

 Yukon Workers' Compensation Health and Safety Board	Part:	CHOICES INCENTIVE PROGRAM		
	Board Approval:	Original signed by chair	Effective Date:	January 1, 2011
	Number:	CH - 04	Last Revised:	
	Board Order:		Review Date:	

[CHOICES INCENTIVE PROGRAM](#)

GENERAL INFORMATION

Section 73 of the *Workers' Compensation Act* S.Y. 2008 (the "Act") permits Yukon Workers' Compensation Health and Safety Board (YWCHSB) to establish incentive programs that encourage employers to prevent injury and occupational diseases, while encouraging workers to return to work.

CHOICES is a voluntary employer incentive program that recognizes and rewards Yukon employers with rebates for workplace training investments made in occupational health and safety (OH&S) and/or return to work (RTW).

CHOICES is an acronym for, and reflects a commitment to, the following workplace practices and philosophy:

- C**hoose:
- H**ealthy Workplaces;
- O**wnership of Prevention & Return to Work;
- I**njury Management;
- C**onsensus-Based Programs;
- E**mployers of Choice; and
- S**afety as Job 1.

PURPOSE

This policy communicates the objectives of the CHOICES incentive program and provides an overview of the program. This policy outlines how the CHOICES program applies to employers and details eligibility requirements needed to participate in CHOICES.

DEFINITIONS

1. **Assessable Payroll:** means the total earnings earned in a year by all workers employed by an employer engaged in an industry. If the worker is paid less than the maximum wage rate, all of his/her remuneration is included in assessable payroll. If the worker is paid over the maximum wage rate, only the amount up to the maximum wage rate is included in assessable payroll.
2. **Assessment Premium:** is the amount employers are required to pay to YWCHSB in return for injury coverage for their workers and protection from civil action resulting from work-related injuries. Assessments are based on the industry(s) in which the employer operates, as well as one of the following:
 - a) the payroll of the employer;
 - b) the amount of optional coverage purchased; or
 - c) the amount of value of service purchased.
3. **Certificate of Recognition Programs:** are occupational health and safety and return to work training programs that offer employers certification in one of the following certificates: Certificate of Recognition (COR) Program or the Small Employer Certificate of Recognition (SECOR) Program. Letters that may be issued prior to obtaining Yukon program certification are the Certificate of Recognition Equivalency Letter (COREL) and the Temporary Letter of Certification (TLC).
4. **Employer Payroll Return (EPR):** is the annual mechanism by which employers report their industry, their actual payroll for the prior year, an estimate of their payroll for the current year, their list of sub-contractors and amounts payable to them and any other information requested by the YWCHSB under subsection 78(1) of the *Act*.
5. **Rebate:** is a financial credit, based on a percentage of an employer's assessment premiums assessed in the previous year, which is applied to an employer's assessment account as a result of participating in the CHOICES program.
6. **Training:** means a workshop or a course in work-related occupational health and safety or return to work (e.g. disability management courses) that results in a certificate of completion or is validated by a third party (e.g. course receipt).

PREVENTION

Preventing workplace injuries is the responsibility of everyone in the workplace. YWCHSB encourages employers, health care providers, workers and other parties to work co-operatively in the prevention of work-related injuries. When an injury does occur, workers, employers and YWCHSB must work together to return the worker to safe, suitable and available work as soon as medically possible.

CHOICES is designed to encourage training and practices that prevent work-related death and disability by preventing workplace injuries and facilitating maximum recovery through return to work.

POLICY STATEMENT

CHOICES financially rewards employers who take steps to improve workplace safety and return to work outcomes through investments made in work-related occupational health and safety and/or return to work training. Such training leads to practices that create and advance safe and healthy workplaces. Fewer injuries and lower associated costs in turn lead toward lower assessment rates.

1. Eligibility

- a) Employers who are eligible for CHOICES rebates must meet the following eligibility criteria:
 - i.) be registered with YWCHSB; and
 - ii.) have paid assessment premiums in the previous year; and
 - a.) be COR program certified;
 - b.) have an equivalency or a temporary letter (e.g. COREL or TLC); or
 - c.) have obtained a minimum number of work-related occupational health and safety or return to work training hours for their workers in the previous year.
- b) The following are not eligible for CHOICES rebates:
 - i.) sole proprietors with optional coverage (and who have no workers). This is due to the voluntary nature of optional coverage that can be cancelled at any time.

2. Calculating CHOICES Rebates

Calculating employer rebates for CHOICES is done through one of two methods:

a) COR Employers

For COR employers, a rebate of 10%, subject to a minimum and maximum amount, will be calculated based on premiums assessed the previous year.

b) Other Eligible Employers

For all other eligible employers, rebates will be calculated based on the following factors:

- i.) the employer’s assessment rate group classification based on a low, medium, or high risk/cost;
- ii.) the size of the employer, based on the prior year’s assessable payroll;
- iii.) the number of work-related training hours invested by the employer in the prior year;
- iv.) the dollar value of employer assessment premiums in the prior year; and
- v.) the rebate percentage.

The minimum rebate amount in CHOICES is \$75.00 and the maximum amount is \$25,000.00.

CHOICES INCENTIVE REBATES			
Table 1: COR Employers			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Occupational Health and Safety and/or Return to Work	REBATE % CALCULATED ON ASSESSMENTS PREMIUMS \$75.00 Min. \$25,000.00 Max.
COR Employers	N/A	COR	10%

CHOICES INCENTIVE REBATES			
Table 2: Resources & Transportation (R&T)			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Occupational Health and Safety and/or Return To Work	REBATE % CALCULATED ON ASSESSMENTS PREMIUMS \$75.00 Min. \$25,000.00 Max.
R&T Low	Less than \$100,000	8 hours	4%
	Between \$100,001 - \$250,000	10 hours	4%
	Between \$250,001 - \$750,000	12 hours	4%
	Between \$750,001 - \$1.5 million	14 hours	4%
	Greater than \$1.5 million	24 hours	4%
R&T Medium			
	Less than \$100,000	16 hours	5%
	Between \$100,001 - \$250,000	20 hours	5%
	Between \$250,001 - \$750,000	24 hours	5%
	Between \$750,001 - \$1.5 million	28 hours	5%
	Greater than \$1.5 million	32 hours	5%
R&T High			
	Less than \$100,000	24 hours	6%
	Between \$100,001 - \$250,000	28 hours	6%
	Between \$250,001 - \$750,000	32 hours	6%
	Between \$750,001 - \$1.5 million	36 hours	6%
	Greater than \$1.5 million	42 hours	6%

CHOICES INCENTIVE REBATES			
Table 3: Construction			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Occupational Health and Safety and/or Return To Work	REBATE % CALCULATED ON ASSESSMENTS PREMIUMS \$75.00 Min. \$25,000.00 Max.
Construction Medium	Less than \$100,000	16 hours	5%
	Between \$100,001 - \$250,000	20 hours	5%
	Between \$250,001 - \$750,000	24 hours	5%
	Between \$750,001 - \$1.5 million	28 hours	5%
	Greater than \$1.5 million	32 hours	5%
Construction High	Less than \$100,000	24 hours	6%
	Between \$100,001 - \$250,000	28 hours	6%
	Between \$250,001 - \$750,000	32 hours	6%
	Between \$750,001 - \$1.5 million	36 hours	6%
	Greater than \$1.5 million	42 hours	6%

CHOICES INCENTIVE REBATES			
Table 4: Services			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Occupational Health and Safety and/or Return To Work	REBATE % CALCULATED ON ASSESSMENTS PREMIUMS \$75.00 Min. \$25,000.00 Max.
Services Low	Less than \$100,000	4 hours	4%
	Between \$100,001 - \$250,000	6 hours	4%
	Between \$250,001 - \$750,000	8 hours	4%
	Between \$750,001 - \$1.5 million	10 hours	4%
	Greater than \$1.5 million	16 hours	4%
Services Medium			
	Less than \$100,000	8 hours	5%
	Between \$100,001 - \$250,000	10 hours	5%
	Between \$250,001 - \$750,000	12 hours	5%
	Between \$750,001 - \$1.5 million	14 hours	5%
	Greater than \$1.5 million	20 hours	5%
Services High			
	Less than \$100,000	16 hours	6%
	Between \$100,001 - \$250,000	20 hours	6%
	Between \$250,001 - \$750,000	24 hours	6%
	Between \$750,001 - \$1.5 million	28 hours	6%
	Greater than \$1.5 million	32 hours	6%

CHOICES INCENTIVE REBATES			
Table 5: Government			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Occupational Health and Safety and/or Return To Work	REBATE % CALCULATED ON ASSESSMENTS PREMIUMS \$75.00 Min \$25,000.00 Max
Government	Less than \$100,000	8 hours	5%
	Between \$100,001 - \$250,000	10 hours	5%
	Between \$250,001 - \$750,000	12 hours	5%
	Between \$750,001 - \$1.5 million	14 hours	5%
	Greater than \$1.5 million	20 hours	5%

3. CHOICES Work-Related Training Hours

A training hour is a unit of time that represents one hour of work-related training in an occupational health and/or safety or return to work course, seminar, etc. Training hours are established by the institution offering the training and are subject to verification by YWCHSB. A training hour does not include travel time or study time outside of course hours.

Calculation of training hours for the purposes of CHOICES is based on cumulative institutional work-related training hours (e.g. two people attending a five hour course results in 10 cumulative training hours).

Training hours resulting from an Occupational Health and Safety Order being issued to the employer do not qualify as training hours in CHOICES.

4. Rebate Credit

a) COR Employer

For employers who are COR certified, the CHOICES rebate will be processed based on the employer's confirmation of their COR status provided on the Employer Payroll Return (EPR).

b) COR Temporary Letter Employer

Employers who are in the process of obtaining COR certification and have obtained COREL or TLC will be accepted for eligibility in CHOICES. However, a CHOICES rebate will not be processed until such time as the employer receives their Yukon certification.

If the employer's COREL or TLC expires prior to COR certification, their eligibility in CHOICES expires for that year.

c) Other Eligible Employers

For employers who do not have COR, SECOR, COREL or TLC, there is a requirement to confirm that the minimum work-related training hours have been met. This confirmation occurs through employer confirmation of eligible work-related training hours on the EPR.

5. Maintaining Good Standing

Employers in good standing with YWCHSB will receive their CHOICES rebate as a credit to their YWCHSB account.

To maintain good standing, employers must not have outstanding fines, penalties, orders, assessment premiums or other payments levied pursuant to the *Occupational Health and Safety Act* and Regulations, the *Workers' Compensation Act* or YWCHSB policies.

In situations where an employer is not in good standing, YWCHSB will inform the employer, in writing, why they are not eligible to receive a rebate and suggest actions that they may take to be reconsidered. Once an employer has cleared any outstanding penalties from their account, the CHOICES rebate may be applied to the employer's account.

6. Verifying CHOICES

YWCHSB will audit employer participation in CHOICES to verify that the requirements of the program have been met.

If, upon audit, an employer is determined not to meet the CHOICES criteria for which they received a rebate, the rebate will be reversed and treated as an assessment due, payable immediately to YWCHSB. Where employers are suspected of providing false information for the purposes of receiving a CHOICES rebate for which they are not eligible, the file will be turned over to the investigation branch as per YWCHSB policy GN-05, "Fraud".

ROLES AND RESPONSIBILITIES

YWCHSB

YWCHSB is responsible for administering CHOICES, including assisting with enrollment, providing support to employers regarding program requirements, determining eligibility, calculating rebates and verifying compliance with the program.

Employers

Employers are responsible for paying assessments as required and maintaining good standing with YWCHSB. Employers are responsible for ensuring compliance with applicable Federal and Yukon legislative/regulatory requirements for OH&S and RTW. Employers are responsible for applying for CHOICES via the Employer Payroll Return and co-operating with YWCHSB in the administration of the program (e.g. maintaining full compliance with CHOICES requirements).

Workers

Workers are responsible to attend and complete any training necessary for an employer to be compliant under the *Occupational Health and Safety Act* and Regulations.

APPLICATION

This policy applies to the Board of Directors, President/CEO and staff of YWCHSB, and all workers and employers covered by the *Act*.

EXCEPTIONAL CIRCUMSTANCES

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, YWCHSB will decide the case based on the principles of individual merits and justice of the case. Such a decision will be considered for that specific case only and will not be precedent setting.

APPEALS

Decisions made by YWCHSB under this policy can be appealed directly in writing to the YWCHSB Board of Directors in accordance with section 85 of the *Act*.

EFFECTIVE DATE

This policy comes into effect for CHOICES programs implemented as of January 1, 2011 or later.

YWCHSB policies CH-01, "CHOICES - Overview", CH-02, "CHOICES - Eligibility", and CH-03, "CHOICES - Rewards" will remain in effect until June 30, 2011 for the purposes of transitioning employers enrolled in the CHOICES program as at December 31, 2010.

ACT REFERENCES

Section 70, 73, 84, 85, 88

POLICY REFERENCES

CH-01, "CHOICES - Overview"

CH-02, "CHOICES - Eligibility"

CH-03, "CHOICES - Rewards"

EA-01, "Payment of Assessments"

GN-05, "Fraud"

HISTORY

New