

Client Services Policy Manual

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

Policy Statement

In 2023, WorkplaceNL will begin 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 will begin in January 2023. During the year 2023, Path 1 – OHS Education employers must achieve compliance with the practice incentive requirements for Year 1 as outlined in 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 PR-01 – PRIME Overview will follow the PRIME practice requirements as outlined in Policies PR-06 PRIME Practice Incentive for Provincially Regulated Employer and PR-07 PRIME Practice Incentive for Federally Regulated Employers.

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 PR-07 PRIME Practice Incentive for Federally Regulated Employers for audit years prior to January 1, 2023.

Construction employers will follow the PRIME practice incentive as outlined in PR-08 PRIME Practice Incentive for Provincially Regulated Construction Employers and PR-09 PRIME Practice Incentive for Federally Regulated Construction Employers.

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

Implementation

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

Small, 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

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out in Policies PR-01 through PR-10 and PR-13 in 2023. 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:

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 #1	2006 11 28
Revision #2	2008 02 15
Revision #3	Board approved on 2022 06 30 for effect on 2023 01 01

Next Review Date 2023 06 30

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PR-11 PRIME Transitional Policy for the Revised PRIME Program

The revised PRIME program has three paths with differing requirements depending on the employer’s average assessment and number of workers.

PRIME Employer Category	Which Employers?	Implementation Target
1. Path 1 - OHS Education	Employers with less than \$10,000 average assessments and less than 10 workers at each worksite (fewer than 20 for federal worksites)	2023 for first refunds in Q1 2024
2. Path 2 - OHS Essentials	Employers with less than \$10,000 average assessments and 10 or more workers at each worksite (20 or more for federal worksites)	2024 for first refunds in Q1 2025
3. Path 3 - OHS Leadership Certification	Employers with greater than or equal to \$10,000 average assessments	2025 for first refunds in Q1 2026 (tentative)

Path 1 - OHS Education

Refer to Policy PR-14 PRIME Practice Incentive for Path 1 – OHS Education

Path 2 - OHS Essentials

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

Employers must demonstrate they have a 10 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

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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

Upon completion of the practice requirements, the employer will be eligible for their practice refunds and experience refunds, 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.

Employers will need to maintain their records and may be audited. The PRIME audit program will have a scored audit process, where a minimum score per element and minimum overall score will be required to retain the PRIME refund.

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.

Path 3 – OHS Leadership Certification

Path 3 - OHS Leadership Certification will advance workplace OHS programs to include occupational health, musculoskeletal injury (MSI) prevention, fall prevention, psychological health and safety, and workplace violence and harassment.

The OHS Program under Path 3 - OHS Leadership Certification will include the 10 elements from Path 2 - OHS Essential and the following five additional elements:

1. Management Review, Records and Statistics
2. MSI Prevention
3. Fall Prevention
4. Violence, Harassment and Psychological Health and Safety
5. Occupational Health

Path 3 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

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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 to retain the PRIME refund.

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.