General obligations concerning occupational health and safety

The purpose of the Occupational Health and Safety Act (OHSA) is to eliminate at the source dangers to health, safety and physical well-being of workers. It defines the obligations of employers and workers. The OHSA is public order legislation, and any provision of an agreement that derogates from that Act is absolutely null.

Obligations of all employers (including producers’)

- Ensure the health and safety of workers.
- Designate certain members of its staff as responsible for matters related to health and safety and post their names in places accessible to workers (e.g., call sheet, roster).
- Comply with the OHSA and all related regulations (consult the heading Laws and regulations useful for the film and video industry, at page 4).
- Properly inform all workers of all work-related risks and ensure that they receive the appropriate training, coaching and supervision to provide them with the skills and knowledge required to safely perform the work assigned to them.
- Ensure that workers, including those who are not on the film set, have access to all guidelines contained in the Safety Rules for the Québec Film and Video Industry.
- Ensure that all workplaces under its authority are equipped and configured to ensure the protection of all workers.
- Identify the risks to which the workers are exposed and take all necessary measures to control and eliminate such risks.
- Ensure that the organization of work and all work methods and techniques used are safe and do not pose a threat to the health of workers.
- Provide equipment, tools, machines and supplies that are safe and in good condition and ensure that they remain in good condition.
- Ensure that workers use the appropriate personal protective equipment (PPE) (e.g., protective footwear, safety helmets, protective eyewear, safety harnesses) to perform their tasks and provide such PPE free-of-charge in accordance with the terms and conditions defined between the employer and the workers.
- Provide sanitary facilities and drinking water as well as suitable lighting, ventilation and heating and provide hygienic conditions for taking meals in the workplace.

A producer may be an "employer" within the meaning of the OHSA.
General obligations concerning occupational health and safety

- Ensure that workers have received training on the controlled products that they use and that such training is given before they can handle such products (consult Guideline 25 – Controlled products (WHMIS)).
- Ensure that the emission of a contaminant or the use of a dangerous substance does not pose a danger to the health or safety of any person in the workplace.
- Implement the fire safety measures prescribed by regulation (consult Guideline 4 – Fire prevention).
- Ensure that, at all times during business hours, there are a minimum number of qualified first-aiders present and a sufficient number of first-aid kits (consult Guideline 9 – First aid).
- In a register provided for that purpose, record every accident occurring in the workplace that renders a worker unable to perform his tasks beyond the day of the accident. Have an extract of the register signed by the worker and, on request, give a copy to the worker and to the relevant workers’ association. The Registre d’accidents, d’incidents et de premiers secours published by the CSST can be used for that purpose (consult Guideline 9 – First aid).
- Inform the CSST in writing of an event within 24 hours of its occurrence if it that results in the death of a worker, in the total or partial loss of a limb or loss of the use of a limb, in a serious physical trauma for a worker, in injuries to several workers causing a one-day work stoppage, or in material damage of $150,000 or more.
- Display and make available to workers and their association of workers a set of health and safety information provided by the CSST, the relevant health and social services agency and the responsible physician (e.g., CSST inspector’s intervention report, danger notices).

Obligations of every worker

Every worker must take the necessary measures to protect his health, safety and physical well-being and ensure that he does not endanger the health, safety and physical well-being of other persons present in or near the workplace. Accordingly, he must:

- Read and be familiar with the employer’s accident prevention plan, if any, and the Guidelines formulated in these Safety Rules for the Québec Film and Video Industry;
- Participate in identifying and eliminating risks of industrial accidents or occupational diseases in the workplace;
- Use safe work techniques and methods;
- Wear the personal protective equipment (PPE) appropriate to the task to be performed;
- Cooperate with the person responsible for applying the OHSA or with the health and safety committee, as the case may be.

2 Artists and technicians are considered to be “workers” if they fall within the meaning of that term as defined in the OHSA.
Right to refuse to work

A worker is entitled to working conditions that respect his health, safety and physical well-being.

A worker has the right to refuse to work if he has good reason to believe that doing such work poses a danger for himself or for someone else. However, he may not exercise this right if his refusal puts someone else’s life, health, safety or physical well-being in immediate danger or if the conditions in which his task is performed are normal for this type of work.

To exercise his right of refusal, the worker must notify his employer or an employer’s representative as soon as possible of the potential danger, and if none of these persons is present, he must use reasonable means to notify them without delay.

The employer must examine the situation with a representative of the workers’ association concerned, or if no such representative is available, with another worker designated by the worker exercising the right to refuse to work and determine the corrective measures to be taken, as the case may be.

If there is no agreement after examination of the situation, the employer, like the worker, may contact the CSST and request the intervention of an inspector.

For more information, workers should contact their workers’ association or the CSST at 1 866 302-CSST (2778).

References

QUÉBEC. Act respecting occupational health and safety, R.S.Q., chapter S-2.1, Éditeur officiel du Québec, updated to 1 February 2013, sections 7, 15, 16, 49, 51 and 62.

QUÉBEC. Act respecting industrial accidents and occupational diseases, R.S.Q., chapter A-3.001, Éditeur officiel du Québec, updated to 1 February 2013, section 280.

QUÉBEC. Regulation first-aid minimum standards, A-3, r. 10, Éditeur officiel du Québec, updated to 1 February 2013, section 3.

Some definitions under the OHSA

"Employer" means a person who, under a contract of employment or a contract of apprenticeship, even without remuneration, retains the services of a worker; an educational institution is deemed to be the employer of a student in cases where, under a regulation, the student is deemed to be a worker or a construction worker.

"Worker" means a person, including a student in the cases determined by regulation, who, under a contract of employment or a contract of apprenticeship, even without remuneration, carries out work for an employer, except

(1) a person employed as manager, superintendent, foreman or as the agent of the employer in his relations with his workers;

(2) a director or officer of a legal person, except where a person acts as such in relation to his employer after being designated by the workers or by a certified association.

"Workplace" means any place in or at which a person is required to be present out of or in the course of work, including an establishment and a construction site.
Some abbreviations

PPE: Personal protective equipment
CSST: Commission de la santé et sécurité du travail
WHMIS: Workplace Hazardous Materials Information System
OHS: Occupational health and safety

Laws and regulations useful for the film and video industry

AIAOD – Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)
ROHS – Regulation respecting occupational health and safety (R.R.Q., c. S-2.1, r. 13)
SCCI – Safety Code for the construction industry (R.R.Q., c. S-2.1, r. 4)
RICE – Regulation respecting industrial and commercial establishments (R.R.Q., c. S-2.1, r. 9)
RFAMS – Regulation first-aid minimum standards (R.R.Q., c. A-3.001, r. 10)
RICP – Regulation respecting information on controlled products (R.R.Q., c. S-2.1, r. 8)

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Written by the Technical Committee of the film and video industry’s joint sector-based working group

- International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE), local 514
- International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada (IATSE), local 667
- Alliance of Canadian Cinema Television & Radio Artists (ACTRA)
- Alliance québécoise des techniciens de l’image et du son (AQTIS)
- Association des producteurs de films et de télévision du Québec (APFTQ)
- Directors Guild of Canada – Conseil du Québec (DGC - Québec)
- Union des artistes (UDA)
- Commission de la santé et de la sécurité du travail (CSST)

The information contained in this Guideline does not replace current standards, laws and regulations.