



# SAFE WORKING CONDITIONS FOR A SAFE MATERNITY EXPERIENCE

Commission des normes, de l'équité,  
de la santé et de la sécurité du travail  
[cnesst.gouv.qc.ca](http://cnesst.gouv.qc.ca)

**CNESST**

## To be noted



- Before requesting a reassignment, the worker must see a physician, a specialized nurse practitioner or the physician in charge of health services for the establishment in which she is employed, and ask him or her to complete the *Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker*. The reassignment may consist of a modification of her workstation or of some of her tasks, or assignment to new tasks.
- For the certificate to be valid, the physician or specialized nurse practitioner who completes the certificate must consult the physician in charge of health services for the establishment in which the worker works or, failing that, the physician designated by the director of public health for the region in which the establishment is located.
- Once the certificate has been completed, the worker must give it to her employer. A worker who has exercised her right to reassignment or preventive withdrawal because she was pregnant, and who now wishes to exercise that right because she is breastfeeding, must submit a new request.
- While exercising her right to reassignment or preventive withdrawal, the worker retains all benefits related to the position she held before her reassignment or preventive withdrawal. In addition, the employer must reinstate her in her usual job when she returns to work.
- To be reimbursed the wages paid for the 14 full days following the first 5 working days of the work stoppage, the employer must complete the form entitled *Demande de remboursement pour un retrait préventif de la travailleuse enceinte ou qui allaite* [available in French only].
- At any time, the employer may offer the worker a reassignment, which she must accept unless the new tasks pose a danger or she is unable to perform them.

## The right to a safe maternity experience

A pregnant or breastfeeding worker may be entitled to special protection. If she is working in conditions that are a hazard to her health or that of her unborn or breastfeeding child, **she is entitled to be assigned immediately to other tasks** that are safe and that she is reasonably capable of performing. However, to be entitled to ask her employer for a reassignment, she must be medically fit to work. If her workstation is not subsequently modified or if she is not reassigned to another job, she is **entitled to stop working temporarily** and to be paid indemnities by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).



The CNESST encourages you to enrol for direct deposit. Your enrolment will ensure that you receive the refunds that you are entitled to receive, directly and stress-free. All you have to do is fill out the form available at [cnesst.gouv.qc.ca/depotdirect](https://cnesst.gouv.qc.ca/depotdirect) and return it to us with a cheque specimen.

## Medical certificate

To exercise her right to a safe maternity experience, **the worker must see a physician, a specialized nurse practitioner or the physician in charge of health services for the establishment in which she is employed**, and describe her working conditions and her concerns regarding her pregnancy. If the physician, the specialized nurse practitioner or the physician in charge of health services for the establishment in which she is employed considers the worker to be at risk, he or she must complete the *Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding Worker*. For the certificate to be valid, the physician or specialized nurse practitioner who completes the certificate must consult the physician in charge of health services for the establishment in which the worker is employed or, if there is no such person, the physician designated by the director of public health for the region in which the establishment is located. The worker is not required to pay anything for the certificate.

## Reassignment

The worker must give the certificate to her employer, which constitutes a request for modification of her workstation or reassignment to other duties. **While she is reassigned, the worker is entitled to the same wages and benefits as before.** If the wages attached to the new position are different from those paid in her usual job, the employer may request reimbursement from the CNESST. The form for that purpose, entitled *Soutien financier à l'employeur lors de l'affectation d'une travailleuse enceinte ou qui allaite* [available on French only], is available from the CNESST's website at [cnesst.gouv.qc.ca](http://cnesst.gouv.qc.ca).

## Preventive withdrawal and indemnities

If the employer cannot eliminate the hazards at source, or modify the worker's workstation or some of her tasks or immediately reassign her to other tasks that she could reasonably perform, the worker may stop working and will be paid indemnities.

For the first 5 working days of her work stoppage, the employer must pay the worker her usual wages. For the next 14 full days, the employer must pay her 90% of her net wages for the days that she would normally have worked. The CNESST will reimburse the employer that sum.

**Then, the CNESST will pay 90% of the net income retained directly to the worker, up to the date of the reassignment or up to the fourth week prior to the worker's expected delivery date or until such time as she stops breastfeeding.**

The net annual income used to determine the amount of the indemnities cannot exceed the maximum yearly insurable earnings in effect at the time of the application.

The CNESST may stop paying indemnities for a specific period (closing of the enterprise, layoff, etc.) during which the work-related risks no longer exist.

All decisions concerning entitlement to preventive withdrawal may be contested in accordance with the relevant legislative provisions.



To contact us  
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