

# THE FOUR STEPS OF THE PROGRAM



"FOR A DANGER-FREE PREGNANCY"

EMPLOYEE'S QUESTIONING •

PREVENTIVE WITHDRAWAL AND REASSIGNMENT  
CERTIFICATE FOR A PREGNANT OR  
BREASTFEEDING WORKER

SUBMISSION OF THE PREVENTIVE WITHDRAWAL  
AND REASSIGNMENT OF A PREGNANT OR  
BREASTFEEDING WORKER

FOUR POSSIBLE SCENARIOS •  
INCOME PROTECTION AND THE  
ENFORCEMENT OF RIGHTS



## STEP ONE

### • EMPLOYEE'S QUESTIONING

Describe the duties, dangers or risks present such as:

1. Ergonomic constraints;
2. Chemical stressors;
3. Biological stressors;
4. Physical stressors;
5. Safety risks;
6. Risks associated with psychological distress.

Ensure your doctor shares the same vision of the dangers or risks present in your work environment.

## SECOND STEP

### • PREVENTIVE WITHDRAWAL AND REASSIGNMENT CERTIFICATE FOR A PREGNANT OR BREASTFEEDING WORKER

Use the "Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breastfeeding worker," available from the union local, the CLSC, or the attending physician. **It is filled out by the worker and completed and signed by the doctor.**

**Sections A and B** of this certificate serve to identify the worker and the reason for the consultation as well as to identify the workplace and provide a description of the work performed. Fill out these sections and append to this application any useful information. Identify the risks for yourself or your unborn or breastfed child.

**Section C** covers the consultation required by law. This section is filled out by the attending physician, who must consult a doctor designated by the public health director of the territory in which your workplace is located. This designated doctor will produce a medico environmental consultation report, which will then be transmitted to the attending physician. You can request a copy.

**Section D** comprises the medical report. The attending physician must indicate the working conditions that cause or are likely to cause health problems, either for you or your unborn or breastfed child. The physician must consider you able to work; otherwise, you will be compensated under the disability insurance plan.

**Section E**, the certificate, is filled out by your attending physician who must, if applicable, indicate the date on which the preventive withdrawal (ref. CSST) of work should start and sign the certificate. He may also suggest modifications to be made to make your work safe. Notify your local executive or the labour relations counsellor within your establishment immediately if differing medical opinions compromise your rights.



## THIRD STEP

### • SUBMISSION OF THE PREVENTIVE WITHDRAWAL AND REASSIGNMENT OF A PREGNANT OR BREASTFEEDING WORKER

Present a copy to your immediate supervisor, Human Resources office, or health office;

- Make sure that an indemnity agent attached to the CSST's regional office has received your certificate and that he or she renders a decision with regards to your application;
- Notify your union as soon as possible;
- Always keep a copy of all documents submitted.

## FOURTH STEP

### • THERE ARE FOUR POSSIBLE SCENARIOS ONCE THE CERTIFICATE HAS BEEN SUBMITTED TO AN EMPLOYER REPRESENTATIVE :

1. The employer proposes a reassignment that eliminates the dangers identified by your physician on the preventive withdrawal certificate. Your immediate supervisor must:

- Provide you with a description of the new duties and functions in writing; and
- Notify your colleagues of the changes made in the work organization.

You continue to work and keep all the rights and benefits related with the position held before this reassignment.

2. The employer does not propose a reassignment and sends a reimbursement application for the reassignment or preventive withdrawal of a pregnant or breastfeeding worker, of which he gives you a copy. The CSST must then accept your preventive withdrawal on the date indicated on the certificate.

3. The employer proposes a reassignment which does not eliminate the dangers originally identified on your Preventive withdrawal certificate. You can contest this reassignment to the CSST.

The CSST must then render a decision :

1. It may deem your new duties truly dangerous, and you can then stop working and receive compensation from the CSST;
2. It may deem your new duties in compliance with the recommendations made on the preventive withdrawal certificate and, accordingly, will not pay you any compensation. In this case you may, after consulting with your physician, cease working and request an administrative review of the decision. You may submit an application to receive financial aid from the APTS for the duration of the appeal process.<sup>1</sup>
4. The employer proposes a reassignment that entails new dangers not identified on the preventive withdrawal certificate of precautionary cessation of work for a pregnant or breastfeeding worker. You must then submit a new application and repeat the four previous steps. The CSST will have to render a new decision.

<sup>1</sup>At the General Council of May 23, 2007, delegates adopted a financial support policy aiming to foster and increase the efficiency of the union's actions in defending the rights of the APTS's members and elected officials when there is a loss of earnings.



## • INCOME PROTECTION AND THE ENFORCEMENT OF RIGHTS

The *Act respecting occupational health and safety* (the Act) provides compensations to workers who have claimed the right to the preventive withdrawal when they are reassigned to other duties or withdrawn from work.

In the event of a reassignment, you are entitled to all of the benefits associated with the position you held before. This includes the maintenance of premiums and supplements, additional remuneration and overtime hours that would have normally been worked.

In the event of a withdrawal of work, your employer will pay you the first five working days of remuneration following the withdrawal of work.

Starting on the 6<sup>th</sup> day and for the 14 following days, your employer will pay you a compensation equivalent to 90% of your net salary for each day or portion of day that you would normally have worked.

Starting on the 20<sup>th</sup> day of withdrawal of work, the CSST will pay you an income replacement benefit equivalent to 90% of your net salary until the date on which you are assigned to work, you begin maternity leave, or you stop breastfeeding.

The income replacement benefit (IRB) is calculated based on your wages as a whole. Included in this calculation are the following:

- Premiums;
- Supplements;
- Additional compensation; and
- Overtime.

The Act and the APTS's provincial provisions stipulate that all rights and benefits associated with the position must be maintained, as though you had continued working, whether you are on reassignment to other duties or withdrawal of work. You have the right, among other things, to:

- Accumulate annual vacation and sick leaves;
- Accumulate seniority and experience;
- Maintain your participation in the life insurance and health insurance;
- Apply for any position posted;
- Obtain replacements in accordance with the availabilities that you have expressed.

In addition, when you go back to work, the employer must reintegrate you in your usual position. If you obtained an assignment while on preventive withdrawal and this assignment is still in effect when you return, you can obtain it.

The labour relations counsellor of your establishment can help you at any time during this process. For more information, see the APTS's brochure on the Preventive Withdrawal for a Pregnant or Breastfeeding worker or the Occupational Health and Safety section of the APTS's website, at [www.apsq.com](http://www.apsq.com).