

Section	Policy
50	52.30

Section Title: Prevention and Partnerships
Subject: SAFE Work Certified Program (SWCP)
Effective Date: May 1, 2021

A. POLICY PURPOSE

The SAFE Work Certified Program (SWCP) is a workplace health and safety program administered by SAFE Work Manitoba, a division of the Workers Compensation Board (WCB) responsible for prevention programs and services. Under this program, employers can apply for SAFE Work Certification upon demonstrating their conformance with prescribed workplace safety and health requirements.

SAFE Work Manitoba operates this program in conjunction with Certifying Partners (CPs). CPs are safety organizations authorized by SAFE Work Manitoba to offer certification to employers. In the case of Individually Assessed Employers (employers in Classes B to D), SAFE Work Manitoba also works in partnership with an Individually Assessed Committee (IAC) to administer the program.

SAFE Work Certification is a necessary condition of eligibility for the Prevention Rebate Program. The prevention rebate, however, is only available to Class E Employers.

This policy outlines the goals of the SWCP, the principles underlying it, and the framework under which it operates.

B. POLICY

I. Goals

The goals of the SWCP are to:

- Reduce workplace injuries and promote a culture of safe work in Manitoba;
- Promote public awareness of workplace safety and enhance compliance with *The Workers Compensation Act* (the Act) and *The Workplace Safety and Health Act*;
- Foster commitment to workplace safety and injury prevention among employers, workers and other stakeholders;
- Enable CPs to effectively implement the SWCP for Class E Employers, and to participate in the certification process for Individually Assessed Employers;
- Support industry and employer associations, as well as other organizations, in their efforts to offer Industry Based Safety Programs (IBSPs) and certification programs in industry sectors not yet served by them; and
- Enable Individually Assessed Employers that are not aligned with a single industry to achieve certification.

II. Principles

- SAFE Work Manitoba is responsible for developing the standards, measures and audit processes to be followed in the certification process.
- The SWCP will effectively prescribe safety standards, measures and processes while remaining flexible enough to adapt to the needs of various industry sectors.

- The SWCP will build on the strengths of existing IBSPs and partners with a network of CPs. The CPs, through their IBSPs, should provide guidance and support to workplaces in their efforts to pass the required safety audit.
- The SWCP is a voluntary program that should be accessible and relevant to all Manitoba workplaces, adapting to workplaces of all sizes in a variety of industries.
- The SWCP should recognize the importance of worker participation in the certification process, including the development and implementation of safety and health management systems.
- SAFE Work Manitoba should incorporate robust quality assurance features to ensure the SWCP meets its goals and that stakeholders are confident that the program is based on objective, audit-driven, standards and processes.

III. Program Standards

Detailed standards, procedures and program requirements are outlined in the guidelines that accompany this policy.

IV. Operational Framework

The process for obtaining certification under the SWCP differs, depending on whether the employer is a Class E Employer or an Individually Assessed Employer.

Certification Process for Class E Employers

Each year, Class E Employers pay assessments into a collective cost pool. Funds from this pool are used to cover the costs of claims made by all Class E Employers.

For employers in Class E, the SWCP is overseen by SAFE Work Manitoba and is delivered through a network of CPs. Organizations become CPs by developing IBSPs that meet the requirements of WCB Policy 52.20 *Funding Industry-Based Safety Programs*. These organizations enter into formal agreements with the WCB, operating as SAFE Work Manitoba, to become CPs and offer IBSPs to employers.

Class E Employers generally initiate the certification process by applying directly to the relevant CP. CPs are authorized to offer SAFE Work Certification only to employers within the industry sectors specified in the IBSP funding agreements.

For certification to be considered SAFE Work Certification, Class E Employers must also be registered with the WCB and must have paid a levy (or equivalent) to the relevant CP to help pay for IBSP programming.

CPs are responsible for:

- Offering industry-based safety and health certification programs that meet the requirements of the SWCP;
- Providing SAFE Work Certification to qualifying Class E Employers that operate within WCB classification codes assigned to the CP;
- Providing SAFE Work Certification to other qualifying employers, provided the CP has received prior authorization from SAFE Work Manitoba to do so;
- Monitoring employer compliance with program requirements; and
- Serving as an employer's main point of contact for all operational aspects of certification.

The CP offers training and aids in the development and implementation of a safety and health management system intended to meet SWCP standards.

When the CP and Class E Employer believe that the SWCP standards have been met, an audit is conducted by a SAFE Work certified auditor.

If the audit is successful, the CP may grant SAFE Work Certification to the Class E Employer. If the audit is unsuccessful, the CP will work with the Class E Employer to address any deficiencies identified.

In order to maintain certification the workplace must continue to meet certification requirements, including additional maintenance audits each year and a re-certification audit every three years.

A Class E Employer may choose to appeal its audit result, or other issues related to certification, by submitting an appeal to the CP.

Review of Certification

Certification is awarded by CPs to Class E Employers on the basis of a successful audit, conducted by a SAFE Work Certified auditor.

A Class E Employer's certification may be placed under review by SAFE Work Manitoba or the CP if there is reason to believe that an employer's safety and health program no longer meets SWCP requirements.

A certification review may be triggered by a number of factors, including but not limited to issues raised by stakeholders, administrative penalties or convictions received, frequent Workplace Health and Safety Orders, increasing injuries, or a fatality in the workplace.

The review may identify specific issues that need to be addressed and require further audits to verify that standards are being met. If the verification activities are satisfactorily completed, the employer's certification will no longer be under review.

Further details on the review process are provided in the Appendices that accompany this policy.

Decertification

If, after review, it is determined that a Class E Employer's health and safety program no longer meets SWCP requirements, the CP will work with the employer to address the identified deficiencies. The employer must complete a limited scope audit to maintain certification.

If this does not occur, the CP will decertify the employer. The employer may reapply for certification when the deficiencies are addressed.

A CP may also decertify an employer if the employer fails to maintain certification, such as successfully completing annual maintenance audits and a re-certification audit every three years.

Certification Process for Individually Assessed Employers

Individually Assessed Employers (employers in Classes B to D) pay their assessments differently than Class E Employers, by covering the costs of individual claims made by their workers as they arise. They also pay administrative fees to the WCB for managing their claims. Class B consists of four major transportation companies (CN, CP, VIA Rail and Air Canada) and their subsidiaries. Class C consists of the Manitoba government and provincial government agencies. Class D is the City of Winnipeg.

The certification process for Individually Assessed Employers is similar to the process for Class E Employers. The main difference is that the process for Individually Assessed Employers is guided by a Certification Plan that must be approved by SAFE Work Manitoba prior to implementation.

Individually Assessed Employers initiate the certification process by submitting a Certification Plan to the IAC. A Certification Plan is necessary because, owing to their size and structure, Individually Assessed Employers are generally not aligned with a single CP. Their component parts (the departments, divisions or branches that make up with the organization) may each be aligned with a separate CP. Alternatively, Individually Assessed Employers, and/or their component parts, may choose to pursue an independent path to certification. Various departments, divisions or branches within the employer's organization may also be audited separately.

The Certification Plan must identify the appropriate safety training that each department within the organization will need to achieve, describe how the SAFE Work Certified audit(s) will be achieved, and explain how the requirements for maintaining certification will be met.

If the IAC is satisfied with the Certification Plan, they will recommend that SAFE Work Manitoba approve it. Once SAFE Work Manitoba has approved the Certification Plan, the employer can commence implementation. An Individually Assessed Employer is not considered SAFE Work Certified, however, until all the requirements for certification identified in their Certification Plan have been met.

An Individually Assessed Employer's certification may be placed under review by SAFE Work. If, after the review, it is determined that the employer's health and safety program no longer meets the SWCP requirements, the Certifying Partner or SWMB will work with the employer to address the identified deficiencies, or advise SWMB that the employer is decertified.

C. REFERENCES

The Workers Compensation Act, section 54.1

The Workplace Safety and Health Act and Regulations

Related WCB Policies:

Policy 52.20, *Funding Industry-Based Safety Programs*

Appendix A: SAFE Work Certified: Standards and Guidelines

Appendix B: SAFE Work Certified: Audit Framework

Appendix C: Individually Assessed Employers: Certification Guidelines

History:

1. New *SAFE Work Certified Program* Policy 52.30 approved by the Board Order No. 06/16 on January 28, 2016.
2. Policy updated on October 5, 2016 to reference the Administrative Guidelines for this policy (Appendix A and Appendix B) that are published by the SAFE Work Certified Program.
3. Policy was amended by Board Order No. 08/21 on April 19, 2021 to clarify the process for becoming SAFE Work Certified now that the program is operational and to remove references to policies that no longer exist.
4. In September 2022, policy revisions respond to a change in terminology that was introduced by amendments to the Act by *The Minor Amendments and Corrections Act* (MACA) 2022. The term "self-insured employer" was replaced with "Individually Assessed Employer" wherever it occurs.
5. Policy was amended by Board Order No. 32/23 on September 28, 2023 to clarify the certification process applicable to Individually Assessed Employers and to clearly state that the prevention rebate program is only available to Class E Employers.