514) 671-9267
www.preventex.qc.ca
Understanding Québec’s Occupational Health and Safety Plan

www.csst.qc.ca: A Website linked to your needs!