

Client Services Procedure Manual

Procedure: 201.00
Subject: Employer Registration

201.01 Introduction

The Workplace Health, Safety and Compensation Act, 2022 (the Act) requires all employers performing work in Newfoundland and Labrador to register with WorkplaceNL. Employer is defined in Section 2(1)(k) of the Act and in Assessment Services Procedure 101.00, Coverage under the Workplace Health, Safety and Compensation Act, of the Client Services Policy and Procedure Manual.

Employers who fail to meet registration requirements are subject to assessments and penalties under Section 136 of the Act and Section 23 of the Workplace Health, Safety and Compensation Administrative Regulations (the Regulations). Penalties include, but are not be limited to, the costs related to any injury to a worker prior to the employer registering with WorkplaceNL.

201.02 Employer Obligations

Workers cannot register independently from the employer or agree to give up benefits provided under the Act. Any agreement between a worker and an employer to give up benefits that the worker or the worker's dependents may be entitled to under the Act is void.

Employers are required to pay the entire cost of coverage for their workers. Under Section 125 of the Act, an employer cannot deduct from workers' earnings or reduce payments for their workers' services to offset any assessments or costs for which the employer is liable.

Section 147 of the Act makes a breach of Section 125 a chargeable offence and charges may be brought against an employer who requires or permits a worker to contribute to the cost of coverage or the cost of a workplace injury.

201.03 Application

The Employer Registration application is the source document used to establish an account for the purpose of assessment. Registration applications are available on WorkplaceNL's website at workplacenl.ca. The registration application must be completed and signed by an owner, director or authorized signing officer and returned to WorkplaceNL within 30 days of becoming an employer.

Upon receipt of the registration application, WorkplaceNL determines if the employer is operating in an industry within the scope of the Act.

The employer's effective date of registration will be determined by WorkplaceNL. This effective date will be used as the start date for the employer's assessment. In most cases, this is the date the employer first employed workers in an industry within the scope of the Act.

The application process also includes assignment of a Newfoundland Industry Classification (NIC) code and an associated assessment rate. The NIC code is based on the description of business

activity provided within the registration application. It is the employer's responsibility to provide an accurate description of business activity in order for the appropriate NIC code to be assigned.

It is the responsibility of the employer to provide full and accurate initial information at the time of registration. However, WorkplaceNL may register an employer under Section 123 of the Act if it becomes aware of an employer that may be required to be registered.

Once the Employer Registration application has been processed and registration has been established, the employer will be provided with an information package containing account information, including the firm number, NIC code and the rights and responsibilities of an employer under the Act.

201.04 Registration of Employers Operating in Prior Years

If WorkplaceNL determines that an employer was required to register in a previous year, the effective date of registration will be the date that WorkplaceNL deems the employer to have commenced operations. In this case the following charges may apply:

- Assessment premiums for the current year and prior years, up to a maximum of five prior years.
- Unregistered employers may also be charged the cost of a claim made by an injured worker. This includes all current and future costs of the claim.
- Penalties may also be applied for late registration. These can range from a minimum of \$50 to a maximum of \$2,000 per year, in accordance with the following table:

| Amount of Assessment Payable | Penalty |
|-------------------------------------|----------------|
| \$50 - \$999 | \$50 |
| \$1,000 - \$4,999 | \$100 |
| \$5,000 - \$49,999 | \$500 |
| \$50,000 - \$99,999 | \$1,000 |
| \$100,000 - and over | \$2,000 |

201.05 Cancellation of Registration

Registration with WorkplaceNL will be cancelled when WorkplaceNL is notified that the employer ceases operating. The effective date of cancellation is the date the employer ceased operating the business or is no longer employing workers or contractors. It is the employer's responsibility to notify WorkplaceNL of changes, such as a transfer in ownership or discontinuance of business operations.

201.06 Outside Employers Operating in Newfoundland and Labrador

If a non-Newfoundland and Labrador employer operates in Newfoundland and Labrador, in an industry covered under the Act, they are required to register with WorkplaceNL and pay assessments; based only on the earnings of their workers while they are employed in Newfoundland and Labrador. The employer must also pay assessments on the earnings of any workers that they hire in Newfoundland and Labrador.

Worker's earnings reported and assessed in Newfoundland and Labrador are not subject to duplicate assessments in any other Canadian province. In accordance with provincial reporting requirements outlined in Section 131 of the Act, an employer from another Canadian jurisdiction is permitted to report prorated assessable earnings to avoid duplicate assessment.

The normal requirements for registration, as outlined in this procedure and coverage outlined in Procedure 101.00, will apply to any out of province employers or individuals working in Newfoundland and Labrador.

201.07 Employers that Contract all Work

Some employers, especially in the construction industry, bid on contracts and upon securing them, an associated firm may take over the contract; or the employer may contract all work to other firms. The employer that bids on and secures the contract may report that it has no workers and no payroll. However, it is compulsory for that employer to register with WorkplaceNL. Registration ensures that the employer reports all contractors, as required by the Regulations, and allows for the issuance of clearance.

201.08 Employers Improperly Registered as Incorporated Companies

Occasionally, a registration is established for an employer that is inadvertently or deliberately misrepresented to WorkplaceNL as an incorporated company. Also, a properly incorporated and registered company may be struck from the register by the Registrar of Companies, but will continue to operate under its incorporated name. When either situation occurs, the name on the employer's account with WorkplaceNL will be changed by WorkplaceNL to that of the proprietorship or partnership.

The effective date of the name change will be the date that the correct legal status of the employer is confirmed by WorkplaceNL. For the period up to that date, the proprietor or partners will be provided coverage if they have already reported their earnings as workers of the corporation.

It is the responsibility of the employer to notify WorkplaceNL of any changes in their business operations, such as selling the business, change in ownership or change in business structure.

Reference: Workplace Health, Safety and Compensation Act, 2022, Sections 2(1)(k), 45, 57, 118, 123, 125, 131, 136, 144, and 147
Workplace Health, Safety and Compensation Administrative Regulations, Section 23
Policy ES-03, Classification of Employer's Operations
Procedure 101.00, Coverage under the Workplace Health, Safety and Compensation Act

Amendment History

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