

## PREVENTATIVE LEAVE 101

Should working conditions pose a risk to either a woman or the child she is bearing or breastfeeding, the employee is immediately reassigned to other duties within the same class of employment or, if she consents, within another class of employment.

If reassignment is not immediately possible, the employee is entitled to a special leave (preventative leave) until the time of delivery. However, for the employee eligible for QPIP, the special leave ends as of the fourth week preceding the expected date of delivery. It should be noted that an assignment can result in the income during the preventive leave is as follows:

The first five work-days	Regular revenue from the School board
The next 14 calendar days	90% of the net revenue from the School board
Subsequent days	90% of net revenue from the CSST

The income replacement indemnity from the CSST for special leave ceases as of the fourth week preceding the expected date of delivery, but only in cases where the recipient is eligible for QPIP benefits. At that time, the employee can begin her maternity leave and receive her QPIP maternity benefits.

The first five working days are considered insurable income under QPIP. On the other hand, the 90% indemnity paid by the CSST or the School board for the first fourteen days) for a special leave is not considered insurable income. However, those weeks can be used to extend the reference period for calculating the average weekly income and the benefit rate.

Pregnancies in close succession can be complex cases. These can have undesirable consequences that can often, however be mitigated or avoided.

Consult the union.



## FREQUENTLY ASKED QUESTIONS

Who decides whether a teacher is given a reassignment and/or preventative leave?

- Your doctor – The most important player in this decision is your doctor. It is vital to get a clear recommendation from the beginning of your pregnancy and at your initial meeting with your doctor to avoid problems later on.
- CLSC – Your doctor sends his/her recommendation on the Certificat. The recommendation of the CLSC is used as another medical opinion (in addition to your doctor's) for the CSST to take into consideration.
- CSST – Based on the recommendations of your doctor, the CLSC and whether your employer could make adjustments, the CSST renders a decision in the matter. Again, the more precise your doctor is with his/her evaluation, the easier it will be for the CSST in rendering its decision. A teacher will either be placed on preventative leave or will return to work. This decision can be contested within the specified period of time indicated on the letter of decision from the CSST.

Am I covered for insurance purposes during my preventative leave?

- Yes. Contact your school board for more information regarding how the billing of these premiums occurs. You will be billed for insurance because preventative leave is paid by CSST.

What are my rights during Special Leaves, Reassignments or Preventative Leaves?

- Collective Agreement - 5.13-18 – “A teacher assigned to another position shall retain the rights and benefits of her regular position”. During the Preventative Leave “compensation is governed by the provisions of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) concerning Preventative Reassignment”.
- Labour Laws - Health and Safety – Article 43 (Social Benefits) The teacher on Preventative Leave “continues to receive the social benefits recognized for her workplace”.

If there are complications during my pregnancy, can I be granted a preventative leave?

- A teacher must be able and willing to work in order to be eligible for a Preventative Leave.
- If there are complications during a pregnancy due to conditions not related to your workplace, you may be eligible for salary insurance. Contact the school board for additional information.

Can I refuse a reassignment?

- By having your doctor fill out the Certificat visant le retrait préventif et l'affectation de la travailleuse enceinte ou qui allaite, a teacher is asking for a Reassignment where her working conditions no longer pose a risk to her or her

unborn baby.

- If there is a problem with the reassignment (poses a danger to baby or self, unreasonable tasks for the teacher to perform) teachers are advised to contact their local union.
- Generally speaking, adjustments are made to current workload or a preventative leave is granted.

Do I have to work on the Ped Days at the start and end of the school year while on preventative leave?

- Yes. The students are not in the building therefore the risk is not present during these days. These days are paid by the school board.

Why are some teachers withdrawn for 5<sup>th</sup> Disease throughout their entire pregnancy and others are obliged to return?

- Your doctor's evaluation of the risk factors involved in your pregnancy is the key element here.
- There is no consensus among doctors from one area to another regarding certain elements behind these risks. Examples of this include whether 5<sup>th</sup> Disease is still a risk after the 20<sup>th</sup> week of pregnancy, and whether the risk varies depending on the level that you teach.

If I am on a preventative leave, how will my summer pays be affected?

- The amount you will receive from the school board during the summer will be based on the time you worked prior to your preventative leave.

Two preventative leaves / two pregnancies in a row ... What happens?

- There is the possibility that a teacher can be eligible for QPIP benefits for a second maternity leave; however, there are several factors that can affect this

admissibility. Contact your local union for more information.