

Appendix A: Prevention Rebate Standards and Procedures

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ADMINISTRATIVE GUIDELINES

Subsection 82(6) of *The Workers Compensation Act* (the Act) authorizes the Workers Compensation Board (WCB) to provide employers with incentives for prevention activities. The WCB has chosen to do so through the Prevention Rebate Program. Under WCB Policy 52.40, *Prevention Rebate Program Policy*, SAFE Work Manitoba, a division of the WCB responsible for prevention programs and services, is responsible for administering this program. The Prevention Rebate Standards and Procedures (Appendix A) are guidelines made and published under SAFE Work Manitoba's administrative authority.

The standards and procedures contained in these guidelines:

- elaborate on the eligibility criteria contained in the *Prevention Rebate Program Policy*;
- explain the roles and responsibilities of various participants in the Prevention Rebate Program, including the WCB, SAFE Work Manitoba, certifying partners, and employers; and
- support the management and operation of the program.

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1 Introduction

This standards and procedures document intends to provide Manitobans with an understanding of the Prevention Rebate Program, including its principles, eligibility criteria, timelines, rules, and roles and responsibilities.

The purpose of the Prevention Rebate Program is to reduce the risk of workplace injury and illness by acknowledging employers who have developed and maintained meaningful workplace safety and health management systems. The effectiveness of an employer's safety and health management system is measured through their participation in an industry-based safety program, provided through a certifying partner, that meets the standards of the SAFE Work Certified Program.

SAFE Work Manitoba administers the Prevention Rebate Program, determines employer eligibility and issues the prevention rebate. Certified employers who have met all criteria, as defined in WCB Policy 52.40, are eligible for the prevention rebate, which is issued once per year and calculated based on the employer's premiums.

Please note: references to "the certification program" and "certification" within this document encompass programs offered by certifying partners that meet the standards of the SAFE Work Certified Program, unless otherwise noted.

1.1 *Goals of the Prevention Rebate Program*

The goals of the Prevention Rebate Program, as noted by WCB Policy 52.40, are to:

1.1.1. Reduce the risk of illness and injury by encouraging employers to improve their safety and health management practices.

The prevention rebate offers employers an incentive to implement and continually improve their safety and health management system by meeting the requirements of their certifying partner's certification program.

1.1.2. Acknowledge employers who, in order to reduce the risk of injury and illness, have already adopted effective safety and health management practices.

Employers who have already demonstrated their commitment to a certification program that meets the standards of the SAFE Work Certified Program will be rewarded with the prevention rebate, provided all other eligibility criteria as defined by the WCB's *Prevention Rebate Program Policy* are met.

1.2 Foundational principles

The Prevention Rebate Program is built on the following principles:

- 1.2.1. A meaningful financial incentive for employers who take genuine steps to improve workplace safety and health.
- 1.2.2. Co-ordination and oversight by SAFE Work Manitoba through the framework of the SAFE Work Certified Program.
- 1.2.3. Acknowledgement of the needs and requirements of different sized employers and workplaces.
- 1.2.4. Collective responsibility for the funding of the prevention rebate through the general WCB Accident Fund.
- 1.2.5. 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.

1.3 Relationship to the SAFE Work Certified Program

The Prevention Rebate Program is directly related to the SAFE Work Certified Program. Obtaining certification from a certifying partner is the primary criteria that must be met for an employer to be eligible for the prevention rebate. By becoming certified, an employer has made a commitment to the continuous improvement of their safety and health management system and to their certification responsibilities, which include completing annual maintenance audits and complying with all safety and health legislation. The prevention rebate is awarded to certified employers who fulfil all responsibilities of their certification and complete their annual WCB payroll reporting¹.

2 Prevention Rebate Eligibility Criteria

The eligibility criteria an employer must meet to receive the prevention rebate are defined in this section.

2.1 Rebate eligibility period

¹ Actual payroll reporting includes total hours worked.

A certified employer's eligibility to receive the prevention rebate is determined annually. An employer's rebate eligibility period is the 12 months that an employer's prevention rebate is based on, starting from their certification anniversary date. For example, if an employer's certification anniversary date is February 15, 2017, their 12-month rebate eligibility period is from February 15, 2017 to February 14, 2018 (inclusive). Rebate eligibility criteria will be evaluated within this time period to determine if the employer will receive the prevention rebate.

An employer is not eligible for the prevention rebate until the rebate eligibility period is complete and they have satisfied all eligibility criteria.

2.2 Safety and health certification

To be eligible for the prevention rebate, the employer must become certified in accordance with Policy 52.30, Safe Work Certified Program (SWCP). To maintain certification the employer must:

- 2.2.1. Maintain an active WCB account for the rebate eligibility period.
- 2.2.2. Complete and submit their annual maintenance audit prior to their certification anniversary date.
 - 2.2.2.1. An employer who has not submitted their annual maintenance audit prior to their certification anniversary date will have their certification status placed under review.
- 2.2.3. Complete their recertification audit prior to the certification anniversary date every three years.
 - 2.2.3.1. The rules from 2.2.2.1 regarding the maintenance audit also apply to the recertification audit.

If an employer becomes decertified, they are no longer eligible to receive the prevention rebate for the eligibility period in which they were decertified.

2.3 Certification under review

To be eligible for the prevention rebate, the employer's certification status must not currently be under review. For a list of reasons why certification could be under review, please see section 5.2, Certification review, of Policy 52.30 Appendix A, SAFE Work Certified Standards and Procedures, on the WCB website.

If the review of the employer's certification establishes that there are no concerns with the employer's certified status, the rebate will be provided as long as the employer has met all other eligibility criteria during the rebate eligibility period in which the employer's certification was under review.

2.4 Legislative compliance

An employer is not eligible for the prevention rebate for the year during which it violates specified provisions of *The Workers Compensation Act* (the Act), *The Workplace Safety and Health Act* and its regulations, *Canada Labour Code*, or, *Criminal Code of Canada*, when that violation is ultimately penalized by conviction for an offence or by administrative penalty.

If an employer is under investigation for a violation of one or more of the provisions described in the WCB's *Prevention Rebate Program Policy* during the 12-month eligibility period under consideration, SAFE Work Manitoba will withhold the prevention rebate for that period until eligibility is determined. If the employer ultimately receives an administrative penalty or conviction, the prevention rebate for the year in which the breach or offence occurred will be denied.

An employer cannot be considered ineligible more than once in relation to the same event. In circumstances where an event and its resolution occur in different years, the rebate will be denied for the year in which the event occurred. For example, if an event that results in an employer being charged with an offence occurs in one year and a conviction occurs in a subsequent year, the rebate would be denied in the year that the event actually occurred, not in the year that the employer was convicted of the offence. SAFE Work Manitoba will keep records of an employer's convictions and administrative penalties for the duration of the Prevention Rebate Program.

If SAFE Work Manitoba issued a prevention rebate to an employer, then later received notification of an administrative penalty or conviction that occurred during the eligibility period for which the employer was issued the rebate, the employer is responsible for paying back the amount of the rebate immediately to the WCB. See section 3.5, [Prevention rebate adjustments](#).

2.5 Annual payroll reporting

An employer who has met all prevention rebate eligibility criteria by their certification anniversary date must also complete their annual payroll reporting to receive the prevention rebate. This includes submitting both total hours worked and actual payroll to the WCB. A person who has purchased optional coverage to ensure that they themselves are covered in the event of a workplace accident is not required to complete annual payroll reporting to be eligible for the prevention rebate.

2.5.1 Total hours worked

Total hours worked should be reported as part of an employer's annual payroll reporting. If not, they can be reported to SAFE Work Manitoba or WCB Assessment Services:

SAFE Work Manitoba

Email swc@safeworkmanitoba.ca

Call 204-957-SAFE (7233) in Winnipeg or 1-855-957-SAFE (7233) outside Winnipeg.

WCB Assessment Services

Email assessmentservices@wcb.mb.ca

Call 204-954-4505 in Winnipeg or 1-855-954-4321 (ext. 4505) outside Winnipeg.

Total hours worked must be reported to receive the prevention rebate for the related eligibility period, but failure to report total hours worked in one year will not affect an employer's rebate eligibility in future years.

2.5.2 Actual payroll

Actual payroll determines an employer's premiums, which are the basis for the prevention rebate calculation. If actual payroll is not reported by April 30th, the employer's actual payroll will be calculated based on previous years as an imposed payroll. No prevention rebates are issued while an employer's account has an imposed payroll for any year, so failure to report actual payroll in one year has the potential to delay multiple prevention rebates. After an employer reports any outstanding actual payroll, any prevention rebates for which they are eligible will be issued the following month.

3 Prevention Rebate Payment

The prevention rebate is issued at the WCB account level once per year to eligible employers.

3.1 Timing

An eligible employer will have their prevention rebate paid the month following their certification anniversary date, providing the employer has submitted their actual annual payroll and total hours worked to the WCB and has met all other eligibility criteria outlined in the WCB's *Prevention Rebate Program Policy*.. The timeline below illustrates when a sample employer who meets all eligibility criteria would receive their prevention rebate.



3.1.1 Delayed rebates due to certification review

An employer will not receive their prevention rebate if their certification is under review.

If it is determined there is no issue with the employer's certification when the review concludes, the prevention rebate will be issued, provided the other eligibility criteria have also been met.

3.2 *Methods of rebate payment*

An employer can choose to receive the prevention rebate through a credit to their WCB account or a cheque. The choice is made by identifying a preferred method of payment on the SAFE Work Certified Application or by contacting SAFE Work Manitoba. If no choice is made, the default will be a credit to the employer's WCB account. Please note:

- If an employer pays their premiums through pre-authorized installments and chooses to receive their prevention rebate through a credit to their WCB account, the prevention rebate will be applied towards future installments.
- Prevention rebate cheques are paid for the full rebate amount only.
- If the employer's WCB account has an amount owing that is past due:
 - the prevention rebate amount will first be applied as a credit to any past due amount owing on an employer's WCB account.
 - any remaining balance of the prevention rebate will be applied as a credit towards future amounts owing.
 - no prevention rebate cheque will be sent, regardless of preferred method of rebate.

An employer can contact SAFE Work Manitoba to update their preferred method of payment. Updates must be made before the end of the eligibility period for the rebate associated with that period.

3.3 *Calculation of the rebate*

Eligible employers will receive a rebate of the greater of 15 per cent of their premium or \$3,000, to a maximum of 75 per cent of their premium.²

For example, an eligible employer who paid \$4,000 in premiums for a given year would receive a \$3,000 rebate, representing 75 per cent 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 per cent of their premiums.

The rebate will be determined from the actual payroll associated with the rebate eligibility period and will not be based on estimated payroll. For example, if an employer's rebate

² The premium used to calculate the prevention rebate is the net amount after any safety levy or safety program discount has been applied to the premium on behalf of an industry-based safety program.

eligibility period is October 10, 2017 to October 9, 2018, the actual payroll for 2017 is used to calculate the prevention rebate.

3.4 Notification of eligibility

3.4.1 Letter

An employer will be notified in writing by SAFE Work Manitoba of their eligibility to receive the prevention rebate. This is typically within one month after the employer reaches their certification anniversary date. The employer will be notified of:

- **Rebate awarded:** the employer is eligible to receive the prevention rebate. The dollar amount of the prevention rebate that the employer can expect to receive will be included.
- **Pending rebate:** the employer has not yet submitted their annual maintenance audit, a recertification audit (completed in place of a maintenance audit every 3rd year), actual payroll, and/or total hours worked. Once all remaining eligibility criteria have been met, the employer's prevention rebate will be processed and they will receive the rebate awarded notification.
- **Under review:** the employer is not currently eligible, because their certification is under review - see section 2.3, [Certification under review](#). Once the certification review has been completed, the employer will receive either the rebate awarded letter and their prevention rebate will be processed, or they will receive a letter indicating why they are not eligible.
- **Not eligible:** the employer is not eligible to receive the prevention rebate. Specific reasons why the employer is not eligible will be included.

SAFE Work Manitoba will provide written notification of prevention rebate eligibility to the employer's prevention rebate contact. Employers may designate a prevention rebate contact person in their SAFE Work Certified Application, or by contacting SAFE Work Manitoba separately to designate a contact person. If the employer has not designated anyone as their prevention rebate contact person, the letter will be sent to the primary WCB contact on the employer's WCB account.

An employer is responsible for contacting SAFE Work Manitoba to update their prevention rebate contact information. Updates must be made before the end of the rebate eligibility period, otherwise the eligibility notification will be sent to the employer's prior rebate contact or primary WCB contact (if no prevention rebate contact was identified).

3.4.2 WCB account statement

The prevention rebate will appear on the employer's WCB account statement as a credit. If, however, the employer chose to receive the rebate by cheque, their WCB account statement will show a debit for the full amount of the prevention rebate, indicating it has been paid out to the employer.

3.5 Prevention rebate adjustments

There may be instances where a prevention rebate amount is adjusted by the WCB after the prevention rebate has been issued to an employer. Examples include:

- An employer reports a correction to their actual annual payroll resulting in a change of premiums. Since premiums are used to calculate the prevention rebate, the prevention rebate amount previously issued will require an adjustment.
- SAFE Work Manitoba is notified of an administrative penalty or conviction an employer received after a prevention rebate was issued, making the employer ineligible for that prevention rebate.

Any adjustment made that results in an amount owing to the employer will be applied as a credit to the employer's WCB account, regardless of the employer's preferred payment method. Any adjustment made that results in the employer having to pay back part or all of their prevention rebate (a reversal) will be applied as an amount owing on the employer's WCB account.

4 Roles and Responsibilities

4.1 Workers Compensation Board

*The **Workers Compensation Board (WCB)** is a corporate body established under The Workers Compensation Act. It is funded by employer premiums that provides compensation to injured workers. SAFE Work Manitoba is a division of the WCB however, it has roles and responsibilities in relation to the Prevention Rebate Program that are distinct from those of the WCB as a whole. Accordingly, the roles and responsibilities WCB and SAFE Work Manitoba are described separately below.*

The role of the WCB as it relates to the Prevention Rebate Program is to manage all financial transactions related to prevention rebates. Reconsideration or appeal is not available for decisions to issue or deny a rebate in any given year. However, some of the decisions that lead to the denial of a prevention rebate may be subject to reconsideration or appeal in accordance with WCB Policy 20.10 *Reconsiderations*.

WCB Responsibilities

Responsibilities of the WCB as they pertain to the Prevention Rebate Program include:

- 4.1.1. Provide details of prevention rebate transactions for employers on account statements.
- 4.1.2. Perform adjustments to any prevention rebates issued due to a change in an employer's premiums for the related eligibility period.
- 4.1.3. Notify employers of an adjustment to a prevention rebate amount if a prevention rebate has been issued.
- 4.1.4. Notify SAFE Work Manitoba of any changes to an employer's eligibility due to reconsideration or appeal decision made by the WCB.

4.2 **SAFE Work Manitoba**

***SAFE Work Manitoba** is a separate arm of the WCB, dedicated to the prevention of workplace injury and illness.*

SAFE Work Manitoba oversees the development, operation and administration of the Prevention Rebate Program.

SAFE Work Manitoba ensures the Prevention Rebate Program represents leading practices, reflects the program's design principles, recognizes legislative requirements and operates efficiently and fairly.

Ownership of the Prevention Rebate Program rests with SAFE Work Manitoba. SAFE Work Manitoba provides oversight for the program, defines program standards and assigns responsibilities to the various stakeholders.

SAFE Work Manitoba responsibilities

SAFE Work Manitoba's responsibilities are as follows:

- 4.2.1. Refine the Prevention Rebate Program through annual reviews.
- 4.2.2. Maintain a list of current and previously certified employers and their prevention rebate eligibility for current and prior prevention rebate eligibility periods.
 - 4.2.2.1. Maintain a list of any reasons that an employer's certification is under review.
 - 4.2.2.2. Maintain a list of an employer's administrative penalties and convictions related to legislative compliance.
- 4.2.3. Notify employers of their prevention rebate eligibility.
- 4.2.4. Provide the WCB with data pertaining to the Prevention Rebate Program as required, such as employer eligibility.
- 4.2.5. Authorize prevention rebates.
 - 4.2.5.1. Verify all eligibility criteria is accurate as part of authorizing the prevention rebate.
- 4.2.6. Maintain records of all prevention rebate payment authorizations.
- 4.2.7. Maintain records of each certified employer's prevention rebate information for each eligibility period
- 4.2.8. Reverse a prevention rebate if it is discovered the employer should not have been paid.
- 4.2.9. Encourage employer to review the rebate eligibility of employers enrolled in their safety certification program.

- 4.2.10. Determine an employer's eligibility to receive the prevention rebate for current or past eligibility periods.
- 4.2.11. Provide responses to complaints in a timely manner.
 - 4.2.11.1. Disclose personal information only as authorized or required by law.
- 4.2.12. Communicate changes to the Prevention Rebate Program to stakeholders.

4.3 Certifying partners

*A **certifying partner (CP)** is an independent, not-for-profit industry-based safety association that has been approved by SAFE Work Manitoba to administer industry-based safety programs that meet the requirements of the SAFE Work Certified Program. The certifying partner serves as the employer's main point of contact regarding all operational aspects of obtaining safety and health certification.*

Certifying partner responsibilities

In fulfilling their responsibilities with respect to the Prevention Rebate Program, certifying partners are expected to carry out the following:

- 4.3.1. Generate, review and follow-up on prevention rebate eligibility reports.
 - 4.3.1.1. Notify employers of issues relating to their prevention rebate eligibility prior to their certification anniversary date.
 - 4.3.1.2. Work with employers to overcome certification issues that impact rebate eligibility.
- 4.3.2. Help ensure employers are aware they must report their total hours worked to receive the prevention rebate and let employers know the procedures for reporting.
- 4.3.3. Answer employer questions relating to the Prevention Rebate Program.
- 4.3.4. Ensure employers have a mechanism to appeal decisions concerning their certification status, which may result in the denial of a Prevention Rebate.

4.4 Employers

An employer is a person or legal entity that falls within any or all definitions of an "employer" as defined by The Workplace Safety and Health Act, The Workers Compensation Act or the Canada Labour Code.

Employer responsibilities

Employers who participate in the Prevention Rebate Program have the following responsibilities:

- 4.4.1. Meet all eligibility requirements as outlined in section 2, [Prevention Rebate Eligibility Criteria](#). Most importantly, maintain their certified status.
- 4.4.2. Notify SAFE Work Manitoba of their preferred method of rebate payment when applying to the SAFE Work Certified Program or by contacting SAFE Work Manitoba.
- 4.4.3. Notify SAFE Work Manitoba of their prevention rebate contact person when applying to the SAFE Work Certified Program or by contacting SAFE Work Manitoba.
- 4.4.4. Report any changes in operations to the certifying partner and to WCB, including:
 - 4.4.4.1. Merging with or acquiring another business.
 - 4.4.4.2. Change of ownership.
- 4.4.5. Report any changes of WCB classification to the certifying partner.
- 4.4.6. Inform the WCB of a material change in circumstances.

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 Process

Reconsideration or appeal are not available for decisions to issue or deny a rebate in any given year. However, some of the decisions that lead to the denial of a prevention rebate may be subject to reconsideration or appeal in accordance with WCB Policy 20.10, *Reconsiderations* and WCB Policy 22.20, *Compliance and Enforcement*.

7 Disclaimer

SAFE Work Manitoba has made all reasonable attempts to confirm the information contained in this document is accurate and up-to-date. However, this document is a guide for general information purposes only and may require amendments from time to time. SAFE Work Manitoba cannot assume responsibility or liability for reliance upon this document alone for all

information related to the Prevention Rebate Program. Employers are encouraged to contact their certifying partner to confirm their eligibility for the prevention rebate.

8 Glossary

Term	Acronym	Definition
Audit		Evaluation of an organization's safety and health management system against an approved set of criteria.
<i>Canada Labour Code</i>		Act of Parliament of the Canadian government to consolidate certain statutes respecting labour. The objective of the code is to facilitate production by controlling strikes & lockouts, occupational health and safety, and some employment standards. In general, the code only applies to those industries in which the federal government has jurisdiction instead of the provinces.
Certification/ Certified		Generic designation that recognizes employers that have demonstrated active adoption of a set of safety and health requirements and practices that comprise a comprehensive safety and health management system that includes quality assurance and continuous improvement processes.
Certifying partner	CP	Independent, not-for-profit industry-based safety program or association approved by SAFE Work Manitoba to administer the SAFE Work Certified Program. The certifying partner serves as the employer's main point of contact regarding all operational aspects of obtaining safety and health certification that meets the criteria for the SAFE Work Certified Program.

Term	Acronym	Definition
Employer		<p>Person or legal entity which falls within definitions of an "employer" as defined by the <i>Workers Compensation Act, Manitoba Workplace Safety and Health Act and Regulation</i> and / or <i>Canada Labour Code</i>. Employers are further categorized by SAFE Work Manitoba as:</p> <ul style="list-style-type: none"> • Guided employer – an employer with 19 or fewer workers • Self-directed employer – an employer with 20 or more workers
Imposed payroll		An estimated payroll amount used by the WCB to calculate premiums for an employer who has not completed their annual payroll reporting.
Industry-based safety program	IBSP	Program that provides education/workshops and consulting services to member companies aligned under a common industry or worker demographic. An IBSP is typically hosted by a parent organization and governed by a council body, both representative of industry.
Maintenance audits		Audit intended to confirm maintenance and continuous improvement in safety and health management systems. This includes verification of progress made on the action plan generated in the previous year's audit. Maintenance audits are conducted in the intervening years between recertification cycles. Completion of a maintenance audit or recertification is required to be eligible for the prevention rebate.

Term	Acronym	Definition
Rebate eligibility period		The 12 months that an employer's prevention rebate is based on, starting from their certification anniversary date. For example, if an employer's certification anniversary date is February 15, 2017, their 12-month rebate eligibility period is from February 15, 2017 to February 14, 2018 (inclusive). Rebate eligibility criteria will be evaluated within this time period to determine if the employer will receive their prevention rebate.
Rebate year		The year of the rebate eligibility period. For example, if an employer's certification date is August 10, 2017, the rebate year for the 2017 eligibility period is August 10, 2017 to August 9, 2018 (inclusive). If eligible, the employer would receive their rebate for the 2017 rebate year in 2018 after the rebate eligibility period has completed.
Recertification		Full SAFE Work Certified audit carried out by SAFE Work Certified auditor every three years. Recertification is a requirement for eligibility for the prevention rebate.
Safety levy		The amount collected by the WCB on behalf of an industry-based safety program from an employer's assessment premium when their WCB classification code is levied. The percentage collected as a safety levy is a maximum of 5% of WCB premiums for all industry based safety programs.

Term	Acronym	Definition
SAFE Work Certified		SAFE Work Manitoba's voluntary workplace safety and health certification program, which outlines safety and health requirements and leading safety and health practices that comprise a comprehensive safety and health management system. Employers that demonstrate active adoption of the safety and health requirements outlined in the SAFE Work Certified Program may achieve safety and health certification
SAFE Work Manitoba		A separate arm of the WCB dedicated to the prevention of workplace injury and illness, created by the WCB in co-operation with WSH. Working with its stakeholders, SAFE Work Manitoba provides prevention education, safety programming, consulting and strategic direction to create a genuine safety culture for all Manitobans.
Worker		A person that falls within either or all definitions of a "worker" as defined by <i>The Workplace Safety and Health Act</i> or <i>The Workers Compensation Act</i> , or an "employee" as defined by the <i>Canada Labour Code</i> .
<i>The Workers Compensation Act</i>	WCA	<i>Workers Compensation Act</i> (C.C.S.M. c. W200).
Workers Compensation Board	WCB	Corporate body continued under the WCA.

Term	Acronym	Definition
Workplace		Physical business location(s) where work takes place. According to <i>The Workplace Safety and Health Act</i> definition, a workplace means any building, site, workshop, structure, mine, mobile vehicle, or any other premises or location, whether indoors or outdoors, in which one or more workers or self-employed persons are engaged in work or have worked. A workplace is also any place that falls within the definition of a "work place" as defined by the <i>Canada Labour Code</i> .
Workplace Safety and Health	WSH	Workplace Safety and Health Branch, defined as "branch" by <i>The Workplace Safety and Health Act</i> .
<i>The Workplace Safety and Health Act</i>	WSHA	<i>The Workplace Safety and Health Act and Regulation</i> (C.C.S.M c. W210).