

Client Services Policy Manual

Policy Number: **PR-15**
Subject: **PRIME Practice Incentive for Path 2 Employers (OHS Certification)**
Chapter: **PRIME**

Policy Statement

Provincial and federal regulated 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 an employer in Path 2 Employers (OHS Certification) to qualify for PRIME refunds effective January 1, 2026.

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

General

Path 2 Employers focus on the development and maintenance of a 15-element OHS program. To qualify for PRIME refunds, they must meet all the requirements of this policy.

WorkplaceNL determines whether the PRIME practice criteria have been met through a OHS certification audit. PRIME practice refunds for qualifying employers are calculated in accordance with Policy PR-01 PRIME Overview. Employers who are entitled to a practice refund may also qualify for an experience refund, charge or neither as outlined in Policy PR-01 PRIME Overview.

All PRIME eligible employers who are not classified in the construction industry are categorized according to their average assessments and number of workers. To qualify for PRIME refunds, employers must meet all the requirements for their category.

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PRIME Employer Category	Which Employers?
1. Path 1 Employers (OHS Education)	Employers with less than \$10,000 in average assessments, regardless of the number of workers at each provincially and federally regulated worksite Employers with greater than or equal to \$10,000 in average assessments and less than 20 workers at each provincially and federally regulated worksite
2. Path 2 Employers (OHS Certification)	Employers with greater than or equal to \$10,000 in average assessments and 20 or more workers at any provincially and federally regulated worksite

* Construction employers must be COR certified with a valid Letter of Good Standing from the Newfoundland and Labrador Construction Safety Association to be considered for PRIME refunds.

WorkplaceNL may categorize an employer to a different PRIME category. For example, a Path 1 Employer could be recategorized to a Path 2 Employer. Examples of reasons for such a recategorization include, but are not limited to, injury frequency or severity, claim cost performance and legislative compliance.

PRIME Practice Incentive Criteria

Path 2 Employers (OHS Certification)

All employers that fall within Path 2 are required to have a 15 Element OHS program, as outlined in Procedure 507.00 – Path 2 Employers (OHS Certification) Criteria, with the following elements:

1. Leadership Commitment
2. Hazard Recognition, Evaluation and Control
3. Incident reporting and Investigation
4. Personal Protective Equipment
5. Workplace Inspections
6. Safe Work Practices and Procedures
7. Training and Communications
8. Emergency Preparedness and Response
9. OHS Committees, WHS Representatives and Designates

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- 10. Return to Work
- 11. Fall Prevention
- 12. Occupational Health
- 13. Musculoskeletal Injury (MSI) Prevention
- 14. Workplace Violence, Harassment and Psychological Health and Safety
- 15. Management Review, Records and Statistics

Refer to the Procedure 507.00 - Path 2 Employers (OHS Certification) Criteria, for specific requirements for each element.

Compliance with the requirements in this category is determined through PRIME audits. Employers will be responsible for providing documentation and evidence of implementing the practice incentive criteria through the auditing process. Employers are advised to ensure documentation is an integral part of their OHS and return-to-work practices.

Construction Industry Employers

Construction employers must be Certificate of Recognition (COR) certified by the Newfoundland and Labrador Construction Safety Association (NLCSA) to qualify for PRIME refunds, and are not required to participate in the Path 2 Employers (OHS Certification) audit process.

Equivalent Certification(s)

Non-construction employers who have an acceptable safety certification (for example, COR™, ISO, etc.) will qualify for PRIME refunds, and are not required to participate in the audit process as outlined for Path 2 Employers (OHS Certification).

PRIME Audit Process

OHS certification audits will be conducted on a three-year cycle. This will include WorkplaceNL audits and employer self-audits. Audits will include interviews, documentation review, and observation tours to confirm that all PRIME practice criteria have been met. A minimum audit score per program element and minimum overall audit score is required for an employer to be eligible for their PRIME refunds.

Generally, WorkplaceNL conducts the initial OHS certification audit to verify the PRIME practice criteria at the workplace(s). Following the initial audit, the employer conducts self-audits in years two and three. Self-audits must be submitted to WorkplaceNL for

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review and verification. The employer is eligible for a PRIME practice refund, and may also qualify for an experience refund as outlined in PRIME Policy PR-01 PRIME Overview, when they achieve the minimum score per program element and minimum overall score during a WorkplaceNL audit or a self-audit.

Where a WorkplaceNL or self-audit cannot validate that the PRIME practice incentive criteria have been met, the employer will be notified in writing of the specific criteria that have not been met. If, after a designated period of time, the employer has not been able to provide information to validate the PRIME practice incentive criteria, it may affect qualifying for the current year PRIME refunds.

Where an employer obtains a written deviation in accordance with section 65.1 of the Occupational Health and Safety Act (or in the case of federally regulated employers, an exemption under the Canada Labour Code Part II), WorkplaceNL may allow the deviation or exemption in determining whether the employer meets the practice incentive criteria, so long as it is in writing in accordance with the appropriate legislation.

Employer Co-operation in the PRIME Audit Process

WorkplaceNL is authorized under section 18 of the Workplace Health, Safety and Compensation Act, 2022 (the Act), to make an examination or inquiry that it considers necessary for the purpose of the Act. A WorkplaceNL representative acting under this section may:

- a. At reasonable times enter a premise;
- b. Require the production of books, records or other documents applicable to the examination or inquiry and may examine those books, records or documents or remove them for the purpose of making copies of them; and
- c. Require and take affidavits, affirmations or declarations as to a matter of the examination or inquiry and administer oaths and affirmations and take declarations and certify that they have been made.

Employer co-operation in the audit process will ensure 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.

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Employers must designate a contact person who is responsible for working with a WorkplaceNL representative for the purpose of PRIME audits.

WorkplaceNL will provide every reasonable opportunity to facilitate an employer's co-operation in the PRIME audit process, including, but not limited to:

- i. Giving the employer adequate notice of the audit;
- ii. Considering an employer's availability of resources and their productivity demands;
- iii. Advising the employer in advance of the documentation that will be necessary to complete the audit;
- iv. Providing feedback to the employer while conducting the audit and at the time that the audit results are known;
- v. Ensuring the employer has an opportunity to provide current and relevant information that may impact the outcome of the audit;
- vi. Explaining the audit results to the employer; and
- vii. Ensuring any other issues have been considered to allow full cooperation in the audit.

If the employer does not co-operate in the PRIME audit after all reasonable attempts have been made, the refunds will not be awarded, as WorkplaceNL cannot validate the requirements of the practice incentive criteria. WorkplaceNL will provide written notice to this effect, and if additional information is not received within two weeks, the decision is final.

The employer will be notified in writing that they are not eligible for PRIME refunds.

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.

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Reference:

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

Occupational Health and Safety Act, Sections 2(m), 36.1, 36.2, 37, 38, 38.1, 39 – 44 and 54

Occupational Health and Safety Regulations, Sections 12, 13 and 25

Occupational Health and Safety First Aid Regulations

Policies:

EN-22 Merits and Justice, PR-01 PRIME Overview, PR-03 PRIME Adjustments, RE-02

The Goal of Early and Safe Return to Work and the Roles of the Parties, RE-03

Functional Abilities Information for Return to Work, RE-05 Re-employment Obligation, and RE-18 Hierarchy of Return to Work and Accommodation

Procedure 507.00 - Path 2 Employers (OHS Certification) Criteria

Amendment History

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