

### What procedure must you follow if you have symptoms?

Inform your immediate superior (AIAOD, sec. 265)



Complete the incident/accident form specific to your institution before leaving<sup>2</sup> (AIAOD, sec. 266)



See a physician to obtain a medical certificate confirming the diagnosis of influenza or gastroenteritis



Give this certificate to the employer (AIAOD, sec. 267)

### Should you report your occupational injury?

Your occupational injury does not make you unable to work past the day your injury occurred



Your employer must enter this injury in a register and you must sign it (AIAOD, sec. 280)

You are entitled to receive a copy of the part that concerns you, upon request

Your occupational injury makes you unable to work for 14 full days after the beginning of your disability



Your employer must complete the "Avis de l'employeur et demande de remboursement" form and send it to the CNESST (AIAOD, sec. 268)

The employer must give you a copy of this form, duly completed and signed (AIAOD, sec. 269)

Your occupational injury makes you unable to work for more than 14 full days after the beginning of your disability



You must make a claim to the CNESST using the "Worker's Claim" form (AIAOD, sec. 270)<sup>3</sup>

<sup>2</sup> It is important not to confuse the form (AH-123-1) for patient incident/accident, with the one that the employer must provide to the workers.

<sup>3</sup> Despite what is stipulated in the Act, the FIQ recommends not waiting until the end of the first 14 days to send the "Worker's Claim" form.



For any questions, contact your local union representatives.

You can consult the Act respecting industrial accidents and occupational diseases (AIAOD) at:  
<http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/A-3.001>



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# OHS

# DEMYSTIFIED

Know your rights and your obligations

**FREQUENTLY  
 ASKED  
 QUESTIONS**

## Influenza and Gastroenteritis

**Have you contracted influenza or gastroenteritis at work or while performing your work duties?**

**You are entitled to compensation under the Act respecting industrial accidents and occupational diseases.**



FÉDÉRATION  
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## RIGHTS AND OBLIGATIONS

### Is it mandatory to see a physician?

You must see a physician because the first condition for opening a file at the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) is to have a medical certificate confirming the diagnosis of influenza or gastroenteritis. This visit to the physician is mandatory even if noroviruses spread easily from person to person and the *Institut national de santé publique du Québec* (INSPQ) advises avoiding introducing the virus in another healthcare institution or care setting. You cannot be compensated by the CNESST without a medical certificate.

As soon as you send a medical certificate to the employer, he must compensate you according to the rules established under the Act respecting Industrial Accidents And Occupational Diseases (AIAOD). Consequently, he cannot use your bank of sick-leave days or annual vacation as compensation for your days of absence.

### Does the employer have to pay you if you have left work?

The employer must pay you if you have to leave work. He must pay you 100% of your net income (AIAOD, sec. 59) for the first day of absence. Then, for the next 14 full days following the onset of your inability to work, you are entitled to 90% of your net salary for every day or partial day when you would have normally worked, including overtime, if applicable.

### If the employer pays you, why is it important to ensure that he has reported your injury to the CNESST?

Even if the employer pays you, it is important that you ensure that he has reported your injury in the event that your health deteriorates (pneumonia, bronchitis, sinusitis, etc.). You will then avoid the risk that the CNESST refuses to recognize your injury.

### How do you know if the employer has really reported your occupational injury to the CNESST?

The employer must give you a copy of the “*Avis de l'employeur et demande de remboursement*” form duly completed and signed.

### Can the CNESST's decisions be appealed?

The CNESST's decisions can be appealed, both by you and the employer, within 30 days.

## ADDITIONAL INFORMATION

### Influenza

A refusal to be vaccinated cannot be considered as negligence on your part. Therefore, the employer cannot refuse to compensate you based on that refusal. Furthermore, following a scientific meta-analysis of the flu vaccine, the *Comité sur l'immunisation du Québec* (CIQ) does not recommend that the flu vaccine be made mandatory for healthcare workers. In fact, the experts on the Committee think that spreading the flu to patients by the non-vaccinated caregiving personnel cannot be quantified, and that “[the] presumption that vaccination of the healthcare workers would substantially reduce the incidence among patients is insufficient to justify mandatory vaccination<sup>1</sup>.” Consequently, they do not recommend implementing a mandatory vaccination policy for healthcare workers.

Even if influenza is not a notifiable disease, you need to collect as much information as possible on the potential source of contamination (name of the patient(s), diagnoses, room numbers, etc.).

<sup>1</sup> *Évaluation d'une politique obligatoire de vaccination contre l'influenza ou du port d'un masque pour les travailleurs de la santé, Comité sur l'immunisation du Québec, INSPQ, 2016, p. 15.*

### Gastroenteritis

Gastroenteritis is a notifiable disease that must be reported to the public health department concerned.

In June 2005, the INSPQ produced a scientific opinion on the “*Mesures de contrôle et prévention des éclosions de cas de gastro-entérite infectieuse d'allure virale (Norovirus) à l'intention des établissements de soins*” (Control and prevention measures for outbreaks of viral (Novovirus) infectious gastroenteritis cases for healthcare institutions). In this document, it talks about an (suspected) outbreak with two or more cases of gastroenteritis (patient(s) or staff) that are epidemiologically linked.

According to the INSPQ, it is important to adopt a careful approach. For healthcare institutions, they advise that all patients/residents, caregiving/medical or food preparation staff with gastroenteritis symptoms be considered as having a novovirus infection (easily spread) until there is proof to the contrary.

If the employer issues a notice indicating an outbreak in your institution, it is important to inform your local union team so that they can obtain a copy of this notice in the event there is a contestation in the file.

