

# Pearson Teachers' Union

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### Declaring accidents and incidents

It is important!

See why!



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# What would you do if ...?

**Situation 1** When getting out of your car with a bag full of documents, you slip and hurt your lower back?

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**Situation 2** A student threatens to hit you after you have given him several warnings about his behaviour?

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**Situation 3** A student's mother waits for you every day in the schoolyard to ask about her child's behaviour.

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# What would you do if ...?

**Situation 4** Parents regularly question your professional competency (e.g., teaching methods, evaluations, marks)?

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**Situation 5** A parent puts a video online accusing you of having insulted her son?

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# The importance of declaring these situations

- To leave a record and to use as a piece evidence;
- To identify a problem or problems and to prevent deterioration;
- To allow actions to be implemented and interventions to take place.

## Work accident reports available in all schools/centres

- The *Act respecting industrial accidents and occupational diseases* makes it mandatory for the employer to record accidents that occur in its establishments (art. 280).
- A form developed by each school board is to be used to report any accidents or incidents (appendix 1).
- An incident does not necessarily lead to serious consequences but must be declared with a view to prevention.

# Obligations of staff

*Act respecting occupational health and safety (art. 49)*

- ...(2) take the necessary measures to ensure his health, safety and physical well-being;
- ...(5) participate in the identification and elimination of risks of work accidents or occupational diseases at his workplace.

# Definition of a work accident

- Sudden and unforeseen event:

which happens while performing duties or while being in the workplace during working hours or during the performance of an activity related to your work duties;

which causes an occupational injury as diagnosed by a doctor.

# Some advantages of having a work accident recognized

## CNESST

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- No sick days deducted from the teacher's account;
- 100% of full salary paid from the first day, and access to medical care as long as required;
- In certain cases, the right to the recognition of permanent loss and functional limitations relating to your job;
- Facilitates recognition of a recurrence, relapse or aggravation of the initial injury in the future.

## Salary Insurance

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- First five days of absence deducted from sick leave bank; no salary if bank is empty;
- Following 51 weeks: 75% of salary;  
Following 52 weeks: 66⅔% of salary;
- A given maximum for coverage of certain medical services by the insurance company (e.g., psychotherapy, physiotherapy, etc.).

# Psychological injury and work accident

- An event or an accumulation of events which happen at work and have an impact on mental health could be considered a work accident.
- The evidence must be detailed and must show that the situation(s) goes far beyond normal working conditions.

What you need to know!

# School board's legal duties and responsibilities

As defined by the *Charter of Human Rights and Freedoms*, the *Québec Civil Code* and the *Act respecting occupational health and safety*, the employer has an obligation to:

ensure that the workplace is free from psychological harassment and respects the dignity, health, safety and the integrity (physical and psychological) of the person.

(art. 2087 of the *Québec Civil Code*; arts. 4 and 46 of the *Charter of Human Rights and Freedoms*; art. 51 of the *Act respecting occupational health and safety*)

# Situation 1 - Actions to be taken

- Declare the incident(s) on the form (appendix 1) available at the school/centre.
- Immediately inform a colleague.
- Go to a medical clinic as soon as possible and, if necessary, have a CNESST medical report filled out.
- Submit the CNESST medical certificate to the school board and send a copy to the CNESST office.
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## Situation 2 – Actions to be taken

- Declare the incident(s) on the form (appendix 1) available at the school and keep a log (appendix 2) of violent behaviours (verbal and physical).
- Meet the principal and make sure that the anti-bullying and anti-violence plan as well as the code of conduct approved by the school/centre are being implemented. (arts. 75.1, 75.2, 76, 110.2(4) EA).
- Follow up at the school council if any problems arise regarding the implementation of the anti-bullying and anti-violence plan and code of conduct. The principal is responsible for implementing any sanctions (arts. 96.12, 110.9 EA). If necessary, contact the union for any complementary interventions with the school board.
- If necessary, make a formal complaint to the police.



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# Situations 3 and 4 – Actions to be taken

- Immediately develop a communication protocol with the parent (frequency, means, emphasise the importance of making an appointment) for a regular follow-up and request support from the principal right away.
- Declare the incident(s) on the form (appendix 1) available at the school and keep a separate log (appendix 2) regarding the parent's behaviour.
- Make sure that the anti-bullying and anti-violence plan approved by the school is applied for the parent concerned (arts. 75.1, 75.2 EA) as well as the code of conduct for parents adopted by the school board (appendix 3).
- Request support from the union to intervene with the school board, and if necessary, file a claim for psychological harassment against the parent.
- If necessary, see your doctor; it is not a sign of weakness to do so - it is for your own protection!
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# Situation 5 – Actions to be taken

- Declare the incident(s) on the form (appendix 1) available at the school and inform the principal right away.
- Inform the union and make sure the information is relayed to the school board so that it can intervene with the parent(s) using a formal notice, among other things.
- Do not use social media to state your opinion but rather (depending on the circumstances) meet with the parent(s) in the presence of a representative from the school board and the school principal.
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# Your role as a union representative

- You are the “eyes and the ears” of the union in your school/centre.
- You can offer support to the teacher who experiences a difficult situation.
- You can raise a red flag with the administration and the union.

# Conclusion

It is not a sign of weakness to declare an incident(s) – on the contrary, it demonstrates that there is a concern about getting the necessary support to improve the conditions in which you carry out your work.

Make your colleagues aware of the importance of declaring these situations ...!!!