

## ADDITIONAL INFORMATION

To ensure that the base salary indicated by the employer reflects your financial reality, verify the income indicated on the "Avis de l'employeur et demande de remboursement" form. Under section 268 of the AIAOD, the employer must give you a copy of this form duly completed and signed.

To contest the calculation of your base salary, you must have a payment notice from the CNEST and apply for a review within 30 days.

In the case of an occupational injury with the right to an IRI, the FIQ collective agreement stipulates that the worker receives 90% of her net salary from the employer until the date of consolidation of her injury, without however exceeding 104 weeks from the beginning of her disability (FIQ provincial collective agreement, clause. 23.19 c).

After the first 104 weeks, the IRI will be paid to the worker directly by the CNEST.

The annual insurable maximum is re-evaluated on January 1 each year. For 2017, it has been set at \$72,500.00. To find out the applicable net income, check the *Gazette officielle*, which publishes the table of income replacement indemnities every year.



**For any questions, contact your local union representatives.**

You can consult the Act respecting industrial accidents and occupational diseases (AIAOD) at:

<http://legisquebec.gouv.qc.ca/en>ShowDoc/cs/A-3.001>

# OHS DEMYSTIFIED

Know your rights and your obligations

## FREQUENTLY ASKED QUESTIONS

### Income Replacement Indemnity

Have you suffered an occupational injury that made you unable to work and your employer won't give you a temporary work assignment in accordance with section 179 of the Act respecting industrial accidents and occupational diseases?



Have you had to stop working because you are pregnant or breastfeeding?

You are entitled to the income replacement indemnity stipulated in the Act respecting industrial accidents and occupational diseases.



**FIQ Montréal** | Head Office  
1234, avenue Papineau, Montréal (Québec) H2K 0A4 |  
514 987-1141 | 1 800 363-6541 | Fax 514 987-7273 | 1 877 987-7273 |

**FIQ Québec**  
1260, rue du Blizzard, Québec (Québec) G2K 0J1 |  
418 626-2226 | 1 800 463-6770 | Fax 418 626-2111 | 1 866 626-2111 |

[fiqsante.qc.ca](http://fiqsante.qc.ca) | [info@fiqsante.qc.ca](mailto:info@fiqsante.qc.ca)



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DE LA SANTÉ DU QUÉBEC

[fiqsante.qc.ca](http://fiqsante.qc.ca)

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The income replacement indemnity (IRI) is equal to 90% of the net income you earn annually from your job (AIAOD<sup>1</sup>, sec. 45).

## What is the net income?

Gross income

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### Deductions stipulated in sec. 63 of the AIAOD

- Provincial and federal income taxes
- contributions payable under the Employment Insurance Act, the Act respecting the Québec Pension Plan and the Act respecting parental insurance

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Net income

## What is the gross income?

The gross income can be established based on several realities specific to every worker.

As a general rule, the gross income is determined on the basis of your work contract, except if you demonstrate to the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNEST) that you have earned a higher gross income from your employment with the employer in the service of whom you were when your injury appeared, or from the same type of employment with different employers during the 12 months preceding the beginning of your disability (AIAOD, sec. 67).

## Can other benefits be included in determining a higher gross income?

To establish a higher gross income, you can include:

- premiums
- additional income for overtime
- vacation if the cash value is not included in your salary
- benefits under the Act respecting parental insurance or the Employment Insurance Act
- etc.

## When is the IRI calculated?

The IRI is calculated when your disability occurs or, in the case of a protective reassignment of a pregnant or breastfeeding worker, when her certificate is filed. Therefore, a “photo must be taken,” in order to analyze the data at that time and then make a realistic projection of this situation in the future.

## EXCEPTIONS

### Are there other ways to calculate an IRI?

Several exceptions are stipulated in the Act and there are other ways to calculate the IRI. If you answer “Yes” to one of the following questions, your indemnity could be calculated differently:

- Do you work on call?
- Do you have more than one job?
- Do you feel that the gross income used to calculate your IRI does not reflect your financial reality?

Please contact your local union team, as needed.

### What can you do if there is a disagreement?

In the event of a disagreement over the calculation of your basic salary, a lawyer on the FIQ OHS team can evaluate your file and tell you the base salary that corresponds to your situation.

