

Chapter: Employer Assessments

Legislative authority: section 140

Prevention statement

Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the 'Act') establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.

Purpose

This policy outlines when security deposits are collected and released.

Definitions

assessment premium means the amount determined by the board that an employer is required to pay to the board each year

board means the Workers' Safety and Compensation Board

employer means every association, corporation, individual, partnership, person, society or unincorporated organization or other body having in their service one or more workers in an industry and as further defined in section 77 of the Act

security deposit means a monetary amount that is provided by an employer in addition to the assessment premiums owed

Policy statement

1. General

The payment of employer assessments is a critical component of the safety and compensation system. Security deposits assist in the protection and integrity of the compensation fund from employers at a high risk of defaulting on their assessments.

2. Provision of Security

The board may require an employer to provide security, in an amount and form that the board considers appropriate, for the payment of assessments that are or might be made against the employer.

If at any time the board considers that the security provided is no longer sufficient, the board may require any further security that it considers appropriate. The employer must provide the security within 15 days after they receive a notice to provide it, and if the security is not provided when required, the board may charge interest on the amount of the security.

Employers at a high risk of default include an employer that:

- a. has historically not paid its assessment premiums on time;
- b. is in its first year of Yukon operation;
- c. has no assets which could be attached for the payment of assessments; or
- d. indicates an inability or unwillingness to pay their required assessments.

2.1 Form of security deposit

A security deposit must be in the form of:

- a. a promissory note guaranteed by a bank in Canada and payable to the board;
- b. a certified cheque drawn on a bank in Canada and payable to the board;
- c. a security bond acceptable to the board;
- d. an irrevocable letter of credit from a bank in Canada; or
- e. cash.

A security deposit is due within 15 days after being served with a notice.

2.2 Amount of security deposit

In determining the amount of the security deposit the board will consider the following factors:

- a. the employer's actual payroll for the previous year;
- b. the duration of the employer's operation;
- c. the number of workers employed; and

- d. the employer's estimated payroll for the current year.

If an employer defaults in providing the required security the board may order the employer to cease employing workers until the default is remedied to the board's satisfaction.

A security deposit is held until the board is satisfied that the employer is able to meet their obligations or is no longer considered a high risk.

A security deposit will not be refunded to an employer until a payroll audit has been completed and all required assessments are paid.

History

EA-12 Security Deposits, effective January 1, 2010, revoked July 1, 2022

EA-10 Payment of Assessments, effective January 1, 2009, amended January 1, 2010

EA-01 Payment of Assessments, effective July 1, 2008, amended January 1, 2009

AS-20 Payment of Assessments, effective May 9, 2005, revoked July 1, 2008

AS-20 Assessment Penalties, effective January 2, 1993, amended May 9, 2005

AS-21 Security for Payment of Assessments, effective November 10, 1993, revoked May 9, 2005

AS-22 Enforcement of Assessment Payments, effective November 10, 1993, revoked May 9, 2005