

Client Services Policy Manual

Policy Number: **PR-13**
Subject: **PRIME Practice Incentive for Construction Employers**
Chapter: **PRIME**

Policy Statement

Provincially and federally regulated construction employers who are eligible for the practice incentive component under PRIME, in accordance with Policy PR-01 PRIME Overview, may qualify for PRIME refunds based on their compliance with the development and maintenance of an Occupational Health and Safety (OHS) program.

This policy defines the requirements set by WorkplaceNL for construction employers to qualify for PRIME refunds.

The requirements under this policy will be periodically reviewed to reflect continuous improvement towards best practices in the area of OHS and return to work.

General

Construction employers must have a certification issued by the Newfoundland and Labrador Construction Safety Association (NLCSA) and be in good standing to qualify for PRIME refunds.

The NLCSA determines whether the PRIME practice incentive criteria have been met through Certification of Recognition (COR®) audits, and similar processes. PRIME practice refunds for qualifying employers are calculated in accordance with Procedure 505.00 PRIME Calculations. Employers who receive a practice refund may also qualify for an experience refund, charge or neither as outlined in Policy PR-01 PRIME Overview. Any NLCSA audit results that are used to determine whether a construction employer qualifies for a PRIME refund will be provided to WorkplaceNL.

WorkplaceNL may also conduct a payroll audit on construction employers which may result in adjustments to an employer account in accordance with Policy PR-03 PRIME Adjustments. Such adjustments may result in changes to the experience incentive range which may also change the refunds and charges that have been previously applied to the employer's account.

PRIME Practice Incentive Criteria

To qualify for a PRIME practice refund, construction employers are required to be certified by the NLCSA with either a SiteSafe Certification or COR®.

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SiteSafe Certification Employers

Construction Employers with:

- less than \$10,000 in average assessments regardless of the number of workers at each provincially and each federally regulated worksite; or
- greater than or equal to \$10,000 in average assessments and less than 20 workers at each provincially and each federally regulated worksite
 - must have SiteSafe Certification.

Certificate of Recognition® (COR®)

Construction employers with:

- greater than or equal to \$10,000 in average assessments and 20 or more workers at any one provincially or any one federally regulated worksite must have COR® certification.

Confirmation that these requirements are met is determined by the NLCSA.

PRIME Audit Process

WorkplaceNL and the NLCSA have a Memorandum of Agreement which establishes the general obligations and standards of both parties for the purpose of PRIME audits for construction employers.

For all construction employers, the results from audits conducted by the NLCSA will be reported to WorkplaceNL. It is the responsibility of the employer to demonstrate compliance with the PRIME criteria during the audit process.

Final Decision

The final decision of whether to accept the NLCSA audit as valid for the purpose of PRIME rests with WorkplaceNL.

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Employer Co-operation in the Audit Process

For construction employers, audits conducted by the NLCSA will uphold the principles of co-operation as outlined below.

Employer co-operation in the audit process will ensure construction employers achieve the maximum benefit from PRIME refunds and receive valuable direction on areas where health and safety and return to work practices can be improved.

Employers must designate a contact person who is responsible for working with the NLCSA representative during the audit process.

The NLCSA will provide every reasonable opportunity to facilitate a construction employer's co-operation in the audit process, including, but not limited to:

- Giving the employer a minimum of one-week advance notice of the audit;
- Considering an employer's availability of resources and/or their productivity demands;
- Advising the employer in advance of the documentation that will be necessary to complete the audit;
- Providing feedback to the employer while conducting the audit and at the time that the audit results are known;
- Ensuring the employer has an opportunity to provide current and relevant information that may impact the outcome of the audit;
- Explaining the audit results to the employer before the written final audit report is released, and
- Ensuring any other issues have been considered to allow full co-operation in the audit.

Where the NLCSA attempts to conduct an audit and the employer is not co-operating in the audit process, the employer will be notified in writing that PRIME refunds may be rescinded. If, after two weeks from the date the employer is notified, the employer has not co-operated in the audit, as applicable, the refund will be disallowed for the current year.

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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:

Workplace Health, Safety and Compensation Act, 2022, Sections 18 and 117

Policies:

EN-22 Merits and Justice

PR-03 PRIME Adjustments

Procedure 505.00 PRIME Calculations

Amendment History

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