

April 25, 2010

Institute for Work & Health

### **Quebec**

Description of the organization of the occupational health and safety system and the delivery of prevention services

Report to the  
**Expert Advisory Panel**  
Occupational Health and Safety Prevention  
and Enforcement System

Ontario Ministry of Labour

## Quebec

There are approximately 3.8 million economically active adults in Quebec.

The Commission de la santé et de la sécurité du travail (CSST) was established in 1979, replacing the Commission des accidents du travail. CSST has a comprehensive mandate in occupational health, including workers' compensation insurance, the funding of occupational health services, the establishment of occupational health and safety standards, inspection and enforcement services, workplace education and training and research. The CSST's governing board is composed of seven employer representatives, seven labour representatives and the chair (who is also the Chief Executive Officer). The labour and management representatives are selected from nominations submitted by the major labour and employer federations in the province (1).

The legislation establishing the CSST also provided for the establishment of bipartite sectoral associations, whose boards are to be composed equally of representatives of employer associations and unions. The sectoral associations, funded by CSST, provide training, research, consulting and information to workers and employers in the sector. The prevention priorities identified by sectoral associations provide strategic direction to the CSST's prevention activities. There are currently 12 sectoral associations supported by the CSST.

### 1.0 Organization and Structure of OHS Prevention Services

#### 1.1 Key Elements of Legislative Authority

The current Quebec occupational health and safety legislation was adopted in 1979 (An Act respecting occupational health and safety)(4). The act assigns broad responsibility to CSST for worker health protection. Of all Canadian provinces, Quebec has the strongest tradition of bipartite governance and management of occupational health and safety. The 1979 legislation defines the nature of bipartite governance and management of occupational health and safety.

#### 1.2 Responsibility for Prevention Services

The CSST is responsible for the administration of occupational health and safety legislation and programs in Quebec. The occupational health and safety legislation makes both workers and employers responsible for workplace health and safety, with the CSST responsible for applying the law and ensuring compliance.

Under provincial legislation, a number of additional agencies have specific responsibilities for occupational health and safety. Occupational health services, including clinical prevention services, are delivered by regional boards (primarily their public health services) and community health centres under the jurisdiction of the Ministère de la Santé et des Services sociaux. The Ministère de l'Éducation, du Loisir et du Sport la Santé et has responsibility for the integration of occupational health and safety content in school curriculum.

A number of consultation mechanisms and standing committees are established to support coordination among provincial agencies in the delivery of prevention services.

### 1.3 *Source of Funding and Expenditures on Prevention Services*

Prevention services provided by the CSST and the sectoral associations are funded by employer insurance premium contributions.

In 2008, total expenditures by CSST on labour inspection, enforcement and compliance services was \$63 million and on education, training and workplace consulting was \$ 27.4 million. Total expenditures of \$108.7 million for prevention services represents 4.8% of total premium revenues of \$2,277 million. Prevention services expenditures represent \$28 per worker.

### 1.4 *Prevention Service Activities*

CSST employs approximately 300 labour inspectors. An additional 113 training and consultation staff were employed by the 12 bipartite sectoral health and safety associations in 2008. CSST labour inspectors conducted 31,500 fields visits and issued 50,100 orders or citations in 2008.

Labour inspection staff employed by CSST provided approximately 400 consultation services to workplaces in 2008. Training and consultation staff employed by the 12 sectoral health and safety associations provided 6,000 training sessions to 61,500 participants in 2008.

Prevention services within CSST are administered regionally (as are compensation services). There are 20 regional offices.

### 1.5 *Expenditures on Research*

The Institut de recherche Robert-Sauvé et en sécurité du travail (IRSST), established in 1980, conducts scientific research in occupational safety and health, trains researchers and offers laboratory services. The operating budget for IRSST in 2008 was \$18 million, representing research expenditures of \$4.70 per worker. IRSST's Board of Directors is completely inter-locked with the Board of Directors of the CSST. IRSST staff participate in sectoral consultations concerning prevention priorities.

## 2.0 **OHS Prevention Model**

### 2.1 *OHS Standards*

Over the past 10 years, Quebec has retained an historic emphasis on prescriptive regulatory standards. The OHS Regulation is divided into 17 chapters (5).

Under current legislation, employers in Quebec are required to establish and implement a 'prevention program'. The *prevention program* is to be developed by the employer with input from workers and identifies work-related hazards in the workplace and the measures to be undertaken to control these hazards. An employer has an obligation to establish and implement a *prevention program* if they are classified to certain economic sectors (see Règlement sur le programme de

prévention) and for all employers who belong to Prevention Mutual Groups (see section 2.4).

## 2.2 *Regulatory Review Process*

There is no legislated requirement that OHS legislation be reviewed at mandated intervals. Regulations are subject to regular, systematic review, conducted by established committees with representation from employers and workers.

Regulatory amendments are developed by bipartite committees under the direction of the CSST Board of Directors. Regulatory standards and amendments are approved by the CSST Board of Directors following a consultation process. The process is scheduled annually, commencing with a release of proposed regulatory amendments. The consultation phase provides stakeholders with an opportunity to provide feedback on the proposed amendments.

## 2.3 *Regulatory Requirement for Worker Participation*

Workplace OHS committees are required in workplaces with more than 20 employees.

There are approximately 20 occupations or work tasks which have required occupational health and safety training competence and certifications under CSST regulatory standards (6).

## 2.4 *Economic Incentives*

CSST makes extensive use of experience rating in establishing insurance premiums to be paid by individual employers. There are currently three programs:

- 1) the 'Personalized Plan', which applies to medium and large firms with annual premium assessments in the range of \$5,000 - \$300,000. This is a prospective plan that applies surcharges and rebates (maximum surcharge of 200%, maximum rebate of 70%)(4).
- 2) the 'Retrospective Plan', which is compulsory for all employers with annual assessments greater than \$300,000. Premium amounts are adjusted retrospectively and firms may select varying levels of self-insurance liability for individual claims,
- 3) Premium Mutual Groups. The PMG program is designed for small and medium sized employers. Employers voluntarily participating in a PMG are collectively insured taking into account the collective experience of all employers in the PMG. The program was established in 1990. There were 31,100 employers participating in 139 PMGs in 2008.

Small businesses (typically defined as annual assessments less than a few thousand dollars) are excluded from CSST's experience rating programs.

The gross value of rebates and surcharges under all three programs in 2008 is not available from CSST (7).

Quebec does not have an economic incentive program that provides premium discounts or awards for OHS performance.

### 3.0 OHS Strategy Framework

#### 3.1 Description of Elements of OHS Strategy

The CSST Strategic Plan for the 2006-2009 period has five strategic goals (3). Two of these goals focus on prevention: 1) the prevention of the causes of serious workplace injuries, and 2) the preparation of young adults to have occupational health and safety skills when they enter the workforce.

The focus on the prevention of serious injuries has two primary thrusts: 1) improved practices in the construction industry and 2) the reduction of serious injuries arising from contact with machines. There are action plans guiding efforts to address these two priorities: *Plan of Action: Construction* and the *Plan of Action: Machine Safety*.

The focus on the OHS preparation of young adults has three primary thrusts: 1) the provision of prevention education curriculum in primary and secondary schools to promote the adoption of safe work attitudes and behaviors, 2) the integration of occupational health and safety skills training in apprentice and trade education programs (CSST has responsibility for ensuring that trade education programs meet OSH curriculum regulations) and 3) obligating employers to train and supervise young and new workers at the time of hiring to recognize and control OSH risks associated with their employment.

The OHS strategy has defined indicators for the monitoring of progress on the strategic goals. The strategic plan generally declares objectives to reduce the incidence of serious injuries, but does not, generally, define explicit numeric targets. CSST has had a sustained focus on the preparation of young adults since 2001 (the Youth Action Plan).

#### 3.2 Participation of employer and worker representatives

Of all Canadian provinces, Quebec has the strongest tradition of bipartite governance and management of occupational health and safety. Bipartite consultative bodies have participated in the selection of the strategic prevention priorities in the CSST Strategic Plan 2006-2009. At the sectoral level, bipartite committees determine the annual activities to be undertaken in support of the *Plan of Action: Construction* and the *Plan of Action: Machine Safety*.

#### 3.3 Targeting Resources to Greatest Risks

The labour inspection service of CSST does not operate a targeted enforcement program. Labour inspection services are administered regionally and are focused on the supporting the two prevention priorities: 1) the prevention of the causes of serious workplace injuries, and 2) the preparation of young adults to have occupational health and safety skills when they enter the workforce.

## 4.0 Operational Co-ordination

### 4.1 *Priorities in Operational Coordination*

The Prevention Division of CSST coordinates and plans enforcement and consultation priorities. Responsibility for the implementation of regional prevention priorities is held by 20 Regional Directors. Overall operation co-ordination responsibility is held by a Director General who reports to one of four CSST vice-presidents (Direction générale de la prévention-inspection et du partenariat).

There is limited operational coordination between the prevention activities directed by CSST and the prevention activities directed by Labour Canada in the province of Quebec.

### 4.2 *Monitoring the Effectiveness of Prevention Services*

Management staff and executive leadership of CSST regularly review performance measures. CSST applies a limited set of performance indicators to measure progress against the two prevention priorities in the 2006-2009 Strategic Plan.

## References

1. Tuohy CH. Ministerial review of the workplace health and safety agency. Report prepared for the Ontario Minister of Labour. February 1995.
2. Understanding Quebec's Occupational Health and Safety Plan. Commission de la santé et de la sécurité du travail du Québec. 2005
3. Plan stratégique 2006-2009. Commission de la santé et de la sécurité du travail du Québec. 2006.
4. Association of Workers' Compensation Boards of Canada.  
[http://www.awcbc.org/common/assets/assessment/experience\\_rating.pdf](http://www.awcbc.org/common/assets/assessment/experience_rating.pdf)
5. An Act respecting occupational health and safety  
<http://www.canlii.org/en/qc/laws/stat/rsq-c-s-2.1/latest/rsq-c-s-2.1.html>
6. Mobilité de la main d'oeuvre au Canada. Métiers ou professions accrédités et mécanisme de reconnaissance d'équivalence. CSST, Direction générale de la prévention-inspection et du partenariat. March 13, 2009.
7. Personal communication, Marjolaine Boivin, CSST, May 3, 2010. "*Il est difficile d'isoler le rabais ou la surprime. Nous n'avons pas ces données établies de façon comparable avec l'Ontario. Une méthode de calcul devrait être développée pour ce faire.*"

April 25, 2010

		Ontario		Quebec	
Reference Year		2007		2008	
<b>A Labour Force Statistics</b>					
A.1	Population aged 15-64	9,068,500	f	5,424,800	f
A.2	Labour force participants	6,590,000	h	3,851,650	i
A.3	Labour force participants covered by the OHS legislation of your authority	5,840,000	a	3,851,650	i
A.4	Labour force participants excluded, exempt or covered under a separate authority	531,347	t	233,910	t
<b>B Inspection, Enforcement and Compliance Services</b>					
B.1	Count of the number of staff in your authority's labour inspection service	450		300	q
B.2	Total number of inspection/investigation hours				
B.3	Total number of field visits conducted by staff in your authority's labour inspection service	101,275	a	31,358	j
B.4	Total number of orders or citations issued by staff in your authority's labour inspection service	176,600	a	50,126	k
B.5	Total number of convictions arising from the prosecution of OHS violations (if appropriate)	1,191	a	6,157	k
B.6	Total value of fines levied for convictions arising from the prosecution of OHS violations.	\$12,000,000	a	\$5,802,575	s
B.7	Count of the number of labour inspection staff under the authority of other agencies that provide inspection services in your jurisdiction	30	t	18	t
B.8	Total number of field visits conducted by labour inspection staff under the authority of other agencies that provide inspection services in your jurisdiction	951	t	608	t
B.9	Total number of orders or citations issued by labour inspection staff under the authority of other agencies that provide inspection services in your jurisdiction	32	t	40	t
B.10	Total number of convictions arising from the prosecution of OHS violations under the authority of other agencies in your jurisdiction	2	t	0	t
B.11	Total value of fines levied for convictions arising from the prosecution of OHS violations under the authority of other agencies in your jurisdiction.	\$290,000	t	\$0	t
<b>C Training and Workplace Consultation Services</b>					
C.1	Count of number of staff funded by or employed by your authority providing training services or workplace consultation services	350	b	113	s
C.2	Total number of participant-days of training provided	282,380	a	61,700	s
C.3	Total number hours of workplace consultation services	163,057	a	NA	
<b>D Expenditures</b>					
D.1	Expenditures on labour inspection, enforcement and compliance services	\$90,000,000	a	\$63,314,000	l
D.2	Expenditures on education, training, workplace consulting, social marketing and prevention communications	\$134,200,000	a	\$27,420,000	m
D.3	Expenditures on research related to the prevention of work-related injury and illness	\$5,600,000	a	\$18,000,000	n
D.4	Economic incentives: gross value of rebates and surcharges assessed on employer insurance premiums	\$523,000,000	c	NA	s
D.5	Economic incentives: value of rebates or awards to employers for OHS performance	\$32,600,000	e	DNA	
D.6	Number of employers participating in OHS performance programs	3,200	d	DNA	

		Ontario		Quebec	
Reference Year		2007			
<b>E</b>	<b>Insurance for work-related disability</b>				
E.1	Labour force participants insured by workers' compensation / work disability funds in your jurisdiction	4,786,088	h	3,598,211	o
E.2	Labour force participants excluded, exempt or insured by a separate workers' compensation/ work disability fund				
E.3	Total premium revenue	\$3,313,000,000	g	\$2,277,000,000	p
E.4	Expenditures on wage replacement benefits STD	\$2,372,000,000	h	\$1,257,541,000	o
E.5	Expenditures on pension, permanent disability awards				
E.6	Expenditures on health care services and vocational rehabilitation services	\$810,000,000	h	\$427,649,000	o

NA: Not available  
DNA: Does not apply

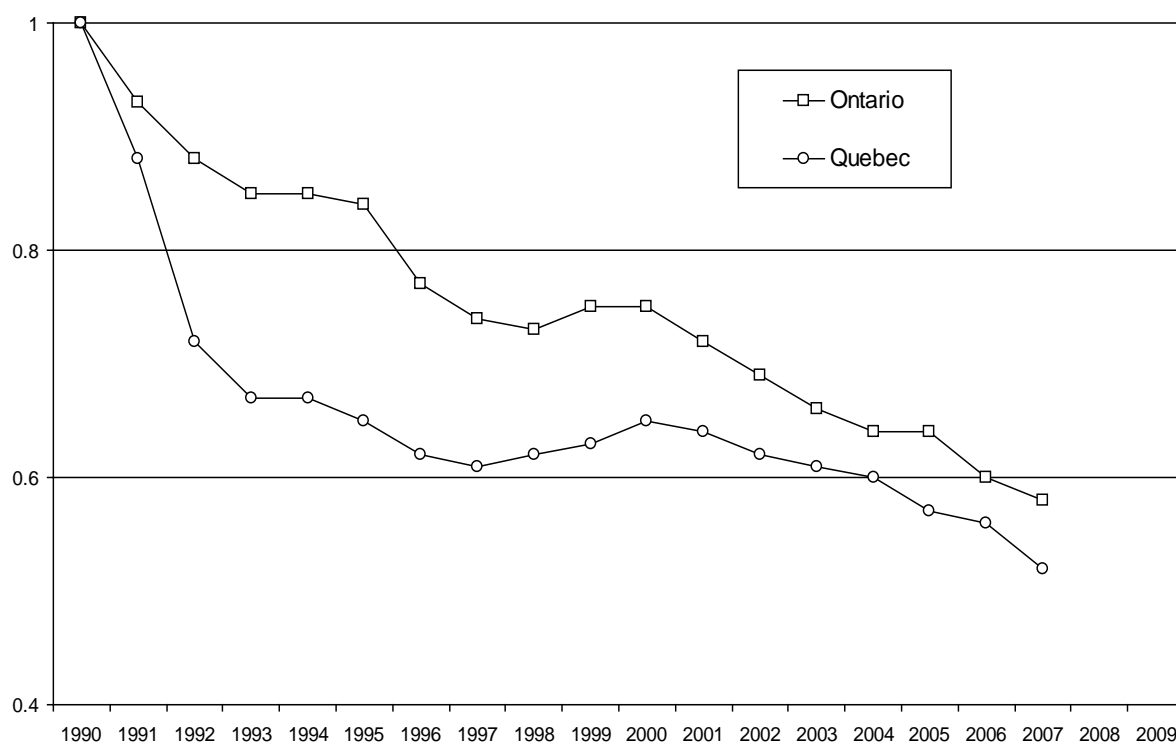


- a) Expenditures reported in \$ CDN. System performance measurement report 2007. Note that 'Expenditures on education, training, workplace consulting, social marketing and prevention communications' includes \$30,600,000 in revenues generated from service fees. Occupational Health and Safety Council of Ontario. January 30, 2009.  
<http://www.iwh.on.ca/ohsco-system-performance-measurement-report-2007>
- b) RPO. Occupational Health and Safety Council of Ontario. Roles review and realignment, June 2008
- c) Recommendations for experience rating. Report to the WSIB. Morneau Sebaco, October 2008.
- d) WSIB. Safety Groups Program Member Update 2006/2007. <http://www.wsib.on.ca/wsib/wsibsite.nsf/public/SafetyGroupsProgram>
- e) WSIB. 2008 Safety Groups Program Rebate. <http://www.wsib.on.ca/wsib/wsibsite.nsf/public/SafetyGroupsYearlyRebate>
- f) Population estimates and projections, 2009, Statistics Canada. <http://www40.statcan.gc.ca/101/cst01/demo31a-eng.htm>
- g) Annual Report 2007, Workplace Safety and Insurance Board. Total premium revenue is reported as premium revenue for the current year (\$2,499 million) plus income from investments (\$812 million). Additional premium revenue of \$1,024, allocated to the unfunded liability in Ontario, are not recorded in entry E.3.
- h) <http://www.iwh.on.ca/compensation-fact-sheets>. Expenditures on short-term wage replacement benefits (E.4) and pension awards (E.5) are consolidated in Ontario. Expenditures on health care services and vocational rehabilitation services (E.6) include expenditures for the WSIB Labour Market Re-entry program.
- i) CSST. Statistiques annuelles 2008. [http://www.csst.qc.ca/publications/200/DC\\_200\\_1046.htm](http://www.csst.qc.ca/publications/200/DC_200_1046.htm), and <http://www.iwh.on.ca/compensation-fact-sheets>. CSST reports N=3,158,000 workers covered by OHS legislation. IWH reports 3,851,650 labour force participants. CSST defines all labour force participants (including those under federal jurisdiction) as under the jurisdiction of Quebec occupational health and safety legislation.
- j) CSST. Statistiques annuelles 2008. [http://www.csst.qc.ca/publications/200/DC\\_200\\_1046.htm](http://www.csst.qc.ca/publications/200/DC_200_1046.htm). Table 9.6 (p139)
- k) CSST. Statistiques annuelles 2008. [http://www.csst.qc.ca/publications/200/DC\\_200\\_1046.htm](http://www.csst.qc.ca/publications/200/DC_200_1046.htm). Table 9.6 (p139) reports a total of 49,070 orders or citations. Table 9.7 (p143) reports 5,819 stop work orders and 6,157 citations for violations. CSST to confirm that stop work orders and citations for violations are included in the total of 49,070 orders or citations.
- l) CSST. Statistiques annuelles 2008. [http://www.csst.qc.ca/publications/200/DC\\_200\\_1046.htm](http://www.csst.qc.ca/publications/200/DC_200_1046.htm). Table 4.1 reports total prevention expenditures of \$108,734,000. AWCBC reports 'total OHS costs paid by CSST' to be \$154,809,000 (2007). KSM 9.
- m) Expenditures combine contributions to 12 joint industry associations (\$17,200,000) and contributions to trade unions and employer associations (\$9,400,000) CSST. Statistiques annuelles 2008.  
[http://www.csst.qc.ca/publications/200/DC\\_200\\_1046.htm](http://www.csst.qc.ca/publications/200/DC_200_1046.htm).
- n) In addition to research services, IRSST provides occupational hygiene laboratory services, representing approximately 11% of annual expenditures.
- o) <http://www.iwh.on.ca/compensation-fact-sheets>. Benefit expenditures information is obtained from note 5 of the Financial Statements for 2007 and other data from CSST (personal communication). Quebec uses different categories for "benefits paid."
- p) Quebec does not report premium revenue to the AWCBC. Total employer assessment income (\$2.277B) reported in the 2007 financial statements of the Quebec CSST. (personal communication; Guillaume Baril, CSST, January 2010)
- q) Plan stratégique 2006-2009. Commission de la santé et de la sécurité du travail du Québec. 2006.
- s) Personal communication, Marjolaine Boivin, CSST, May 3, 2010.
- t) OHS Compliance and Operations Unit, Labour Program, HRSDC. Custom tabulation, April 20, 2010.

## Trends in compensation claim rates, 1990-2007

### Ontario and Quebec

(1991 = 100, reported compensation claims) (Source: AWCBC)



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