



# CNESST Preventative Leave

**Info for newly pregnant teachers**

**Presented by Peter McKelvie**

**October 21, 2017**

# Objectives of this session

- To simplify the rules when it comes to CNESST preventative leaves
- To guide the pregnant teacher through the process of making a CNESST preventative withdrawal claim
- To review important dates associated with workplace hazards and pregnant teachers

# The right “*For a Safe Maternity Experience*” program

A pregnant or breastfeeding worker may be entitled to special protection. If she is working in conditions that are a hazard to her health or that of her unborn or breast-fed child, she is entitled to be reassigned immediately to another job.

If her work situation cannot be modified or she cannot be assigned to another job, she has the right to stop working and receive compensation from the CNESST.

# I'm pregnant, what's next?

First off, congratulations! (You don't want to forget that this is a happy occasion)



- Start by making an appointment with your doctor or go to a walk-in clinic.
- You should not be going to school until you have results from your blood tests so do not go to work and go to a doctor ASAP.
- Be sure to contact the EMSB Health and Safety office (contact info on page 7) and give them a “heads up”.
- You may also want to contact your principal / centre director and let them know that you'll be away.

*Please see EMSB document - “I'm pregnant, what's my next step” on the final page of this presentation.*

# Items to discuss with the doctor

- Let the doctor know that you are a teacher. (primary, secondary, adult or vocational)
- You should ask your doctor about getting a medical certificate requesting a withdrawal from work pending blood test results.
- Ask that they complete a *“Preventative Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker”* form.

You will likely discuss some of the following topics:

**Blood tests, age of your students, student behaviour, supervision duties, workload (including time spent standing), heavy lifting, repetitive movements that can be considered dangerous, exposure to: gas, fumes, vibrations, chemicals, moving from class to class, use of stairs, busy hallways, etc.**

# Blood tests

As a preventative measure, teachers may be removed from work while they wait for blood test results.

Teachers should be tested for the following contagious diseases: Parvovirus B19 (Fifth Disease), Rubella and Chickenpox ...but your doctor may decide to test for more than these three diseases.

**Please be sure to get a medical note saying that you will be away until your blood test results are back.**

# Completed forms

Your doctor will send a copy of the CNESST “Preventative Withdrawal” certificate to the regional health office (CSSS).

Once the CSSS has received the form, your doctor will eventually give you a copy (this may take a week or two).

You must send the “employer” portion of the certificate to the EMSB. **Your withdrawal request cannot be processed until the EMSB Health and Safety office has your information.** Their contact info is:

Carmen Vizarro (514) 483-7200 ext. 7292     [cvizarro@emsb.qc.ca](mailto:cvizarro@emsb.qc.ca)

Nora Salibian (514) 483-7200 ext. 7462     [nsalibian@emsb.qc.ca](mailto:nsalibian@emsb.qc.ca)

Fax: (514) 483-7410

# Waiting time

It may take a week or two (or more) for your blood test results to come in.

While you wait, you'll be paid at 100% for the first 5 days that you are away. The next 14 days will be paid at 90% of your net salary which will be paid to you by the EMSB.

Important note: If the CNESST sends you a cheque, please contact the EMSB Health and Safety office right away and do not cash the cheque. (you'll end up paying it back)



# Waiting time (continued)

If you have not already done so, the EMSB and the MTA recommend that you share your good news with your principal / centre director. (You can ask them to keep the news quiet if you are not ready to make an announcement.)

While it may be very early in your pregnancy, it is important that someone in your building know about your pregnancy in case a Santé Publique notice is sent or an emergency OCCURS. (remember swine flu from a few years ago?)

# The results are in

## If you are not immune:

Most elementary teachers are removed from work since the risk of catching a contagious disease is higher at this level.

Depending on what you are not immune to, high school teachers can be removed but in cases of lack of immunity to Fifth Disease and Chickenpox, high school teachers are deemed to not be at risk, unless there is an actual case in the school.

It is rare but Adult and Vocational sector teachers can be removed if they are not immune but the risk of being exposed to these (mostly) childhood diseases is very low. Again, they would be removed if there is an actual case in the school, during the incubation period.

# The results are in (continued)

If you are removed from work because of a lack of immunity, you will likely be asked to return to work for the first / final ped. days of a school year since the danger (the students) no longer exists. If this happens, you will be paid at 100% for the days you work.

You should not be asked to attend ped. days in the middle of the school year but please contact the MTA if you are told otherwise.

# I'm immune... what's next?

As your pregnancy progresses, there may be other risks that need to be assessed starting after the 12, 22 and 24 week periods.

After 12 weeks - there may be an increased risk of damage to the placenta due to impacts to the abdomen. (kicks, punches, projectiles, etc.)

Pre-k, kindergarten, cycle I, physical education and teachers of students with a history of violence towards adults tend to be considered for a withdrawal.

If the Board feels that there is adequate support in the class, then your request may be refused. If this happens please be sure to contact the MTA and we'll investigate.

If you have a supervision duty that is in a busy, crowded area, your administration may need to reassign you to a less dangerous place. Speak with them if you have a concern.

# I'm immune (continued)

After 22 weeks - Teachers who cannot avoid periods of prolonged standing (4-6 hours) may be placed on preventative leave.

After 24 weeks - Teachers have an increased risk of falling (changes in the center of gravity) and they may be placed on preventative leave if using a ladder or circulating in busy staircases (while carrying books/items) cannot be avoided.

Please contact the MTA if your withdrawal request is refused at either of these points in time.

# My workplace is safe but...

If there are complications during your pregnancy due to conditions not related to the workplace, you may be eligible for salary insurance (sick leave).

- doctor needs to provide a medical certificate
- contact the EMSB Health and Safety office
- first 5 days are taken from your sick bank of days
- starting on the sixth day you will receive 75% salary until you are well enough to go back to work or, most often, 1 month prior to your due date when your maternity payments will begin.

# What else do I need to know?

- If you feel well and are working in a safe environment, then you can work right up to when you give birth...and there are teachers who do exactly this.
- If you are a regular teacher, your seniority and experience will continue when you are on preventative leave
- If you are a contract teacher, your seniority and experience will continue to go up until your contract ends - either due to the return of the reg. teacher or the end of the school year.
- Your pension contributions are covered as part of the CNESST indemnities so you have nothing to buy back.
- Around the 22-24 week point of your pregnancy, you should get in touch with Heleine Lefebvre in HR re: maternity leave benefits and QPIP choices.

Heleine Lefebvre (514) 483-7200 ext. 7282

[hlefebvre@emsb.qc.ca](mailto:hlefebvre@emsb.qc.ca)

# Final thoughts

Every teacher's working conditions are different (levels, students, schools, support, workload, etc.) therefore all CNESST preventative leave requests are considered on a case by case basis.

If, for whatever reason, you feel that your workplace is unsafe, please be sure to contact the MTA and we'll be happy to provide advice and guidance.



# EMSB info document



Commission scolaire English-Montréal  
English Montreal School Board

## I'm pregnant, what's my next step?

You must:

1. Ask your doctor to complete the "Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker" form (you can obtain it at a CNESST office or from your doctor).
2. See your physician or the doctor in charge as soon as you believe that your working conditions may constitute a hazard to you or to your unborn or breast-feeding child.
3. When the certificate is issued by your physician, before completing the form he will need to consult the physician designated by the public health director for the region in which your employer's establishment is located. This will allow for your working conditions to be assessed, and information on any hazards in the work environment communicated to your physician. The certificate will not be considered valid until such time as this consultation has taken place. Your physician, in turn, states that your working conditions constitute a hazard, based on your health condition and ability to work.
4. Give the medical certificate to your employer's, the Health and Safety office. This step is mandatory, as it constitutes your request for reassignment. At this time, the employer may choose to modify your work station or assign you to other tasks. If a reassignment is not possible, you can stop working and receive compensation until such time as you are reassigned, until the fourth week prior to the planned delivery date, or until you are no longer breast-feeding, as the case may be. (Please note that CNESST will accept your file starting the date that your employer receives your certificate. This report must be sent to the Health and Safety office.)
5. As a preventive measure, you may be removed from work while waiting for your blood test results (5th disease, rubella, etc.). A medical note is required to support your absence.
6. The CNESST will send you a written notice regarding your entitlement to the *For a Safe Maternity Experience* program.

7. During the first 5 days of your preventive withdrawal, your employer pays you your regular salary.
8. For the next 14 calendar days, you receive an indemnity equal to 90% of your net salary. This net salary is calculated by subtracting from your gross salary all source deductions: income taxes and deductions for employment insurance, the QPIP and the QPP. You will receive this indemnity from your employer, who will in turn be reimbursed by CNESST.
9. Thereafter, until you are reassigned, until the fourth week prior to the planned delivery date, or until you stop breast-feeding, the CNESST will pay you an income replacement indemnity equal to 90% of your retained net salary. Exceptionally, the EMSB continues to pay employees with contracts/on automatic pay and is reimbursed by CNESST. **If you are on automatic pay and receive a payment from CNESST, please notify the Health and safety office as soon as possible.** If you are on wage slip, you will be paid directly by the CNESST.
10. CNESST indemnities are not taxable, and cannot exceed the maximum insurable earnings of the current year.
11. Please note that if your doctor indicates that your pregnancy is at risk and not related to your work environment (ex. diabetes, bed ridden), you will not be eligible for the CNESST Preventive withdrawal program and will be placed on salary insurance instead.
12. For your maternity leave, please contact Heleine Lefebvre at ext. 7282.

### Important:

**Unless you have provided a medical certificate to the Health and Safety office in which the doctor recommends a withdrawal from work pending blood test results, your withdrawal from work will commence when the Health and Safety office receives the "Preventive Withdrawal and Reassignment Certificate for a Pregnant or Breast-feeding Worker". Any withdrawal before this time will be considered without salary.**

### Health and Safety office contacts:

Carmen Vizarro (514) 483-7200 ext. 7292, [cvizarro@emsb.qc.ca](mailto:cvizarro@emsb.qc.ca)

Nora Salibian (514) 483-7200 ext. 7462, [nsalibian@emsb.qc.ca](mailto:nsalibian@emsb.qc.ca)

6000 Avenue Fielding

Room 227