

Client Services Policy Manual

Policy Number: **RE-19**
Subject: **Construction Industry**
Chapter: **Return to Work and Rehabilitation**

Policy Statement

Effective January 1, 2003, the provisions of the duty to co-operate in return to work under section 89 and the obligation to re-employ under section 89.1 apply to employers engaged primarily in construction and their workers who perform construction work.

However, the provisions of section 89 and 89.1 do apply to non-construction workers of construction employers effective January 1, 2002.

The purpose of this policy is to define which employers are engaged primarily in construction and which workers of those employers perform construction work for the application of section 89.4.

General

Employers engaged primarily in construction

To determine whether an employer is engaged primarily in construction, WorkplaceNL will generally rely on the Newfoundland Industry Classification system which is based on Statistics Canada Standard Industrial Classification system used for assessment purposes. Employer operations specific to the construction industry include:

1. Building, Developing and General Contracting
2. Industrial and Heavy Construction and Site Work
3. Structural and Related Work
4. Exterior Close-in Work
5. Roofing
6. Plumbing, Heating and Air Conditioning
7. Mechanical Specialty Work
8. Electrical Work
9. Interior Finishing and Other Trades

An employer classified under any of these business operations for assessment purposes is considered to be engaged primarily in construction.

Workers who perform construction work

To determine whether a particular worker who is employed by an employer engaged primarily in construction is a worker who performs construction work, WorkplaceNL will generally rely on the

Client Services Policy Manual

Policy Number: **RE-19**
Subject: **Construction Industry**
Chapter: **Return to Work and Rehabilitation**

National Occupational Classification system or NOC codes. The NOC major groups for construction related occupations include:

- i. 72-73 Trades and Skilled Transport and Equipment Operators
- ii. 74 Intermediate Occupations in Transport, Equipment Operation, Installation and Maintenance
- iii. 76 Trades Helpers, Construction Labourers and Related Occupations

Injured workers who are employed by an employer engaged primarily in construction as defined under this policy and whose occupation is included under the major NOC codes listed above is considered to be a worker who performs construction work.

Reference: *Workplace Health, Safety and Compensation Act (the Act), Section 89.4, 94 and 95*
Policy ES-03 Classification of Employer's Operations

Amendment History

<i>Original Effective Date</i>	2002 01 01
<i>Revision #1</i>	2002 06 26