

Section	Policy
50	52.40

Section Title: Prevention and Partnerships
Subject: Prevention Rebate Program
Effective Date: January 1, 2018

POLICY PURPOSE

The Prevention Rebate Program reduces the risk of workplace injury and illness by recognizing eligible employers who have developed meaningful workplace health and safety programs.

This policy sets out the goals of the Prevention Rebate Program, the principles underlying it, and the general framework under which it operates.

Under section 54.1 of *The Workers Compensation Act* (the *Act*), the Workers Compensation Board (WCB) has a mandate to "promote safety and health in workplaces and to prevent and reduce the occurrence of workplace injury and illness." Under this mandate the WCB must:

- Promote public awareness of workplace safety and health and injury and illness prevention;
- Promote an understanding of and compliance with the *Act* and *The Workplace Safety and Health Act*;
- Foster commitment to workplace safety and health and to injury and illness prevention among employers, workers and other persons;
- Work with organizations engaged in workplace injury and illness prevention to promote workplace safety and health;
- Provide training and education about preventing workplace injury and illness;
- Develop standards for workplace safety and health and training programs, including certification processes for providers; and
- Publish reports, studies or recommendations about workplace safety and health and injury and illness prevention.

Section 82(6) of the *Act* authorizes the WCB to provide an employer with an incentive for prevention activities.

The Prevention Rebate Program is administered by SAFE Work Manitoba, a separate arm of the WCB responsible for prevention programs and services.

POLICY

1. GOALS

The Prevention Rebate Program will:

- Reduce the risk of illness and injury by encouraging employers to improve their safety and health management practices; and
- Acknowledge employers who, in order to reduce the risk of injury and illness, have already adopted effective safety and health management practices.

2. PRINCIPLES

The Prevention Rebate Program is based on the following principles:

- A meaningful financial incentive for employers who take genuine steps to improve workplace safety and health;
- Coordination and oversight by SAFE Work Manitoba through the framework of the SAFE Work Certified Program;
- Acknowledgement of the needs and requirements of different sized employers and workplaces;
- Collective responsibility for the funding of the Prevention Rebate through the general WCB Accident Fund; and
- Demonstration of a strong business case for health and safety programs, where the foundation for the Prevention Rebate is established through the employer's participation in an Industry Based Safety Program and achieving certification through the SAFE Work Certified Program.

3. CRITERIA

Timing

Eligibility for the prevention rebate will be determined on an annual basis throughout the operation of the Program. The eligibility period under review for each review cycle will be the 12 months beginning the month the employer achieved certification status through the SAFE Work Certified Program.

Certification

To be eligible for the Prevention Rebate, the employer must maintain certification status through the SAFE Work Certified Program during the 12 months under consideration.

The prevention rebate will be withheld if the employer's certification status is under review by SAFE Work Manitoba at the time the eligibility decision is made. Factors that will lead to the employer's certification being under review are outlined in the Administrative Guidelines to WCB Policy 52.30, *SAFE Work Certified Program*.

If the review of the employer's certification concludes with SAFE Work Manitoba's decision that there are no concerns with the employer's certification status, the rebate will be provided as long as the employer has met all other eligibility criteria during the 12 months that were originally under review.

Legislative compliance

The employer will not be eligible for the prevention rebate if the following has occurred during the 12 months under consideration:

- The employer has received an administrative penalty or conviction under *The Workplace Safety and Health Act* and its regulations;
- The employer has received an administrative penalty or conviction under section 19.1 (claim suppression or discriminatory action), section 19.2 (failure to post a notice), section 49.3 (breach of re-employment obligation), section 86(1)(c) (failure to produce documents or books), section 100 (obstructing or hindering examination or inquiry), or section 109.1 (making false statement) under the *Workers Compensation Act* and its regulations;
- The employer has received a conviction under Part II of the *Canada Labour Code* and its regulations; or
- A representative of the employer has received a conviction under section 217.1 (the "Westray Provision") of the *Criminal Code of Canada*.

Assessments status

To be eligible for the rebate, the employer must meet other eligibility requirements related to the employer's standing with the WCB, as further described in the Administrative Guidelines to this policy.

An employer's eligibility cannot be withheld more than once in relation to the same event. For example an event that results in certification being placed under review in one year and a conviction for that same event in a subsequent year would only result in eligibility being withheld for one year.

4. CALCULATION OF THE REBATE

Eligible employers will receive a rebate of the greatest of 15% of their premium or \$3,000, to a maximum of 75% of their assessment premium.

For example, an eligible employer who paid \$4,000 in premiums for a given year, would receive a \$3,000 rebate, representing 75% of their premiums. An eligible employer who paid \$100,000 in premiums for a given year, would receive a rebate of \$15,000, or 15% of their premiums.

The rebate will be determined from the last actual payroll reported by the employer, and will not be based on projected payroll.

SAFE Work Manitoba will not provide pro-rated or partial rebates.

5. EXPIRY DATE OF THE PROGRAM

The Prevention Rebate Program will expire on December 31, 2028, unless renewed by the Board of Directors.

6. APPEAL

Employers who disagree with SAFE Work Manitoba's determination of eligibility or the calculation of the rebate will have the ability to appeal these decisions, initially through an internal WCB process and as a second level of review, the Appeal Commission.

REFERENCES

The Workers Compensation Act, sections 19.1, 19.2, 49.3, 54.1, 82(6), 86(1)(c), 100 and 109.1

The Workplace Safety and Health Act, sections 53 and 54

Canada Labour Code, Part II, section 148

Criminal Code of Canada, section 271.1

WCB Policy 52.30, *SAFE Work Certified Program*

WCB Policy 52.20, *Funding Industry-Based Safety Programs*

WCB Policy 31.05.05, *Rate Setting for the General Body of Employers*.

History:

1. Policy was established by Board Order No. 39/16 on November 30, 2016, effective January 1, 2018.