



Policy Amendment Proposal

EA-08 Examination of Employer Records

This policy amendment proposal relating to the examination of employer records will reflect the issues consulted on during the engagement for the *Workers' Safety and Compensation Act* (the 'Act') and will align the amendments made in the new legislation.

The new Act comes into force July 1, 2022. The intended effective date of the proposed policy amendments will be July 1, 2022.

The proposed amended Examination of Employer Records policy will reflect minor changes to ensure consistency with the provisions of the Act.

A five-year policy review plan will be developed later in 2022. After July 1, 2022, all amended policies to align with the new Act will be prioritized for a more detailed review.

The purpose of this policy is to provide information on the process for examining employers' records.

Relevant sections of the Act

The following sections of the Act are relevant:

- 148 records of earnings and operations
- 149 examination

Proposed minor changes to this policy are highlighted in yellow

- changes to section references, language and definitions
- removal of the Government of Yukon exemption per the Act
- removal of mandatory audits every three years for employers with payroll over \$500,000

Board Orders/Regulations

- N/A

Current policy

[EA-08 Examination of Employer Records](#)



Policy Amendment Proposal EA-08 Examination of Employer Records

The board of directors is providing this policy amendment proposal to stakeholders seeking their input, comments, questions and suggestions.

Some questions for consideration:

1. Are there any general comments about this policy proposal?
2. Are there any gaps in this policy proposal?
3. Additional comments?

The views of our stakeholders are important to us. All feedback will be considered prior to the board of directors approving any amendments.

Engagement on this policy proposal closes on **March 31, 2022**. Please provide your feedback by:

1. Downloading a [fillable form](#) on our website and sending it as an attachment to Policy.Feedback@wcb.yk.ca
2. Emailing comments directly to Policy.Feedback@wcb.yk.ca
3. Receipt in our building by March 31, 2022, by mail or drop off at
*Yukon Workers' Compensation Health and Safety Board
401 Strickland Street
Whitehorse, Yukon Y1A 5N8*

By the end of April a summary of all feedback on this policy amendment proposal will be published on our website at www.wcb.yk.ca



Policy Amendment Proposal

EA-08 Examination of Employer Records

Preventing work-related injuries is the most important job in any workplace. The *Workers' Safety and Compensation 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 provides information on the process used by the board to examine employers' payroll records.

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

payroll means the total amount of all wages and salaries that an employer paid to its workers during a calendar year, including: commissions, tips, remuneration for overtime, piece work, and contract work, bonuses and allowances, the cash equivalent of board and lodging, store certificates, directors fees, indemnities, allowances paid to members of the Legislative Assembly or elected officials of a municipality, and any substitute for money

Policy Statement

1. General

On an annual basis, employers are required to report their payroll information to the board in accordance with policy [EA-01 Reporting Payroll and Payment of Assessment Premiums](#).

The board may verify the information provided by employers by performing examinations or audits of an employer's payroll records.

Examinations help the board to ensure that employers are assessed fairly and equitably and that they are complying with the Act.



Policy Amendment Proposal

EA-08 Examination of Employer Records

2. Criteria for Examinations

The board may examine records of an employer and make any inquiries that the board considers necessary.

In addition, examinations of an employer's operational and financial records may be performed in (but are not limited to) the following circumstances:

- a. an employer has not paid its assessment premium;
- b. an employer is suspected of submitting inaccurate payroll information;
- c. an employer has requested its records be audited;
- d. fraud is suspected;
- e. legal action is pending against a file regarding the collection of assessments; or
- f. a principal contractor requests a clearance certificate on a subcontractor, but there is reason to believe the subcontractor's estimated payroll is inaccurate.

3. Business ceasing to operate

An examination of an employer's books and accounts **may** be conducted if the employer ceases to operate and the refund to that employer exceeds one thousand dollars (\$1,000.00).

4. Timeframe

When conducting an examination, the **board** will normally examine a maximum of the previous three years. However, at the discretion of the **board**, examinations may be extended to cover a period of time greater than three years.

5. Failure to produce records and accounts

If an employer continues to fail to allow an examination of its books and accounts, the **board** may issue a Notice to Produce the document(s) at a specific time and place.

If the employer fails to produce the document(s), **further enforcement measures may be taken.**

6. Refunds due following examination

An employer **may** be credited with any overpayment identified during examination within two weeks of the completion of the examination.



Policy Amendment Proposal

EA-08 Examination of Employer Records

7. Assessment owing following examination

An employer must pay any assessment owing as a result of an examination within 30 days of being notified of the debt.

8. Adjustments

If the total adjustment of the assessment premium, as the result of an examination, is less than twenty-five dollars (\$25.00) it will not be collected from an employer nor be reimbursed to an employer by **the board**.

Related Policies

[EA-01 Reporting Payroll and Payment of Assessment Premiums](#)
