



Policy Amendment Proposal CH-04 CHOICES Incentive Program

This policy amendment proposal relating to the CHOICES incentive program 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 CHOICES Incentive Program 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 outline how the CHOICES program applies to employer and details the eligibility requirements needed to participate in CHOICES.

Relevant sections of the Act

The following sections of the Act are relevant:

- 138 prevention, experience, merit rating and surcharge programs

Proposed minor changes to this policy are highlighted in yellow

- changes to section references, language and definitions

Board Orders/Regulations

N/A

Current policy

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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



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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 outlines how the CHOICES incentive program applies to employers and details eligibility requirements needed to participate in CHOICES.

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

certificate of recognition programs means 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)

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

employer payroll return (EPR) means 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 board under 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

rebate means 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 incentive program



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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)

worker means a person who performs work or services for an employer under a contract of service or apprenticeship, written, or oral, express or implied and as further defined in section 77 of the Act

Policy Statement

1. General

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

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

- Choose;
- Healthy Workplaces;
- Ownership of Prevention & Return to Work;
- Injury Management; Consensus-Based Programs;
- Employers of Choice; and
- Safety as Job 1.

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.

2. Eligibility

Employers who are eligible for CHOICES rebates must meet the following eligibility criteria:

- i. be registered with the **board**; 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



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- 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.

Proprietors with optional coverage (and who have no workers) are not eligible for CHOICES. This is due to the voluntary nature of optional coverage that can be cancelled at any time.

3. Calculating CHOICES Rebates

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

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.

Other Eligible Employers

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

- a. the employer’s assessment rate group classification based on a low, medium, or high risk/cost;
- b. 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;
- c. the dollar value of employer assessment premiums in the prior year; and
- d. 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 Workplace 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%



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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 Workplace 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%



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CHOICES INCENTIVE REBATES Table 3: Construction			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Workplace 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%



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CHOICES INCENTIVE REBATES Table 4: Services			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Workplace 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%



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CHOICES INCENTIVE REBATES Table 5: Government			
PROGRAM LEVEL BASED ON RATE GROUP (see www.wcb.yk.ca)	PAYROLL AMOUNT	WORK-RELATED TRAINING HOURS REQUIRED Workplace 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%

4. 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 **the board**. 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 order issued by an officer** to **an** employer do not qualify as training hours in CHOICES.

5. Rebate Credit

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).



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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.

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.

6. Maintaining Good Standing

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

To maintain good standing, employers must not have outstanding fines, penalties, orders, assessment premiums or other payments levied pursuant to the Act or **board** policies.

In situations where an employer is not in good standing, **the board** 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.

7. Verifying CHOICES

The board may 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 the **board**. 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 Unit.