

REPORTING EVENTS

LET'S DO

DAY-TO-DAY

PREVENTION



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THE EVENT REPORT

In case of a work accident or incident, it is important to complete an event report. This tool helps identify the causes as well as any risks and hazards to the health, safety, or physical or mental well-being of the worker or any other person at the workplace.

The event report also allows the Occupational Health and Safety Committee (OHS) to assess the health and safety situation in the organization and recommend corrective measures to eliminate risks or limit their consequences.

In addition, the event report serves as a reference tool for the OHS committee, the health and safety representative (HSR), the liaison officer, the employer, certified associations, and all workers.

What are the legal obligations?

OHS laws and regulations require that three Registers of Accidents, Incidents, and First Aid be kept.

- 1. The employer¹** must record in the register any work accidents that result in a day or less of absence for the person suffering an employment injury.
- 2. The first aid attendant²** must complete a report. This report must be submitted to the employer and kept in a separate register.
- 3. The OHS committee³** has more legal obligations than the employer. In addition to keeping a register of work accidents and occupational diseases, the committee must document all events that did not result in consequences, but could have done so.

Note: In order to prevent redundancy, the organization can decide that the full Register of Accidents, Incidents, and First Aid kept by the OHS committee be made available to the employer, the workers, and the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST).

What details should be recorded in the Register of Accidents, Incidents, and First Aid?

All relevant information regarding the event:

- The name of the person or people involved;
- The name of the first aid attendant;
- A list of witnesses;
- The date and time of the event, and exactly where it occurred;
- A description of the situation;
- The causes or the risks;
- A description of the injury or illness;
- The nature of the first aid provided;
- The signatures of the people involved.

Note: The primary purpose of the register is identifying risks in the workplace. For events that do not result in a work accident, only the minimum required information needs to be recorded in the register. In this case, no signature is required and the event report can be anonymized.

¹ According to section 280 of the *Act Respecting Industrial Accidents and Occupational Diseases (ARIAOD)*.

² According to section 15 of the *First-Aid Minimum Standards Regulation*.

³ According to section 78, subsection 7 of the *Act Respecting Occupational Health and Safety*.

Who has access to the event reports recorded in the Register of Accidents, Incidents, and First Aid?

The privacy of the information recorded in the Register of Accidents, Incidents, and First Aid is important. Workers must maintain confidence in the event reporting process, especially if the situations described in the register can be a source of workplace conflict.

It is the OHS committee that decides who can access the information contained in the register, and at what time and in which way this information is transmitted.

What to do if the event is a work accident?

Regardless of the seriousness of the work accident, you should do the following:

- Provide first aid to the victim as quickly as possible;
- Notify the employer as soon as possible;
- Record the accident in the first aid attendant's and OHS committee's Registers of Accidents, Incidents and First Aid and, if the accident results in lost time of less than one day, also record it in the employer's register.

What are the rights of people who suffer a work accident?

Under the *Act respecting industrial accidents and occupational diseases*, a person who suffers a work accident is entitled to certain rights, which must be respected.

The victim has the right:

- To be transported to a health care facility, to a doctor of their choice, or to their residence. The employer is required to cover the cost of transportation;
- To be reimbursed by the CNESST for medical and travel expenses incurred upon submission of a completed *Worker's Claim* form and relevant receipts;
- To receive income replacement indemnity⁴:
 - The employer must pay 100% of the worker's regular wages for the day of the work accident,
 - The employer must pay 90% of the worker's net salary for the first 14 calendar days following the day of the accident (reimbursable by the CNESST),
 - The CNESST must pay 90% of the net salary starting on the 15th calendar day following the day of the accident;
- To receive lump-sum compensation for permanent bodily injury, determined based on the degree of the impairment and the employee's age;
- To benefit from the necessary social and vocational rehabilitation programs;
- To be reinstated to their former job position, an equivalent position, or a "suitable" job upon returning to work;
- To challenge the CNESST decision by requesting a review within 30 days of the initial revision;
- To contest, within 60 days, before the OHS Division of the Tribunal administratif du travail, the decision rendered by the CNESST following the review of the initial decision;
- To file a complaint before the CNESST or file a grievance if they believe they are the victim of discrimination, sanctions, or disciplinary measures because they suffered an employment injury or because they exercise a right provided for by law.

⁴ It is possible that the worker's collective agreement may be more advantageous than the law. Consult with the union.

Key Definitions

These definitions are taken from the *Act respecting industrial accidents and occupational diseases*.

Work accident (industrial accident):

A sudden or unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of their work and resulting in an employment injury to them.

Employment injury:

An injury or a disease arising out of or in the course of a Work accident (industrial accident), or an occupational disease, including a recurrence, relapse or aggravation.

Accidental event arising out of work:

An accident that arises while performing the duties for which the worker is employed.

Accidental event arising in the course of work:

An accident that arises while performing an act related to the victim's work, for example when performing an activity related to the performance of their job, even if this activity is optional.

Note: For an accident to be considered a Work accident (industrial accident), there must be a real link (direct or indirect) between the performance of the work and the activity carried out at the time of the accident. Moreover, the activity must have been carried out under the control and authority of the employer. Each case must be examined individually based on the facts and circumstances surrounding the accident.

The union can assist you throughout the process with your employer and the CNESST.

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