



**Policy, Regulation and Research Division**

**Mailing Address**  
PO Box 5350 Stn Terminal  
Vancouver BC V6B 5L5

**Location**  
6951 Westminster Highway  
Richmond BC

Telephone 604 276-5160  
Fax 604 279-7599

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Update 2019 – 1

**TO: HOLDERS OF THE *ASSESSMENT MANUAL***

This update to the *Assessment Manual* contains amendments to the *Manual* implemented since Update 2018 – 1.

This update includes policy amendments and Consumer Price Index changes effective **January 1, 2019**:

- Item AP1-42-4, *Certificate of Recognition Program*
- Appendix A

A summary of the amendments is attached and the amended pages are included as part of this package.

These amended pages or the complete manual are available at [http://www.worksafebc.com/regulation\\_and\\_policy/default.asp](http://www.worksafebc.com/regulation_and_policy/default.asp).

Ian Shaw  
Senior VP and General Counsel

Attachments

## ***ASSESSMENT MANUAL***

### **SUMMARY OF AMENDMENTS – Update 2019 – 1**

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**RE: Certificate of Recognition Program****ITEM: AP1-42-4**

## **BACKGROUND**

### **1. Explanatory Notes**

This policy sets out the framework for the Certificate of Recognition Program (the “Program”). The Program is a voluntary employer certification program intended to motivate employers to take a proactive role in occupational health and safety.

### **2. The Act**

Section 36 (in part):

- (1) The Board must continue and maintain the accident fund for payment of the compensation, outlays and expenses under this Part and for payment of expenses incurred in administering Part 3 of the *Act*.

See Item AP1-42-1.

Section 107 (in part):

- (1) The purpose of this Part is to benefit all citizens of British Columbia by promoting occupational health and safety and protecting workers and other persons present at workplaces from work related risks to their health and safety.
- (2) Without limiting subsection (1), the specific purposes of this Part are

...

- (f) to foster cooperative and consultative relationships between employers, workers and others regarding occupational health and safety, and to promote worker participation in occupational health and safety programs and occupational health and safety processes,

...

Section 111 (in part):

- (1) In accordance with the purpose of this Part, the Board has the mandate to be concerned with occupational health and safety generally, and with the maintenance of reasonable standards for the protection of the health and safety of workers in British Columbia and the occupational environment in which they work.

- (2) In carrying out its mandate, the Board has the following functions, duties and powers:

...

- (c) to provide services to assist joint committees, worker health and safety representatives, employers and workers in maintaining reasonable standards for occupational health and safety and occupational environment;

...

- (e) to encourage, develop and conduct or participate in conducting programs for promoting occupational health and safety and for improving the qualifications of persons concerned with occupational health and safety and occupational environment;

...

- (k) to cooperate and enter into arrangements and agreements with governments and other agencies and persons on matters relating to its responsibilities under this Part;

Section 113 (in part):

- (5) The Board may charge a class or subclass with the cost of investigations, inspections and other services provided to the class or subclass for the prevention of injuries and illnesses.

## **POLICY**

### **1. DESCRIPTION OF TERMS**

#### *Certificate of Recognition ("COR")*

A COR is a certificate issued by the Board to an employer who has successfully implemented an effective occupational health and safety management system ("OHSMS") and has passed a certification audit to the standards set out by the Board in the Program's practice materials.

#### *Certifying Partner*

A certifying partner is an agency approved and contracted by the Board to implement various aspects of the Program and to monitor employer and auditor compliance with program certification requirements.



## *OHSMS*

An OHSMS is a structured approach to managing occupational health and safety and improving the management of workplace hazards and risks which is based on a “plan-do-check-act” cycle. It requires the employer’s commitment to the system, worker participation, effective allocation of resources, and a process of continual improvement.

## **2. GENERAL**

The Program is a voluntary employer certification program designed to recognize and reward employers who commit to a high standard of occupational health and safety through implementation and maintenance of an effective OHSMS.

The principles of the Program are to:

- Support Part 3 of the *Act* and the *Occupational Health and Safety Regulation* (“OHSR”) by serving as a mechanism to help promote occupational health and safety.
- Encourage employers to build a culture of health and safety in workplaces across BC.
- Recognize meaningful worker participation as integral to an employer’s OHSMS.
- Meet the specific needs and resources of different sized employers.
- Encourage continual improvement in an employer’s OHSMS.

The Board has responsibility for implementing and overseeing the Program.

There are two parts to the Program. The first is determining eligibility through program certification, and the second is providing eligible employers with a financial incentive.

## **3. PROGRAM CERTIFICATION**

The Board issues a COR to an employer who has met the following requirements:

- registers with the Board and maintains an active account;
- registers with a certifying partner;
- implements an OHSMS to the standards set by the Board; and
- passes a certification audit as determined by the Board.

An employer’s COR certificate is valid for three years. Once an employer receives a COR in a given year, annual maintenance audits are required for the following two years to maintain certification.

The Board will issue a COR to an employer at its account level. An employer who is assigned multiple classification units may include one or more of its classification units in its certification audit. The same classification units are included in the employer's maintenance audits.

**(a) Equivalency**

The Board may recognize a COR or other OHSMS certification awarded by another jurisdiction in Canada or internationally if it determines the employer has met minimum requirements identified in the Program.

**(b) Effective measurement of an OHSMS**

The effectiveness of an OHSMS is measured through an audit. The Board develops audit standards, ensures audit tools meet these standards, and establishes audit scope requirements.

The Board sets the minimum criteria for auditor qualification, basic auditor training, and quality assurance over auditors. The Board is responsible for reviewing and approving curricula for auditor training.

**(c) Decertification**

The Board may decertify an employer where there has been a failure of their OHSMS.

Failure of an OHSMS is determined by way of a WorkSafeBC initiated verification audit ("WIVA"). In determining if a WIVA is required, the Board considers various indicators that may include, but are not limited to:

- repeat or frequent prevention orders;
- program orders issued under Part 3 of the *OHSR*;
- orders issued under section 153 of the *Act*;
- suppressed claims for compensation or suppressed claims costs;
- orders issued under section 177 of the *Act*;
- any incident resulting in the serious injury or death of a worker;
- the employer being convicted by a Court of a violation of the *Act* and/or *OHSR*; or
- the imposition of any administrative penalty.

Employers who are decertified are ineligible to certify again until the following calendar year.

#### **4. COR FINANCIAL INCENTIVE**

An employer with a valid COR is eligible to receive a financial incentive for each year they hold a COR and where none of the exceptions to COR financial incentive eligibility apply. Financial incentives are calculated using 10% of the employer's base assessment premiums for each classification unit included in the employer's COR.

The minimum annual financial incentive is the lesser of \$1,000 or 75 percent of the premiums paid by the employer for the financial incentive year being calculated.

If an employer has an outstanding balance for more than 30 days related to its account the financial incentive will be applied to the amount owed to the Board and any balance paid to the employer.

##### **(a) Exceptions to COR financial incentive eligibility**

###### *Failure to report payroll*

The Board will notify the employer of the deadline to submit payroll for the purposes of the annual COR financial incentive. An employer will lose its financial incentive for an eligibility year if it fails to report payroll by this deadline.

###### *Convictions and administrative penalties*

An employer will not receive a financial incentive for any year in which a violation occurs that results in:

- the employer being convicted by a Court of a violation of the *Act* and/or *OHSR*; or
- the employer receiving an administrative penalty issued under section 196 of the *Act*.

The above exceptions are determined for each classification unit separately. This means an administrative penalty would only affect an employer's financial incentive eligibility for that one classification unit. In these circumstances, the employer's other certified classification unit(s) would be eligible for a financial incentive.

An employer may have the same classification unit in two or more of its divisional accounts. For these employers, those classification units will be considered together when determining financial incentive eligibility. This means an administrative penalty received in one classification unit will affect the financial incentive eligibility for that same classification unit in all of the employer's divisional accounts.

Where the Board is considering enforcement action against a certified employer, or where the Board is investigating a workplace incident involving the certified employer, the Board will not make a decision on the employer's financial incentive for the incident year.

An employer's eligibility for a financial incentive will not be determined until the applicable review and appeal periods expire or the applicable review and appeal process is completed.

## **PRACTICE**

For any relevant PRACTICE information, readers should consult the Practice Directives available on the WorkSafeBC website at [www.worksafebc.com](http://www.worksafebc.com).

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<b>EFFECTIVE DATE:</b>	January 1, 2019
<b>AUTHORITY:</b>	ss. 36, 42, 107, 111, and 113(5), <i>Workers Compensation Act</i> .
<b>CROSS REFERENCES:</b>	See also <i>Penalties – Criteria for Imposing</i> (Prevention Manual D12-196-1) and <i>Certificate of Recognition Program</i> (Prevention Manual D2-111-4).
<b>HISTORY:</b>	<p>The revisions to the COR policy approved by BOD resolution 2018/11/22-01 on November 22, 2018 apply to all decisions made on or after January 1, 2019, except for financial incentive decisions relating to a violation of the <i>Workers Compensation Act</i> or <i>Occupational Health and Safety Regulation</i> that occurred before January 1, 2019. The interim policies continue to apply to those financial incentive decisions relating to violations of the <i>Workers Compensation Act</i> or <i>Occupational Health and Safety Regulation</i> occurring before January 1, 2019.</p> <p>Interim policy in effect until October 31, 2016. Interim policy extended to December 31, 2017. Interim policy extended to December 31, 2018.</p>
<b>APPLICATION:</b>	<p>This policy applies to all decisions made on or after January 1, 2019, except for financial incentive decisions relating to a violation of the <i>Workers Compensation Act</i> or <i>Occupational Health and Safety Regulation</i> that occurred before January 1, 2019.</p> <p>The interim policies continue to apply as if unexpired in respect of a financial incentive decision relating to a violation of the <i>Workers Compensation Act</i> or <i>Occupational Health and Safety Regulation</i> that occurred before January 1, 2019.</p>

**APPENDIX “A”****AMOUNTS REFERRED TO IN POLICIES THAT ARE  
ADJUSTED FROM TIME TO TIME****AP1-2-2 – Requesting a Variance from a General Exemption**

The minimum outstanding balance for the purpose of part (b) of the policy is \$100.00

**AP1-2-3 – Personal Optional Protection**

The minimum outstanding balance for the purpose of part (b) of the policy is \$100.00.

The Board has designated \$1,900 as the minimum amount for which Personal Optional Protection may be obtained under part (c) of the policy. This amount will be adjusted periodically to reflect the minimum wage rate for the Province of British Columbia.

**AP1-38-6 – Maximum Wage**

The maximum wage rate in 2018 is \$82,700.00 and in 2019 is \$84,800.00.

**AP1-47-1 – Penalties**

The percentage rate of penalty in effect under part (c) of this policy is 1%.

