

# Pregnant Substitute Teacher Tried to Abuse Reassignment Right



The *Act respecting Occupational health and safety* permits the reassignment of a pregnant worker and payment of CSST benefits if she can't be reassigned and must cease work. An occasional substitute teacher became pregnant and got two certificates stating that her working conditions could represent a risk to her baby and herself. On ten subsequent occasions during her pregnancy, she received offers to work as a substitute teacher. Each time, she accepted the offer but immediately claimed that she couldn't work due to her protective reassignment. She then tried to collect CSST benefits. The *Commission sur les lésions professionnelles* ruled that the substitute's employment contract existed only during the period of the substitution and not during the periods in between each job. Here, she accepted offers for substitution work but never provided any work. And how can someone, in good faith, offer her services to an employer knowing in advance she won't be able to render them and then ask to be compensated for said services? The court agreed and upheld this ruling [[Dionne c. Commission scolaire des Patriotes](#), [2012] QCCA 609 (CanLII), April 2, 2012].