

PROCEDURE IN THE EVENT OF DISABILITY (ILLNESS, CNESST, SAAQ, IVAC)

DEFINITION OF DISABILITY (as per article 30.03 of the national provisions)

Disability means a state of incapacity resulting from an illness, including an accident or a complication of pregnancy, tubal ligation, vasectomy or similar cases related to family planning, or organ or bone marrow donation, which is subject to medical follow-up and which renders the employee totally incapable of performing the usual duties of their job or of any other similar job involving similar remuneration offered to him or her by the Employer (E).

PROCEDURE FOR SICK LEAVE

For any absence of 5 days or less:

You must notify your manager as soon as possible of your absence and its probable duration. Your immediate superior may ask you to provide supporting documentation. This document should be sent to the CIUSSS Centre-Ouest health office: gestion_invalidites_ccomtl@ssss.gouv.qc.ca.

For any absence of more than 5 days:

Did you know that the collective agreement entitles you to short-term salary insurance (104 weeks or less) through your employer (E)?

The employer acts as the insurer and pays the short-term salary insurance benefits. To qualify, you must submit the salary insurance form, signed by you and the attending physician of your choice, to the CIUSSS Centre-Ouest health office by e-mail at 06_ccomtl_ssmetgestion_correspondance@ssss.gouv.qc.ca. The health office should contact you within a few days of the request.

Access to insurance must be authorized by E, if your salary insurance form contains the following 3 elements:

- A precise medical diagnosis (please note that “medical condition” is not a diagnosis)
- Planned medical follow-up
- Total inability to work

If the E refuses the claim, ask for the reason for the refusal to be confirmed in writing and contact us by e-mail: ccomtl@aptsq.com. Prioritize e-mail exchanges with the health office so that you have proof of what you're doing and what they're telling you.

During a period of disability, the E may ask you to undergo medical assessments. The cost of the examination is not borne by the employee, and reasonable travel expenses are reimbursed by the E. The employer may request a new medical report at pre-determined intervals (e.g. between 4 and 6 weeks).

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PROCEDURE FOR SICK LEAVE (continued)

WAITING PERIOD

The waiting period is defined as the qualifying period before receiving salary insurance benefits.

For full-time employees:

- The waiting period is 5 working days.
- It is calculated from the first day of absence due to disability.
- During the waiting period, the employee receives an indemnity equivalent to the regular salary he or she would receive if he or she were at work. This benefit is deducted from the accumulated sick leave bank. It is possible to use sick days in advance to make up for the waiting period. Otherwise, these days must be taken without pay.

For part-time or non-position-holding employees:

- The waiting period is 7 calendar days of absence from work due to disability.
- It is calculated from the 1st day on which the employee was required to report to work.
- There will be no direct remuneration during this period, since an amount equivalent to 4.21% of regular salary is paid each pay period as sick leave.
- However, with the employer's authorization, the employee may, in accordance with the applicable rules, cash in any accumulated annual leave (vacation) in excess of that provided for in the Act respecting labor standards during the waiting period, without interrupting or extending it. [Ref. to art. 30.19 a, 30.34 and 9.10]

From the 6th working day up to 104 weeks, you receive a payment equal to 80% of your regular salary.

POSSIBLE RETURN-TO-WORK ARRANGEMENTS

- Within the 104 weeks of disability, an employee who has been disabled for a certain period of time may benefit from a gradual return to work, if his or her state of health so permits;
- The gradual return to work may be for a maximum of 3 months, and may exceptionally be extended for a further 3 months on the doctor's recommendation and after agreement with the employer;
- Light work may be authorized by your attending physician to perform certain tasks on a regular or modified work schedule.

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514-609-3039



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PROCEDURE IN THE EVENT OF DISABILITY (ILLNESS, CNESST, SAAQ, IVAC)

PROCEDURE FOR ABSENCE DUE TO AN AUTOMOBILE ACCIDENT (SAAQ) OR VICTIM OF A CRIMINAL ACT (IVAC)

1. As soon as possible, you must inform your immediate supervisor and the CIUSSS Health Office of the following information

- the date the disability began;
- any period of extension;
- the date of your return to work.

2. You must provide the CIUSSS Health Office with a copy of the SAAQ or IVAC form as soon as the disability begins and for any extension.

3. You must take the necessary steps to obtain compensation from the SAAQ or IVAC. These services are available on their respective websites.

4. You must inform the payroll department of the amount of the benefit paid by the SAAQ or IVAC.

Upon request, you may receive a salary advance pending a decision by the SAAQ or IVAC. To qualify, you must sign an agreement with your employer covering the terms and conditions of the advance and reimbursement of the sums advanced.

In the event that the disability entitles the employee to disability benefits payable under the Automobile Insurance Act (SAAQ), the following provisions apply:

i) for the period covered by paragraph a) of clause 30.19, if the employee has sick leave in reserve, the Employer shall pay the employee, if applicable, the difference between the employee's net salary¹ and the indemnity payable by the SAAQ. The bank of accumulated sick leave is reduced proportionally to the amount thus paid.

ii) for the period covered by paragraph b) of clause 30.19, the employee receives, if applicable, the difference between 85% of her/his net salary* and the indemnity payable by the SAAQ.

*Net salary : Net salary means gross salary less federal and provincial taxes and contributions to the Quebec Pension Plan and the Employment Insurance Plan.



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PROCEDURE FOR ABSENCE DUE TO A WORK INJURY OR ILLNESS (CNESST)

What to do if you have an accident at work?

- **Notify your manager promptly:** even if you don't need immediate medical attention. If you are unable to do so, someone else can take care of it for you.
- **Consult a health care professional:** Consult a health care professional as soon as possible, even if the injury seems minor. Ask the health professional for a medical certificate, as you'll need it to file a claim with the CNESST.
- **Submit the medical certificate to the CIUSSS health office:** If you are unable to return to work the day after the accident, you must submit the medical certificate to your employer. You should e-mail it to 06_ccomtl_ssmetgestion_correspondance@ssss.gouv.qc.ca
 - Your employer must complete the *Avis de l'employeur et demande de remboursement en ligne* for your first 14 days of absence, send it to the CNESST and give you a copy.
 - Your employer must pay you 90% of your net salary for the days you would normally have worked, not including the day of the accident. This is called income replacement indemnity for the first 14 days.
- **Fill out the "Réclamation du travailleur" (available online on the CNESST website):** File a claim if you will be absent from work for more than 14 days. In the case of an occupational disease, complete the worker's claim appendix corresponding to your medical situation in addition to your claim. You must have completed your claim in order to claim certain expenses, such as medical or travel expenses. You have 6 months from the date of your accident to file your claim with CNESST. If your employment injury is the result of sexual violence, you have 2 years to file your claim.
- **Keep all your receipts:** Some expenses may be reimbursed by CNESST. You must complete an expense claim form and attach the necessary supporting documents to obtain reimbursement from CNESST. You must keep the supporting documents for a period of 3 years, as the CNESST may request them for audit purposes. Please note that supporting documents are not required for travel and accommodation expenses.



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YOUR INCOME

You will receive an income replacement benefit for as long as you are unable to return to work.

- **On the day of the accident**, your employer pays you 100% of your regular salary.
- **For the first 14 days of absence, your employer pays you 90% of your net salary** for the periods you would normally have worked. The CNESST will reimburse this amount as soon as it receives the Notice from Employer and Request for Reimbursement.
- **From the 15th day of absence**, CNESST will pay you an indemnity equivalent to **90% of your net income**.

In the case of an employment injury entitling the employee to income replacement indemnity under the Act respecting industrial accidents and occupational diseases, the following provisions apply:

- i) The employee receives from the Employer 90% of his net salary* up to the date of consolidation of his injury, but not exceeding 104 weeks from the beginning of his period of disability.
- ii) In the event that the date of consolidation of her/his injury is prior to the 104th week following the date of the beginning of her/his period of continuous absence due to an employment injury, the salary insurance plan provided for in clause 30.19 applies if the employee is, as a result of the same injury, still disabled within the meaning of clause 30.03 and, in such a case, the date of the beginning of such absence is considered to be the date of the beginning of the disability for the purposes of the application of the salary insurance plan.

*Net salary : Net salary means gross salary less federal and provincial income taxes and contributions to the Quebec Pension Plan and the Employment Insurance Plan.



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