

This Bulletin provides a summary of policies and procedures recently revised, rescinded, reviewed or introduced.

Earnings Loss

Policy EL-01 Earnings Loss: Benefits Calculation

Effective October 19, 2023, the Board of Directors approved the following revisions:

- Clarified that a pre-injury employer only pays all earnings which would have been earned on the day of the injury;
- Removed the following outdated references as they are no longer applicable:
 - The net claim code status having to be confirmed at the 13-week rate review to establish the long-term earnings base;
 - A work-sharing agreement or an arrangement for "topping up" of employment insurance benefits; and
 - The compensation payable being reduced due to northern and isolation allowances because the worker has permanently relocated to an ineligible area.
- Clarified that earnings are only considered from those employers where a wage loss is experienced due to the injury when there is concurrent employment;
- Added a reference to how earnings loss benefit rates are established when a worker is participating in a Labour Market Re-entry program and for recurrences;
- Clarified that out of province earnings are included for the purposes of rate setting for recurrences;
- Added that continued employer contributions to benefit programs on behalf of the worker, such as group or private insurance programs, following a work injury are not considered as post-injury earnings;
- Modernized terms by changing "offshore workers" and "coastal marine workers" to rotational employment;
- Updated the exceptional circumstances section with reference to Policy EN-22 Merits and Justice;
- Updated the policy reference section to add section 54.1 of the Workplace Health, Safety and Compensation Act, 2022, and Policies EN-03 Recurrences and EN-22 Merits and Justice; and
- Completed edits for clear language.

Entitlement

Policy EN-01 Permanent Functional Impairment

Effective October 19, 2023, the Board of Directors approved the following revisions:

- Changed the policy name from "Permanent Functional Impairment" to "Permanent Functional Impairment Benefit" to clarify that the policy provides a benefit;
- Added a section to outline Merits and Justice;
- Updated the policy reference section to add:
 - Permanent Functional Impairment Rating Schedule
 - American Medical Association (AMA) Guides to the Evaluation of Permanent Impairment;
 - Policy EN-22 Merits and Justice; and
- Completed edits for clear language.

Our policies and procedures are available on our website: www.workplaceNL.ca

Policy EN-04 Cardiac Conditions

Effective October 19, 2023, the Board of Directors approved the following revisions:

- Added a section on “Presumption for Cardiac Coverage for Firefighters” to explain its meaning and application;
- Updated the exceptional circumstances section with reference to Policy EN-22 Merits and Justice;
- Updated the policy reference section to add Policy EN-22 Merits and Justice; and
- Completed edits for clear language.

Policy EN-18 Traumatic Mental Stress

Effective March 7, 2023, the Board of Directors approved March 2028 as the next review date for Policy EN-18.

Health Care**Procedure 69.00 Massage**

Effective September 28, 2023, the Board of Directors approved an increase in the treatment fee for a massage therapy session from \$48.00 to \$60.00.

Injury Fund**Policy IF-01 Long-term Financial Strategy**

Effective December 14, 2023, the Board of Directors approved the following revisions:

- Clarified that WorkplaceNL will use financial information based on a “going concern method” to determine our funded ratio and to make other financial decisions outlined in the policy, such as setting the annual assessment rate including any discount or surcharge. The “going concern method” considers long-term expectations, rather than the short-term discount rate under the new international financial reporting standard (IFRS) 17 Insurance Contracts.
- Minor housekeeping changes to provide clarity.

Policy IF-03 Long-term Investments

On December 14, 2023, the Board of Directors approved the following revisions effective January 1, 2024:

- Updates to the asset mix resulting from our investment consultant’s asset liability study. The changes provide a similar level of return compared to the current asset mix with a materially better risk profile and are consistent with what is currently seen in the broader institutional investor space.
- Minor housekeeping changes to provide clarity.

PRIME

Effective October 19, 2023, PRIME policies were revised to reflect a recent Occupational Health and Safety (OHS) Act legislative amendment and resulting changes to the PRIME Program. These changes include:

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- An amendment to the OHS Act in May 2023 to increase the number of workers required in workplaces for an OHS Committee and a documented OHS Program from 10 workers to 20 workers to take effect on March 1, 2024.
- A change to the revised PRIME Program as outlined in PR-11 Transitional Policy to eliminate Path 2 (medium employers), resulting in the PRIME Program being modified to have only the two following categories:
Path 1 (small) employers:
 - less than \$10,000 in average assessments, regardless of the number of workers
 - greater than or equal to \$10,000 in average assessments and less than 20 workersPath 3 (large) employers: greater than or equal to \$10,000 in average assessments and greater than or equal to 20 workers **(this will be renamed Path 2)**

Policy changes included removing and changing references to employer size and minor grammatical changes to be effective January 1, 2024. All policies will be reviewed in 2024 to reflect the continued roll out of revisions to the PRIME Program.

Updates for each policy are outlined below.

PR-01 PRIME Overview

- Updated Path 1 – OHS Education information;
- Deleted reference to "small" employer size, as all small will now be Path 1;
- Updated size reference number to 20 or more workers required in workplaces for an OHS Committee and a documented OHS Program; and
- Completed minor grammatical edits.

PR-02 PRIME Calculations

- Added reference to Procedure 505.00 PRIME Calculations;
- Updated reference section to include Procedure 505.00 PRIME Calculations; and
- Completed minor grammatical edits.

PR-03 PRIME Adjustments

- Completed minor grammatical edits.

PR-04 PRIME Groupings

- Completed minor grammatical edits.

PR-05 PRIME Reporting

- Added reference to Policy PR-05 PRIME Calculations; and
- Completed minor grammatical edits.

PR-06 PRIME Practice Incentive for Provincially Regulated Employers

- Deleted reference to "small" employer size, as all small will now be Path 1;

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- Updated size reference number to 20 or more workers required in workplaces for an OHS Committee and a documented OHS Program; and
- Completed minor grammatical edits.

PR-07 PRIME Practice Incentive for Federally Regulated Employers

- Deleted reference to “small” employer size, as all small will now be Path 1;
- Updated size reference number to 20 or more workers required in workplaces for an OHS Committee and a documented OHS Program; and
- Completed minor grammatical edits.

PR-08 PRIME Practice for Provincially Regulated Construction Employers

- Removed policy reference to rescinded Policy RE-19 Construction Industry; and
- Completed minor grammatical edits.

PR-09 PRIME Practice Incentive for Federally Regulated Construction Employers

- Removed reference to rescinded Policy RE-19 Construction Industry; and
- Completed minor grammatical edits.

PR-10 PRIME Audit for Non-Construction Employers

- Deleted reference to “small” employer size, as all small will now be Path 1; and
- Completed minor grammatical edits.

PR-11 PRIME Transitional Policy

- Added Path 1 – OHS Education information for 2024;
- Clarified the transition process for the PRIME Program revisions as a result of the Act amendment to increase the number of workers required in workplaces for an OHS Committee and a documented OHS Program;
- Updated table to reflect the Path 1 – OHS Education requirements for 2023 and 2024;
- Updated table to reflect the revised Path 2 requirements and removed Path 3 reference; and
- Completed minor grammatical edits.

PR-13 PRIME Audit for Construction Employers

- Removed reference to rescinded Policy RE-19 Construction Industry; and
- Completed minor grammatical edits.

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

- Updated Path 1 – OHS Education information;
- Updated size reference number to 20 or more workers required in workplaces for an OHS Committee and a documented OHS Program; and
- Completed minor grammatical edits.

Return to Work and Rehabilitation

Policy RE-05 Re-employment Obligation

Effective January 9, 2024, a reference update was completed to remove rescinded Policy RE-09 Re-employment Penalties and Payments, and replace it with Policy RE-08 Compliance with the Re-employment Obligation.

Procedure 45.00 Labour Market Re-entry (LMR) Assessments

Effective December 5, 2023, Management Committee approved the following revisions:

- Increased the turnaround times for LMR providers to complete an LMR assessment by 10-15 days, depending on the assessment type, to allow workers to be more involved in the process;
- Changed employment readiness benefits from six weeks to 12 weeks to align with policy changes in 2022;
- Increased the timeline for a case manager to select an LMR option from three weeks to five weeks (i.e., suitable and employment earnings - SEE decision);
- Removed references to the maximum 10 per cent differential during the LMR option selection process;
- Completed edits for clear language;
- Updated the exceptional circumstances section with reference to Policy EN-22 Merits and Justice; and
- Updated the reference section to add policies EN-03 Recurrences, EN-22 Merits and Justice, RE-14 Labour Market Re-entry Assessments, and Procedure 47.00 Labour Market Re-entry (LMR) Plans.