

Workplace injury or occupational disease: what is the deadline to act?

Labour law complaint deadlines in Quebec: the complete guide, or almost... Part 4 of 5

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Injured at work or suffering from an occupational disease, punished by your employer for reporting it, or working in a dangerous or poorly protected workplace? Here are your deadlines to claim, challenge and complain, including complaints to a CNESST inspector and the right to refuse.

Before counting your days, read our main article: [Dismissal, harassment, unpaid wages, workplace injury: which deadline for which recourse?](#)

This article is part of a 5-article series:

1. The essentials: understanding and calculating your deadlines
2. Non-unionized or municipal employees in Quebec
3. Unionized employees
4. **Workplace injury and occupational health and safety** (you are here)
5. Federal jurisdiction, employment insurance and bankruptcy

Workplace accident or occupational disease (CNESST)

In occupational health and safety matters, it is important to distinguish between two steps: the administrative review at the CNESST, and then the challenge before the Administrative Labour Tribunal (TAT).

Table: Occupational health and safety

Your situation	Deadline	Where to file
Reporting your accident or disease to the CNESST (claim)	6 months (2 years if the injury results from sexual violence)	CNESST, from the accident or from the moment you learn that your disease is work-related. But the sooner the better: notify your supervisor before leaving work, or otherwise as soon as possible, and file your claim without waiting. A delay may be excused for a reasonable cause, but do not count on it

Your situation	Deadline	Where to file
You disagree with a CNESST decision (compensation, eligibility, etc.)	30 calendar days	Application for review to the CNESST's Direction de la révision administrative (administrative review division, DRA)
You disagree with the decision rendered on review	60 calendar days (since April 2023)	Challenge before the TAT. If the CNESST has not rendered its review decision within 90 days after receiving your application (or your comments or documents, if you asked for time to provide them), you may challenge the initial decision directly before the TAT, without waiting
CNESST decision rendered following an opinion of the Bureau d'évaluation médicale (BEM)	30 or 60 calendar days	Your choice: review by the DRA (30 days) or direct challenge before the TAT (60 days)
Penalty or dismissal because you suffered a workplace accident or an occupational disease, or exercised a right under the <i>Act respecting industrial accidents and occupational diseases</i>	30 calendar days	Complaint to the CNESST, from the moment you learn of the measure, or a grievance if you are unionized
Penalty or dismissal because you exercised a right under the <i>Act respecting occupational health and safety</i> (right to refuse work, protective reassignment of a pregnant worker, role as health and safety representative, etc.)	30 calendar days	Complaint to the CNESST, from the penalty or measure, or a grievance if you are unionized
CNESST decision on your complaint for a penalty or dismissal	60 calendar days	Direct challenge before the TAT, without review
Decision of a CNESST inspector (for example, on a right to refuse work)	10 calendar days	Review by the CNESST's Direction de la révision administrative (administrative review division, DRA), then the TAT within 10 days (see the table below)

Important: since April 6, 2023, the deadline to challenge a decision before the TAT is 60 days (as amended by the *Act to modernize the occupational health and safety regime*), and no longer 45 calendar days as is still often seen. The deadline runs from the moment you receive the decision. Always keep the envelope or the email.

Inadequate prevention or dangerous work: complaint to a CNESST inspector

You do not need to be injured to act. If your employer does not meet its prevention obligations, you can file a complaint with the CNESST or report the situation to an inspector. These steps are generally not subject to any fixed deadline, but act while the situation exists: that is what the inspector will come to observe.

Table: Prevention and dangerous work

Your situation	Deadline	Where to file
Your employer has no psychological and sexual harassment prevention and complaint processing policy, does not make it available or does not apply it	No fixed deadline in the law: act quickly	Complaint to the CNESST. Penal proceedings against the employer are prescribed 1 year after the CNESST learns of the offence, and no later than 5 years after it. If you are being harassed yourself, your psychological harassment complaint remains subject to the 2-year deadline
Establishment with at least 20 workers and no health and safety committee	No fixed deadline: report it while the situation lasts	Complaint or report to a CNESST inspector, who can require the employer to comply
No prevention program (at least 20 workers) or no action plan (fewer than 20 workers), or a program that ignores psychosocial risks, sexual violence or the harassment policy	No fixed deadline: report it while the situation lasts	Complaint or report to a CNESST inspector
Your employer does not provide the required personal protective equipment free of charge, or does not take measures to protect you from physical or psychological violence, including domestic, family or sexual violence	No fixed deadline: act quickly	Complaint or report to a CNESST inspector
You believe you are in danger (or would expose another person to danger) to your health, safety or physical or psychological well-being, for example because of missing protective equipment	Immediately	Right to refuse : notify your supervisor or the employer at once. If the disagreement continues, an inspector decides as soon as possible whether there is a danger. The right does not apply if the conditions are normal for that kind of work or if the refusal puts another person's life or safety in immediate danger
You disagree with the inspector's order or decision	10 calendar days	Request for review to the CNESST's Direction de la révision administrative (administrative review division, DRA), from notification of the order or decision
You disagree with the review decision	10 calendar days	Administrative Labour Tribunal, from notification; the case is heard and decided urgently

Important: if your employer dismisses, suspends or penalizes you because you exercised your right to refuse or filed a complaint, the 30-calendar-day reprisal complaint applies (see the first table). The 10-day deadlines under these acts are not extended because of a Saturday: always aim for the previous business day.

Our tips to avoid losing your rights

- Deadlines are generally counted in calendar days, weekends and statutory holidays included, and a deadline that ends on a Saturday is not always extended: aim for the Friday.

- Write down the exact date of each event: dismissal, last act of harassment, receipt of a decision.
- Do not wait for negotiations with the employer to end: file your complaint, as it does not prevent a settlement.
- If in doubt about the deadline, go with the shortest one.

Conclusion

Deadlines in labour law are short and vary depending on your employer, your status and the type of problem. A mistake of a few days can cost you a remedy. Please remember that this is not legal advice and that every case must be assessed individually.

Important notice: this article is provided for general information purposes only and does not constitute legal advice. Laws change and every situation is different: it is important to consult a lawyer before making a decision or letting a deadline pass. Online tools and artificial intelligence can also be wrong; do not rely solely on an answer obtained on the Internet or from a chatbot.

We strongly encourage you to contact us without delay, so that the applicable deadlines are met and your claims are not dismissed.