

**2018/11/22-01**

**WORKERS' COMPENSATION BOARD**  
**RESOLUTION OF THE BOARD OF DIRECTORS**  
**RE: Certificate of Recognition Program**

**WHEREAS:**

Pursuant to section 82 of the *Workers Compensation Act*, R.S.B.C. 1996, c. 492 ("Act"), the Board of Directors must set and revise as necessary the policies of the Board of Directors, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety;

**AND WHEREAS:**

Pursuant to section 111(1) of the *Act*, the Workers' Compensation Board ("WorkSafeBC") 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;

**AND WHEREAS:**

Pursuant to section 111(2) of the *Act*, WorkSafeBC has the authority to provide services in maintaining reasonable standards for occupational health and safety and to develop programs for promoting occupational health and safety;

**AND WHEREAS:**

Pursuant to section 113(5) of the *Act*, WorkSafeBC may charge a class or subclass with the cost of services provided to the class or subclass for the prevention of injuries and illnesses;

**AND WHEREAS:**

Pursuant to section 42 of the *Act*, WorkSafeBC must establish differentials in the rates as between the different kinds of employment in the same class as may be considered just;

**AND WHEREAS:**

By resolution number 2006/05/24-02, dated May 24, 2006, as amended by resolution 2008/03/19-05, dated March 19, 2008, the Board of Directors approved the Partners in Injury and Disability Prevention Program ("Partners Program"), consisting of a Healthy and Safety Certificate of Recognition Program (the "HS COR Program") and a Return to Work Certificate of Recognition Program (the "RTW COR Program");

**AND WHEREAS:**

The Partners Program is an employer incentive program designed to encourage injury prevention and the development of effective workplace health and safety and return to work management systems;

**AND WHEREAS:**

The Partners Program supports WorkSafeBC's primary goal of promoting occupational health and safety in the workplace and is consistent with WorkSafeBC's strategic initiatives to encourage workers to focus on occupational health and safety and return to work, through the implementation of management systems and participation in the HS COR Program and the RTW COR Program;

**AND WHEREAS:**

By resolution number 2016/01/26-01, dated January 26, 2016, the Board of Directors approved the following interim policies relating to the HS COR Program of the Partners Program: (a) Item AP1-42-4, *Partners in Injury and Disability Prevention Program*, of the *Assessment Manual*; and, (b) Item D2-111-4, *Partners in Injury and Disability Prevention Program*, of the *Prevention Manual* (together, the "Interim Policies");

**AND WHEREAS:**

By resolution number 2016/01/26-01, dated January 26, 2016, as amended by resolution 2016/10/21-01, dated October 21, 2016, and by resolution number 2017/11/22-05, dated November 22, 2017, the Interim Policies expire on December 31, 2018;

**AND WHEREAS:**

The Policy, Regulation and Research Division has undertaken stakeholder consultation on a revised Partners Program and on new policies relating to the HS COR Program of the Partners Program, and has advised the Board of Directors on the results of the consultation;

**AND WHEREAS:**

In accordance with such consultation, it is proposed that the Interim Policies be replaced with amended policies for Item AP1-42-4, *Certificate of Recognition Program*, of the *Assessment Manual*, and Item D2-111-4, *Certificate of Recognition Program*, of the *Prevention Manual*, as set out in Appendix A to this resolution (the “Amended Policies”), except that the Interim Policies continue to apply to financial incentive decisions relating to a violation of the *Act* or the *Occupational Health and Safety Regulation*, B.C. Reg. 296/97 (the “OHSR”) that occurred before January 1, 2019.

**THE BOARD OF DIRECTORS RESOLVES THAT:**

1. The Amended Policies attached to this resolution as Appendix A are approved, and apply to all decisions made on or after January 1, 2019, except for financial incentive decisions relating to a violation of the *Act* or the *OHSR* that occurred before January 1, 2019.
2. The Interim Policies shall continue to apply as if unexpired but only in respect of financial incentive decisions relating to a violation of the *Act* or *OHSR* that occurred before January 1, 2019.
3. This resolution is effective January 1, 2019.
4. This resolution constitutes a policy decision of the Board of Directors.

I, Ralph McGinn, hereby certify for and on behalf of the Board of Directors of WorkSafeBC that the above resolutions were duly passed at a meeting of the Board of Directors held in Richmond, British Columbia, November 22, 2018.

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RALPH MCGINN, P.ENG  
CHAIR, Board of Directors  
Workers' Compensation Board



**RE: ~~Partners in Injury and Disability~~  
~~Prevention Program ("Partners Program")~~  
 Certificate of Recognition Program**

**ITEM: AP1-42-4**

## **BACKGROUND**

### **1. Explanatory Notes**

This policy sets out the framework for the ~~Partners~~**Certificate of Recognition** Program ~~(the "Program")~~. The ~~Partners-Program~~ is a voluntary employer incentive ~~certification~~ program intended to motivate employers to take a proactive role in ~~complying with~~ the occupational health and safety requirements found in ~~Part 3 of the Act~~.

### **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,**

...

## APPENDIX A



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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** employers who ~~have~~**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** ~~under the Partners Program~~.

#### *Certifying Partner*

A certifying partner is an ~~independent~~ agency approved and contracted by the Board to implement **various aspects of** the ~~Partners 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 ~~Partners Program~~ is a voluntary employer incentive **certification** program designed to encourage injury prevention and the development of effective occupational health and safety management systems. ~~The Partners Program promotes a workplace safety culture by recognizing and rewarding employers who commit to a high standard of occupational health and safety~~ **through implementation and maintenance of an effective OHSMS.**

~~All employers in BC are eligible to participate in the Partners Program. To participate, employers must be registered with the Board and maintain an active account.~~

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.



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- 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 components ~~parts~~ to the ~~Partners~~ Program. The first is **determining eligibility** to recognize employers through program certification, and ~~the second is to provide~~ing eligible employers with an **financial** incentive ~~rebate of 10% of the employer's base assessment premiums.~~

### ~~(a)~~3. CORPROGRAM CERTIFICATION

~~Employers work with Board approved certifying partners to meet the program's standards and achieve a COR. The COR certification requirements are as follows:~~

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

- registers with the Board and maintains an active account;
- ~~1)~~• the employer registers with a certifying partner;
- ~~2)~~• the employer implements an occupational health and safety management system **OHSMS to the standards set** as specified by the Board and certifying partner; and
- ~~3)~~• the employer passes a certification audit and conducts annual maintenance audits **as determined by the Board.**

An employer's COR certificate is valid for three years, ~~after which a re-certification audit is required.~~ **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 is responsible for setting minimum audit standards and approving audit tools.~~

**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**



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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.



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

### ~~(b)4.~~ **COR REBATE**FINANCIAL INCENTIVE

~~COR rebates are eligible to be paid in the year following COR certification. An employer with a valid COR certification is eligible to receive a financial incentive10% rebate for each year they hold a COR and where none of the exceptions to COR financial incentive eligibility applyof the employer's base assessment premiums in each year they are "in good standing". 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.

~~An employer is not "in good standing" for a year if at any time in that year an activity, incident or violation occurs that has one or more of the following results:~~

- ~~• the Board is considering imposing an administrative penalty or has imposed an administrative penalty on the employer (citations under section 196.1 of the Act are not considered an administrative penalty when determining whether an employer is "in good standing");~~
- ~~• the employer is convicted by a Court of a violation of the Act;~~
- ~~• the employer has prevented or attempted to prevent reporting to the Board as outlined under section 177 of the Act;~~
- ~~• the employer has reduced claim costs in a manner that is contrary to the Act or Board policy;~~
- ~~• the employer has an outstanding balance related to its account;~~
- ~~• the employer has not reported payroll to the Board for the certification year; or~~
- ~~• the employer has engaged in other misconduct the Board considers to be inconsistent with participation in the Partners Program.~~

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~~Employers who are not “in good standing” will not receive a COR rebate for the year in which the activity, incident or violation occurred.~~

### **(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.

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### 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>	<del>February 15, 2016</del> <b>January 1, 2019</b>
<b>AUTHORITY:</b>	ss. 36, 42, <b>107</b> , 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 <del><i>Partners in Injury and Disability Prevention Program</i></del> <b><i>Certificate of Recognition Program</i></b> (Prevention Manual D2-111-4).
<b>HISTORY:</b>	<p><b>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.</b></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><del>The amended policy applies to all decisions, including appellate decisions, made on or after February 15, 2016 and remain effective until December 31, 2018.</del></p> <p><b>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.</b></p> <p><b>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.</b></p>



**RE: ~~Partners in Injury and Disability~~  
~~Prevention Program ("Partners Program")~~  
 Certificate of Recognition Program**

**ITEM: D2-111-4**

## **BACKGROUND**

### **1. Explanatory Notes**

The ~~Partners~~**Certificate of Recognition** Program is a voluntary employer incentive**certification** program intended to motivate employers to take a proactive role in ~~complying with the occupational health and safety requirements found in Part 3 of the Act.~~

### **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*.

Section 42:

The Board must establish subclassifications, differentials and proportions in the rates as between the different kinds of employment in the same class as may be considered just; and where the Board thinks a particular industry or plant is shown to be so circumstanced or conducted that the hazard or cost of compensation differs from the average of the class or subclass to which the industry or plant is assigned, the Board must confer or impose on that industry or plant a special rate, differential or assessment to correspond with the relative hazard or cost of compensation of that industry or plant, and for that purpose may also adopt a system of experience rating.

**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.



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See *Assessment Manual* AP1-42-4 for the policy.

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<b>AUTHORITY:</b>	ss. 36, 42, <b>107</b> , 111, and 113(5), <i>Workers Compensation Act</i> .
<b>CROSS REFERENCES:</b>	See also <i>Penalties – Criteria for Imposing</i> ( <i>Prevention Manual</i> D12-196-1) and <del><i>Partners in Injury and Disability Prevention Program</i></del> <b><i>Certificate of Recognition Program</i></b> ( <i>Assessment Manual</i> AP1-42-4).
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