



## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

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**Effective Date:** October 20, 2004

**Originating Office:** Office of the  
Vice-President, Services

**Supersedes /Amends:** VRS-43/October 1, 1997

**Policy Number:** VPS-43

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### SCOPE

This Policy applies to all full and part-time faculty members and all administrative and support staff as well as students performing internships and volunteers registered under the relevant legislation. Nothing in this Policy, however, shall contradict any collective agreement provisions dealing with this subject.

### DEFINITIONS

The following terms as used in this Policy are defined in the *Act Respecting Industrial Accidents and Occupational Diseases R.S.Q., chapter A-3.001* (the Act):

“employment injury” means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“equivalent employment” means employment of a similar nature to the employment held by the worker when he or she suffered their employment injury, from the standpoint of vocational qualifications required, wages, social benefits, duration and working conditions;

“industrial accident” means a sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his or her work and resulting in an employment injury to him or her;

“occupational disease” means a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work;

“consolidation” means the healing or stabilization of an employment injury following which no improvement of the state of health of the injured worker is foreseeable;

## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 2 of 10

“suitable employment” means appropriate employment that allows a worker who has suffered an employment injury to use his or her remaining ability to work and vocational qualifications, that he or she has a reasonable chance of obtaining and the working conditions of which do not endanger the health, safety or physical well-being of the worker considering his or her injury

### POLICY

The University and its employees are subject to the *Act Respecting Industrial Accidents and Occupational Diseases R.S.Q., chapter A-3.001*, the *Act Respecting Occupational Health and Safety R.S.Q., chapter S-2.1* and related regulations. The University actively supports the goals of such legislation as demonstrated by the present Policy. In the event of a conflict of interpretation between this Policy and the Act, the Act shall take precedence.

### Reporting of an Employment Injury or an Occupational Disease

#### Responsibilities of the Supervisor or Department Head

1. The Supervisor or Department Head shall:
  - a. take appropriate measures to ensure that the employee who has suffered an injury or an illness receives immediate medical attention and shall send the employee to the health care facility of the employee's choice with a Temporary Work Assignment Form which shall contain a brief description of the employee's duties;
  - b. request the employee return, the same day if possible, the CSST Medical Certificate and the Temporary Work Assignment Form signed by the physician. If this is not possible, the Supervisor or Department Head shall request that the employee contact him or her by telephone as soon as possible with the following information: physician's name, telephone number, expected date of return to work and the date of the next medical appointment;
  - c. contact the Environmental Health and Safety Office of the University (the EH&S Office) by the fastest possible means to report the injury or illness and any additional information which has been received from the employee and to take

## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 3 of 10

measures to ensure that the injury or illness has been reported and investigated in accordance with the *Policy on Injury/Incident Reporting and Investigation* ([VPS-42](#)).

- d. send copies of all medical certificates and CSST documentation to the EH&S Office as it is received and take the necessary measures to ensure that the EH&S Office is apprised of any information concerning the absent employee's medical status;
- e. inform the EH&S Office immediately when the employee returns to work either on a temporary work assignment or to his or her regular position.

### Responsibilities of the Employee

2. The employee shall:
  - a. immediately report any injury or illness to his or her Supervisor or Department Head or if that is not possible, to an employee of the Security Department. No employee should leave the premises to seek medical treatment for a work injury or illness without taking steps to ensure that the Supervisor or the Department Head has been informed of the incident;
  - b. visit the physician of his or her choice with their Temporary Work Assignment Form and inform the medical professional attending to him or her if he or she believes that the injury is work-related;
  - c. return, if possible the same day, to the Supervisor or Department Head the CSST Medical Certificate and the signed Temporary Work Assignment Form. If it is not possible to return the same day, the employee should have the forms returned by a representative and shall contact the Supervisor or Department Head by telephone, indicating his or her medical status, physician's name and telephone number, expected date of return to work and the date of the next medical appointment. Alternatively, the employee or his or her representative may return the CSST Medical Certificate to the EH&S Office;

## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 4 of 10

- d. take measures to ensure that the required documentation is completed and submitted to the EH&S Office in accordance with the *Policy on Injury/Incident Reporting and Investigation* ([VPS-42](#));
- e. contact his or her Supervisor or Department Head at least monthly if the absence is prolonged and provide all relevant medical documentation.

### Responsibilities of the Environment Health and Safety Office

3. The EH&S Office shall file, with the CSST, claims signed by the employee or his or her representative and may provide the employer's comments.

### Compensation and Return to Work

#### General Provisions

4. The conditions specified below shall apply for a period of up to two years from the commencement of the continuous absence of an employee due to an employment injury or occupational disease.
5. The employee shall be compensated in accordance with CSST regulations while absent from work. Such compensation shall be effected through the University's Payroll Department for at least the first 14 days of the absence. The employee shall continue to accumulate seniority and uninterrupted service in accordance with the University policy or collective agreement applicable to him or her at the commencement of the absence.

#### For permanent employees (employees with a contract of an indeterminate term):

6. The compensation shall be at 90% of net salary up to the current limit of the Maximum Yearly Insurable Earnings established annually by the CSST. Salary replacement for permanent employees shall initially be at 100%. The term of this 100% replacement varies in accordance with the University policy or collective agreement which applies to the employee.
7. The employee shall continue to be covered by any University benefits or insurance programs in which he or she was a participant at the onset of the absence provided that

## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 5 of 10

he or she continues to pay the employee premiums. In such cases, the University shall continue to pay its share of the cost as well. This section applies until the expiry of the two-year time limit prescribed in the Act.

8. When he or she is pronounced medically fit to return to work, the employee shall be reinstated by preference to his or her own position. In the event that the position held by the employee at the time of commencement of the absence has been abolished, he or she shall be assigned to equivalent employment.
9. If an employee, as a result of an employment injury or occupational disease, is prevented from carrying out the duties of his or her regular position or of equivalent employment and where he or she is able to carry out other employment, the employee shall be placed in the first suitable position that becomes available in which (a) the employee can use his or her residual ability and vocational qualifications; and (b) does not endanger the health, safety, or physical well-being of the employee considering his or her injury or disease. Seniority provisions of any applicable collective agreement shall apply.
10. An employee who is reinstated to his or her previous position or to equivalent employment shall receive the salary or wages and benefits that would have applied if he or she had continued to carry out the duties of the position held at the time of the employment injury or occupational disease. An employee who is assigned to a suitable position shall receive the salary or wages and benefits connected with that employment taking into account the seniority and uninterrupted service the employee has accumulated.
11. The period of "continuous absence" shall not be interrupted if an employee, due to the state of his or her health related to his or her injury or disease and following medical advice, must leave work on the day he or she returns to work.

For temporary, casual or contract employees including limited term appointments (employees under a fixed term contract):

12. The compensation shall be at 90% of net salary up to the current limit of the Maximum Yearly Insurable Earnings established annually by the CSST.

## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 6 of 10

13. An employee who suffers an employment injury or occupational disease and again becomes able to carry out his or her duties prior to the expiration of the assignment or the contract is entitled to be reinstated in his or her position and to remain in that position until the date of expiration of the contract.

### Temporary Work Assignment

14. An employee who has sustained an employment injury or occupational disease may be temporarily assigned work until he or she is again ready to carry on his or her regular position or until he or she becomes able to carry out suitable employment, even if his or her injury has not consolidated, providing that the employee's physician believes that:
  - a. the employee is reasonably fit to perform the work;
  - b. the work, despite the employee's injury or disease, does not endanger his or her health, safety or physical well-being;
  - c. the work is beneficial to the employee's rehabilitation.
15. No Supervisor or Department Head may assign work to an employee who is away from work as a result of an employment injury unless a return to work has been approved by the employee's physician.
16. Following an employment injury or occupational disease, the employee's physician shall assess the employee's physical limitations and the EH&S Office, together with the Supervisor or Department Head, shall make every effort to identify an appropriate temporary work assignment which does not jeopardize the employee's medical condition and which supports the rehabilitative process.
17. Supervisors and Department Heads are expected to support the Temporary Work Assignment Programme by identifying suitable tasks which the employee can do with his or her physical limitations and by actively supporting the rehabilitative process. If an employee is returned to work on a temporary work assignment, the Supervisor or Department Head shall provide regular support and supervision.

## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 7 of 10

18. The employee shall accept the temporary work assignment approved by his or her physician. If the employee disagrees with the physician, he or she may request, in accordance with the Act, that the Central Advisory Health and Safety Committee (CAH&S) of the University and the Supervisor or Department Head examine and decide the question in conjunction with the physician in charge of Occupational Health Services of the University.
19. The Supervisor or Department Head must accept an employee back to work with a valid medical certificate or a Temporary Work Assignment Form, which permits a return to work even with limitations.
20. While on a temporary work assignment, the employee is entitled to the salary and benefits attached to his or her regular position at the time the employment injury appeared and to which he or she would have received if he or she had continued to carry out that position and had not been reassigned.
21. At the end of the period of temporary work assignment, the employee shall be returned to his or her own position.
22. If the employee believes that he or she has been wronged by a decision, he or she may apply for a review of the decision in accordance with the Act.

### Additional Responsibilities

#### Environmental Health and Safety Office

23. The management of the CSST claims process and this Return to Work Programme shall be coordinated through the EH&S Office. In addition to the other obligations set out in this Policy, the EH&S Office shall:
  - a. receive, review and investigate all reports of accidents which result in CSST claims;
  - b. provide liaison with the employee's physician to obtain information relating to fitness to work;

## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 8 of 10

- c. maintain regular contact with the CSST;
- d. maintain all documentation relating to the claim;
- e. monitor the financial aspects of the claim and request a reconsideration of a decision of the CSST or cost-sharing when appropriate;
- f. manage the CSST Disability Fund in accordance with the criteria determined by the CAH&S;
- g. keep records of claims and their costs and report these at least annually to the CAH&S and the Vice-President, Finance of the University;
- h. provide advice and assistance to employees and Supervisors and Department Heads about their respective rights and responsibilities;
- i. notify the Department of Human Resources and Employee Relations of an anticipated prolonged absence of an employee.

### Supervisors and Department Heads

- 24. In addition to the other obligations set out in this Policy, Supervisors and Department Heads shall:
  - a. keep in regular contact with the employee to follow his or her progress (health status, date of next appointment, probable date of return to work) and keep the EH&S Office informed, if an employee does not return to work on the day following an injury;
  - b. ensure that the employee's position remains open to the employee for a period of up to two years if the position is a permanent appointment or in other cases for the duration of the contract providing that the contract is for no more than two (2) years;
  - c. consult with the EH&S Office to ensure that the necessary return to work protocol is followed before an employee returns to work.



## WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND TEMPORARY WORK ASSIGNMENT

---

Page 9 of 10

### Employees

25. In addition to the other obligations set out in this Policy, an employee shall:
  - a. attend all medical appointments requested by the University;
  - b. undertake any required rehabilitative procedure or training which will enable him or her to accept equivalent or suitable employment if unable to resume his or her normal duties.

### Miscellaneous

26. No confidential medical information shall be transmitted to the Supervisor or Department Head without the signed consent of the employee. However, the Supervisor or Department Head is entitled to all information pertaining to fitness to work.
27. In the event of a prolonged absence by an employee as a result of an employment injury or occupational disease, his or her position may be filled with a temporary appointment for the duration of the absence upon obtaining appropriate authorization. The Department of Human Resources and Employee Relations shall assist in this process. In cases where an employee is unable to work for more than one month following the employment injury or occupational disease, the Supervisor or Department Head may apply to the EH&S Office to obtain financial assistance from the CSST Disability Fund.

**WORKERS' COMPENSATION (CSST) REPORTING, RETURN TO WORK AND  
TEMPORARY WORK ASSIGNMENT**

---

Page 10 of 10

APPENDIX A

Procedures for Workers' Compensation (CSST) Reporting, Return to Work and Temporary Work Assignment

The following procedures are available from the Environmental Health and Safety Office:

Reporting of Accidents, Incidents and Occupational Diseases  
Guidelines for Emergency Transportation  
Temporary Work Assignment (Return to Work Programme)  
Emergency First Aid and Medical Assistance