

What procedure should you follow?

Identify the dangerous working conditions (ergonomic, chemical, biological, physical and psychosocial risks).
If you work in more than one centre of activities or more than one institution, identify all the dangers linked to each one of your work positions.



Consult the physician of your choice as soon as you are pregnant. He must issue a certificate for a protective withdrawal and reassignment of the pregnant or breastfeeding worker.

The attending physician must consult the physician designated by the *direction régionale de santé publique* concerned.



Submit the certificate duly completed by your employer (OHS, sec. 40). The latter must follow up immediately. The worker is then assigned to tasks exempt from dangers and that she is reasonably capable of performing, or she stops work immediately (OHS, sec. 41).



For any questions, contact your local union representatives.

You can consult the Act respecting occupational health and safety (OHS) at the following address:
<http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-2.1>

OHS DEMYSTIFIED

Know your rights and your obligations

FREQUENTLY ASKED QUESTIONS

Protective Reassignment of the Pregnant or Breastfeeding Worker

You are pregnant or breastfeeding and your working conditions pose dangers because of your pregnancy, or to your unborn or breastfeeding child?

You can ask your employer to be reassigned to tasks exempt from such dangers, under sections 40 to 48 of the Act respecting occupational health and safety.



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Can you refuse an assignment if the tasks do not pose any danger?

You cannot refuse an assignment if the tasks do not pose any danger. In fact, making a request for a protective reassignment for a pregnant or breastfeeding worker (RPTE/RPTA) is not a request to stop working, but actually a request for an assignment to tasks without dangers. To be entitled, you must be both medically fit to work and available for such an assignment.

When the employer proposes an assignment for you that complies with your certificate, you are immediately assigned to these tasks.

Do you keep the same salary and benefits when the employer assigns you to other tasks?

When the employer assigns you to other tasks, you keep the salary and all the benefits linked to the job you held before this assignment (accumulation of annual vacation days and sick-leave days, experience, seniority, etc.). You also continue to receive the various premiums linked to the job you had before your assignment (OHSA¹, sec. 43). Should you have any doubts, talk to your local union team.

What happens when the employer does not immediately propose an assignment?

When the employer does not immediately propose an assignment, you stop working immediately. However, you must remain available for an eventual assignment.

You keep the salary and all the benefits linked to the job that you had before the beginning of your work stoppage.

If you exercise the right to a RPTA, the income replacement indemnity (IRI) will be paid to you until the date of an assignment or until you stop breastfeeding your child.

Who is responsible for paying your compensation?

The employer is responsible for paying your compensation during the first five days of work stoppage, according to your regular salary. As of the 6th day of work stoppage and during the 14 following days, he must pay you an indemnity equal to 90% of your net salary for each

day or part of a day when you would normally have worked during this period (including overtime, if applicable). If the employer does not pay you the correct compensation or benefits linked to your job to which you are entitled during the first 19 days of work stoppage, you can file a complaint with the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST) under section 227 of the OHSA, within 30 days of the knowledge of the facts.

As of the 20th day of work stoppage, you will receive an IRI equal to 90% of your retained net income every two weeks from the CNESST. Pay special attention to the first notice issued by the CNESST or the decision related to the date of the beginning of the payment of your IRI, because you can ask for a review of this decision within 30 days of notification. To see which benefits should be considered in the calculation of the IRI, check the *Income Replacement Indemnity leaflet – Frequently Asked Questions*.

For the Government and Public Employees Retirement Plan (RREGOP), the days or parts of a day during which you receive an IRI are credited with an exemption from paying your contributions to RREGOP.

How long will you receive the IRI?

The IRI is paid to you until the date of an assignment, or until the 4th week preceding that of the expected date of your delivery if you are eligible for the benefits from the Québec Parental Insurance Plan (QPIP).

If the expected date of your delivery is changed, the CNESST will adjust the date of the end of the payment of the IRI providing that your attending physician informs them of the new expected date before the end of the payment of this indemnity.

What to do if you are assigned to tasks that pose one or more dangers identified on your certificate or if you are assigned to tasks that you are not reasonably able to perform?

If you are assigned to tasks that pose one or more dangers identified on your certificate or you are assigned to tasks that you are not reasonably able to perform, you must ask the CNESST to examine this and decide if the assignment complies or not.

You stop working, but you must remain available for an eventual assignment.

You and the employer may both contest the decision rendered by the CNESST within 10 days.

If needed, you can receive financial assistance from the FIQ. Your local union team can give you the information on this subject.

What to do if you are assigned to tasks that do not pose dangers identified on your certificate, but pose new dangers?

If you are assigned to tasks that do not pose the dangers identified on your certificate, but pose new dangers, you must once again consult your physician to obtain a 2nd certificate for a RPTE/RPTA (protective reassignment) identifying these new dangers. You must give it to your employer.

What to do if the assignment complies with your certificate but violates the provisions of the collective agreement?

If the assignment complies with your certificate but violates the provisions of the collective agreement, you cannot refuse this assignment.

However, it is recommended that you talk to your local union team in order to evaluate if steps can be taken with the employer, such as filing a grievance.

What happens when you return to work?

When you return to work, the employer must reintegrate you into your usual job. If he does otherwise or if he acts in such a way that you do not receive all the benefits linked to the job you had before your assignment or work stoppage, you can file a complaint with the CNESST under section 227 of the OHSA.

¹ Act respecting occupational health and safety