

Client Services Policy Manual

Policy Number: **PR-11**
Subject: **PRIME Transitional Policy**
Chapter: **PRIME**

Policy Statement

In 2023, WorkplaceNL began implementing revisions to the PRIME Program which, through financial incentives or charges, recognizes employers' claim costs, as well as their compliance with certain occupational health and safety and return to work practices, and education courses (refer to Policy PR-01 PRIME Overview through PR-10 PRIME Audit for Non-Construction Employers, PR-13 PRIME Audit for Construction Employers, and PR-14 PRIME Practice Incentive Path 1 – OHS Education).

The purpose of this policy is to govern the transition for employers to the revised PRIME Program.

The transition process began in January 2023 with certain program revisions. Further revisions were incorporated based on recent amendments to the Occupational Health and Safety (OHS) Act related to the threshold for requiring an OHS Committees and OHS Program.

2023

During 2023, Path 1 – OHS Education employers were required to achieve compliance with the practice incentive requirements for Year 1 as outlined in Policy PR-14 PRIME Practice Incentive Path 1 – OHS Education in order to qualify for a practice refund.

Small, medium, or large employers as defined in Policy PR-01 PRIME Overview were required to follow the PRIME practice requirements as outlined in Policy PR-06 PRIME Practice Incentive for Provincially Regulated Employer and Policy PR-07 PRIME Practice Incentive for Federally Regulated Employers. See the table attached to this policy for the definition of a Path 1 – OHS Education employer for 2023 PRIME.

Provincially and federally regulated employers who were previously defined as small must meet the criteria for small employers as outlined in Policy PR-06 PRIME Practice Incentive for Provincially Regulated Employers and Policy PR-07 PRIME Practice Incentive for Federally Regulated Employers for audit years prior to January 1, 2023.

2024

Effective January 1, 2024, Path 1 – OHS Education employers include those with less than \$10,000 in average annual assessments regardless of the number of workers and

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those with greater than or equal to \$10,000 in average assessments and less than 20 workers at each provincially and federally regulated worksite (refer to PR-01 PRIME Overview). With this change, the use of the term “small” employers has been eliminated.

Medium and large employers as defined in Policy PR-01 PRIME Overview will follow the PRIME practice requirements as outlined in Policy PR-06 PRIME Practice Incentive for Provincially Regulated Employer and Policy PR-07 PRIME Practice Incentive for Federally Regulated Employers.

For all years, construction employers will continue to follow the PRIME practice incentive as outlined in Policy PR-08 PRIME Practice Incentive for Provincially Regulated Construction Employers and Policy PR-09 PRIME Practice Incentive for Federally Regulated Construction Employers.

The table attached to this policy outlines the paths and timelines for implementing the PRIME program revisions.

Implementation

The PRIME Practice Incentive component outlined in Policy PR-14 PRIME Practice Incentive Path 1 – OHS Education, initially effective on January 1, 2023, for Path 1 - OHS Education employers, has been revised to January 1, 2024. Calculation of practice refunds in 2025 will be based on 2024 requirements.

Medium, large, and construction employers eligible to participate in the PRIME Program (see Policy PR-01 PRIME Overview) shall continue to follow the guidelines set out in policies PR-01 through PR-10 and PR-13 in 2024. The PRIME program revisions for these employers will be phased in over the coming years.

Merits and Justice

Where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would cause an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22 Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent setting.

Reference:

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Workplace Health, Safety and Compensation Act, 2022, Sections 65, 98, 100, 101, 103 and 117

Canada Labour Code Part II, Sections 124, 125, 125.1, 135 and 136 and Regulations pursuant thereto

Policies:

EN-22 Merits and Justice, PR-01 PRIME Overview through PR-10 PRIME Audit for Non-Construction Employers, PR-13 PRIME Audit for Construction Employers, and PR-14 PRIME Practice Incentive Path 1 – OHS Education

Amendment History

Original Effective Date 2005 01 01

Revision #2 2008 02 15

Revision #3 Board approved on 2022 06 30 for effect on 2023 01 01

Revision #4 Board approved on 2023 10 19 for effect on 2024 01 01

Next Review Date 2024 10 01

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Path 2 - OHS Leadership Certification

Path 2 – OHS Leadership Certification, engages employers in a more in-depth evaluation of health and safety at the workplace. Employers who have greater than or equal to \$10,000 in average assessments and 20 or more workers at any provincial or federal worksite are considered a Path 2 – OHS Leadership Certification employer.

Employers must demonstrate they have a 15 element OHS Program which contains the following elements:

1. Leadership Commitment
2. Hazard Recognition, Evaluation and Control
3. Incident Investigation and Reporting
4. Personal Protective Equipment
5. Workplace Inspections
6. Safe Work Practices and Procedures
7. Training and Communication
8. Emergency Preparedness
9. OHS Committees, and Worker Health and Safety Representatives/Designates
10. Return-to-Work
11. Management Review, Records and Statistics
12. MSI Prevention
13. Fall Prevention
14. Violence, Harassment and Psychological Health and Safety
15. Occupational Health

Upon completion of the practice requirements, the employer will be eligible for their practice refund and experience refund, charges or neither for that PRIME year. PRIME validation will be determined based on the employer's answers to the PRIME questionnaire on the employer payroll statement and an electronic check of any requirements related to available health and safety records maintained in WorkplaceNL's database such as OHS Committee minutes and the CTR.

Path 2 will require a WorkplaceNL audit including worker interviews, documentation review, and observation tours. Upon successful completion of the audit, the employer will be recognized as OHS Leadership Certified and issued a safety certificate from WorkplaceNL. OHS Leadership Certification will be valid for three years from the date of certification, provided the employer successfully completes internal maintenance audits in the second and third years.

The audit program will have a scored audit process, where a minimum score per element and minimum overall score will be required.

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Equivalent comparable safety certification programs such as the Newfoundland and Labrador Construction Safety Association (NLCSA) Certificate of Recognition (COR) program may be considered as meeting the PRIME requirements.