

**CNESST Claims Procedure**

**Workplace Accidents and Occupational Diseases**

We all need to take certain health and safety precautions in our jobs, whether in a lab or an office. But even when precautions are taken, the occasional accident does happen. If you have an accident at work, there are a few procedures you should follow in order to ensure your health in the short term and to protect yourself in the future. The following procedure is not necessary for a truly minor injury.

Even slowly developing injuries, such as carpal tunnel syndrome, may eventually lead to a CNESST claim. The [CNESST (or workers compensation)](http://www.csst.qc.ca/travailleurs/Pages/travailleurs.aspx) is designed to provide a system of indemnity for workers based on a no-fault insurance policy model. Similar to the regime for the SAAQ, it isn’t possible to sue your employer for negligence related to a workplace injury.

1. If you suffer a workplace accident or occupational disease, you must notify your employer as quickly as possible (if the nature of the injury allows).
2. You must fill out an Accident and Incident Report Form (from McGill [EHS](http://www.mcgill.ca/ehs/forms/forms/accidentincidentreport)) as soon as possible, in the presence of a witness. Always send a copy to MUNACA. *Note: Doing so does not eliminate the need to report the accident to the employer, to file a worker’s claim with the CNESST or to see a doctor.*
3. You must then see a doctor as soon as possible.
4. You must obtain a CNESST medical certificate from the doctor you see.
5. Once you have the certificate, you must notify your local of the situation.
6. You must then give the employer the copy of the CNESST certificate that it is entitled to.
7. You must complete the worker’s claim. It is preferable to do so with the union’s assistance rather than that of the employer. The form can be completed on line.
8. Once the claim has been completed, you must send it to the CNESST as soon as possible.
9. *The employer of a worker at the time he suffers an employment injury shall pay him, if he becomes unable to carry on his employment by reason of his injury, 90% of his net salary or wages for each day or part of a day the worker would normally have worked had he not been disabled, for 14 full days following the beginning of his disability. (*An Act respecting industrial accidents and occupational diseases*, s. 60)*
10. The employer will prepare the employer’s notification and send it to the CNESST.
11. At this point you must collect all relevant information of a medical or other nature that will be useful in having your employment injury recognized by the CNESST.
12. A CNESST officer will contact you for further information. Everything you say will be documented. Therefore, it is better to postpone the call if you do not have all of the information needed to give proper answers.
13. If the claim is denied, you must complete the PSAC “Application for Administrative Review” form and send it to the CNESST. **TIME LIMIT: You have 30 calendar days from the time of receipt to contest the decision.**
14. If you have not already done so, you must contact your local to have them notify the PSAC health and safety officer of the refusal and hand over the file you have in your possession.
15. The reviewing officer will then contact a PSAC representative for further observations before making a decision. The reviewing officer may confirm, quash or amend the original officer’s decision.
16. In most cases, the decision arising from the administrative review will take effect immediately.
17. If the administrative review results in the claim being denied again, you must complete the online form at [tat.gouv.qc.ca](file:///C%3A%5CUsers%5CDavid%5CAppData%5CLocal%5CTemp%5Ctat.gouv.qc.ca), to contest it. **TIME LIMIT: You have 45 calendar days from the time of receipt to contest the decision.**
18. You will then work on the pending hearing in collaboration with your PSAC representative.

Definitions

*CNESST: Commission des normes, de l’équité, de la santé et de la sécurité au travail (formerly CSST).*

*TAT: Tribunal administratif du travail (formerly CLP).*

*Note: At any point in the process, you can seek assistance from your local, the health and safety representative of your area council or the union advisor assigned to your area.* [*afpcquebec.com*](file:///C%3A%5CUsers%5CDavid%5CAppData%5CLocal%5CTemp%5Cafpcquebec.com%5C)