

EMPLOYERS' QUICK REFERENCE HANDBOOK





We're All in it Together!

www.whscc.nb.ca

EMERGENCIES

Health and Safety Emergencies

Toll Free: 1 800 442-9776

Claims Enquiry

Toll Free: 1 800 222-9775

Assessment Services

Toll Free: 1 800 222-9645

Nova Scotia, PEI, Newfoundland and Labrador, Quebec and Ontario

Toll Free: 1 800 222-9775







We're All in it Together!

A safe workplace and healthy, productive employees go straight to your bottom line. No rational worker would trade life or limb for compensation. And we'd rather spend our time, and your premiums, preventing accidents than dealing with their costly and sometimes tragic consequences.

So we're dedicated to working with New Brunswick's employers to promote safe and healthy workplaces for their employees.

How We Play Our Part

The WHSCC is not a provincial government department. We are a Crown corporation funded by you, the employers of New Brunswick. We provide you and your workers with accident prevention and occupational health and safety services. We also administer cost-effective disability and liability insurance to pay for compensation claims.

Three provincial legislature acts govern our operations (brief descriptions of the acts are found on page 5 of *Workers' Compensation: A Guide for New Brunswick Employers*). Complete text of the acts is available through our website: *www.whscc.nb.ca*.

The Workplace Health, Safety and Compensation Commission Act:

- Sets out the operational guidelines for the Commission.
- Enables the Commission to administer the *Occupational Health and Safety Act* and the *Workers' Compensation Act*.
- Provides for an appeal process for all stakeholders.

The Occupational Health and Safety Act:

- Makes you and your employees primarily responsible for workplace health and safety.
- Grants workers the right to know about workplace hazards, the right to participate in solving workplace health and safety issues, and the right to refuse dangerous work.

The Workers' Compensation Act:

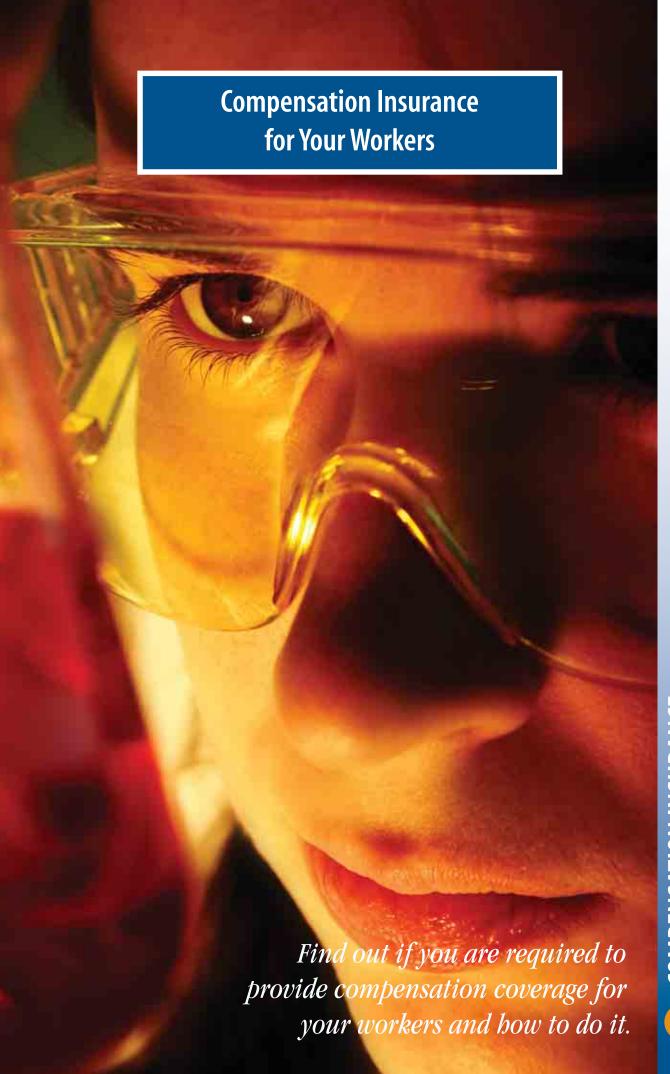
Like other provinces, the *Workers' Compensation Act* of New Brunswick is based on the work of Ontario Chief Justice Sir William Meredith more than 90 years ago. His principles set out the agreement by which you fund compensation and your workers have no legal right to sue for work-related injuries (see page 6 of *Workers' Compensation: A Guide for New Brunswick Employers*). Under the Act, compensation is administered through a no-fault insurance system.

Your Health and Safety Partner

You have a lot to do to run a successful business. We're here to lighten the load when it comes to workplace health and safety.

The WHSCC is dedicated to providing you with prompt and efficient service. We pride ourselves on our integrity and accountability. You can rely on us to help your business benefit from health, safety and compensation services we offer New Brunswick employers and their workers.

For a more comprehensive understanding of the WHSCC and your role and responsibilities as an employer, see page 8 in Workers' Compensation: A Guide for New Brunswick Employers.



Protecting You and Your Workers

The WHSCC provides and administers workers' compensation insurance for New Brunswick employers. Compensation insurance protects you from lawsuits by injured workers. This is because workers, in return for fair compensation for lost wages and associated costs related to an injury, have no legal right to sue, provided that you and they are within the compensation system.

The *Workers' Compensation Act* requires all employers with three or more workers to register for compensation insurance coverage. Complete definitions of a worker and employer are found on pages 9 and 10 in *Workers' Compensation: A Guide for New Brunswick Employers* and at *www.wbscc.nb.ca*.

Classifications of workers include:

- Full-time
- Part-time
- Casual
- Non-registered contractors
- Subcontractors
- Brokers

If you are unsure of your coverage, please refer to the section on coverage, page 9 in *Workers' Compensation: A Guide for New Brunswick Employers* or call our Assessments Enquiry Line at 1 800 222-9645.

Types of Workers' Compensation Coverage

Mandatory Coverage: required when you employ three or more workers any time during the year.

Voluntary Coverage: a voluntary application for coverage for fewer than three workers and when you will be in business for at least six months. Payment of the assessment must accompany the application. Exception: An employer with fewer than three workers working exclusively for one principal will not be granted voluntary coverage. The principal is responsible for all such subcontractors.

Personal Coverage: for proprietors, partners, spouses, or non-salaried officers of a limited or incorporated company; available only after obtaining mandatory or voluntary coverage.

Extended Coverage: for workers temporarily required to work outside New Brunswick. You still must register for legal protection with the appropriate authority where the employee will be working.

Coverage for Contractors

Unregistered Contractors: you pay for coverage when they have fewer than three workers.

Registered Contractors: they pay for coverage because they employ three or more workers.

Out-of-Province Contractors: you don't pay for coverage if they employ three or more workers on the job and it lasts for more than a week; otherwise you pay for their coverage as an unregistered contractor.

How to Apply for Workers' Compensation Insurance

You must register your business with the WHSCC to get workers' compensation insurance. Please see page 15 in *Workers' Compensation: A Guide for New Brunswick Employers* for complete details.

You must submit an *Application for WHSCC Coverage* form. You can obtain the form by going to the "Forms" section of our website at *www.wbscc.nb.ca* or calling: 1 800 222-9645.

When to Apply for Mandatory Coverage

- Within 15 days of starting your business, if you employ three or more workers.
- Within 15 days of when your third employee begins work.

When the Status of Your Business Changes

A number of business circumstances can affect your compensation coverage. Immediately contact your regional WHSCC office when one of the following applies to your business:

- Your business changes its structure incorporating, for example.
- When you purchase another business.
- When your business expands.
- When you go out of business.

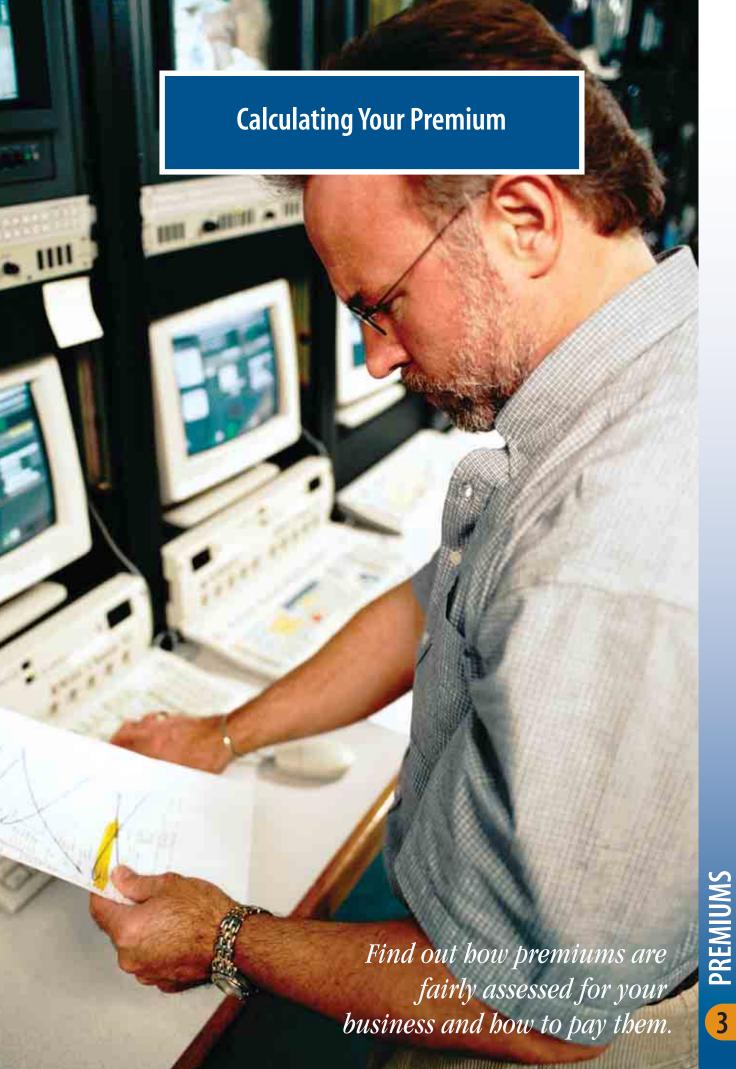
Clearance Certificate: Your Assurance of Insurance

A clearance certificate, or clearance letter, is your assurance a business does not owe outstanding compensation insurance premiums to the WHSCC.

Always ask for a clearance certificate when doing business with a third party (business or contractor) from New Brunswick or any other jurisdiction. If they don't have one available, contact the WHSCC's Assessments Enquiry Line at: 1 800 222-9645.

You are liable for outstanding premiums and the costs of any assessment-related work if the business or contractor does not have a clearance certificate or letter.





What and How You Pay

WHSCC premiums are calculated by determining an assessment rate. That rate is then charged to your business based on the assessable earnings of all your employees. A comprehensive explanation of premium calculations begins on page 18 in *Workers' Compensation: A Guide for New Brunswick Employers*.

The Assessment Rate

Assessment rates are influenced by several factors, including:

- Current and future compensation claims for the year
- Accident and injury trends
- Health care costs
- Safety and prevention program costs

The Process

Standard Industrial Classification: Based on your primary business activity, your company is assigned to one of approximately 90 different groups of industries. Special classification considerations exist for specific circumstances. Details of these considerations can be found at *www.wbscc.nb.ca* or by calling: 1 800 222-9645.

Rate Group: Based on your company's risk of accident or hazard, it is assigned to one of approximately 32 rate groups. Each group has a basic assessment rate. You pay the rate on every \$100 of assessable employee earnings.

Assessable Employee Earnings

Assessable earnings are all payroll and payroll-related monies up to an annual limit for the reporting year.

Limited and incorporated companies and associations must report all individuals receiving a salary. You must also report all subcontractors who worked for the company during the year.

Proprietorships and partnerships do not include amounts paid to proprietors, partners, spouses, and children under the age of 16 living with the employer. You must report all subcontractors who worked for the business during the year.

Assessable Earnings Include:

- Wages
- Salaries
- Commissions
- Bonuses
- Vacation pay
- Overtime pay
- Sick pay
- Honorariums
- Directors' fees
- Shift premiums

- T4 and T4A reported distribution of profits
- T4 reported tips and gratuities
- Call in and call back pay
- Labour value of contract workers
- Cash in lieu of notice
- Amounts received for profit sharing
- Employer's RRSP contribution if available to employee before age 65
- T4 and T4A reported allowances for municipal councillors
- Any other financial remuneration reported as income by the employer

Non-Assessable Earnings Include:

- Taxable allowances for travel, tools, clothing, dry cleaning, use of vehicle
- T5 reported dividends
- Retirement allowances
- Any other non-monetary taxable benefits
- Employer's RRSP contribution if locked in to age 65
- Earnings of proprietors, partners, spouses, and children under the age of 16 living with the employer
- Amounts in excess of maximum assessable earnings (equal to 1.5 times the New Brunswick Industrial Aggregate Earnings)

Reporting Assessable Earnings on a Form 100

To report assessable earnings you must complete and return a *Form 100–Employer's Payroll Report*. You will receive the form in early January. You must return it by fax (506 632-2819) or by mail on or before February 28. Complete instructions regarding the *Form 100* are found on page 25 in *Workers' Compensation: A Guide for New Brunswick Employers*.

Financial penalties are enforced for missing the February 28 *Form 100* submission deadline.

Premium Payments Simplified

You can simplify reporting earning assessments by joining our Monthly Assessments on Actual Payroll (MAAP) Program. All you have to do is make monthly reports of actual payroll on-line or by fax. Your monthly premium payment is then deducted from the bank account of your choice.

You can start in the New Year or right away if you have just registered for compensation insurance. Refer to page 26 in *Workers' Compensation: A Guide for New Brunswick Employers*, or contact your regional WHSCC office.

Annual Premium Payment

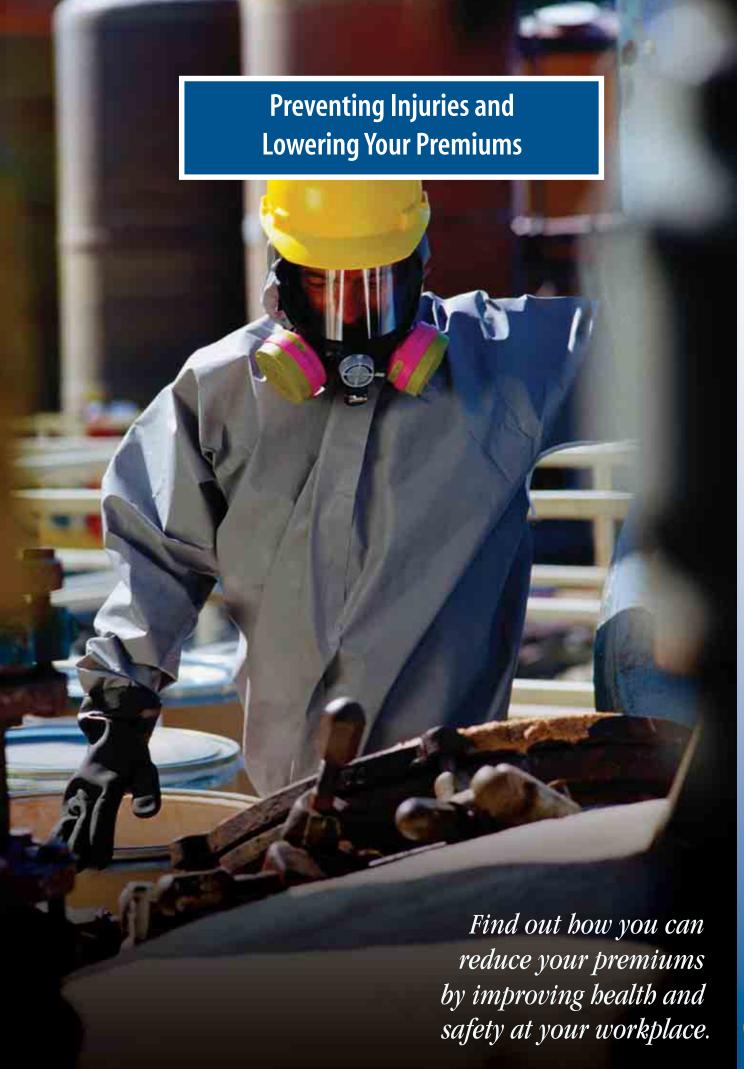
You will receive an Assessment Notice of the premium due, and the date it is due, once your *Form 100* has been processed. You can pay in cash or by cheque at any WHSCC office, or by mail with a money order.

Option A: paid in full within 30 days of due date or by March 31, whichever is later. **Option B** (two instalments):

- 1. 100% of last year's outstanding bill and 50% of this year's assessed premium paid within 30 days of due date or by March 31, whichever is later.
- 2. Remaining 50% of this year's premium, plus interest, due no later than August 31.

Payroll Audits: The WHSCC has the authority to audit your payroll to ensure accuracy of the information submitted. You must keep five years of payroll and contractor information on file.





Workplace Health and Safety Pays

The WHSCC is dedicated to helping you realize the business benefits of workplace health and safety.

The workplace health and safety services we provide help prevent accidents and injuries. This can positively affect your bottom line because employees are more productive when they know they're safe and secure when working. In addition, reducing accidents and compensation claims can lower the cost of your compensation insurance.

Experience Rating System Rewards

You may be eligible to participate in the WHSCC Experience Rating System (see page 22 in *Workers' Compensation: A Guide for New Brunswick Employers*). It's designed to reward you with lower premiums when you reduce accidents or injuries.

The Experience Rating System:

- Is available to employers with a basic annual premium of \$1,000.
- Provides for discounts up to 40%.

Consult *Workers' Compensation: A Guide for New Brunswick Employers* for details about the Experience Rating System.

Your Health and Safety Responsibilities

You have specific health and safety responsibilities under the *Occupational Health and Safety Act*. The following are only the basic requirements. Please visit our website (*www.whscc.nb.ca*), or consult page 29 in *Workers' Compensation: A Guide for New Brunswick Employers* for complete details.

Under the Occupational Health and Safety Act you must:

- Take every reasonable precaution to ensure the health and safety of employees.
- Acquaint an employee with any hazard in the workplace in connection with the use, handling, storage, disposal, and transport of any tool, equipment, machine, device or biological, chemical or physical agent.
- Provide and maintain in good condition protective equipment required by regulation and ensure it is used by an
 employee in the course of work.
- Post a copy of the Act and regulations in a prominent place where employees can see them.
- Institute safety policies and procedures which become the safety program for the workplace (form a Joint Health and Safety Committee and submit a safety policy to WHSCC if you employ more than 20 workers).

Workers' Health and Safety Rights

The Occupational Health and Safety Act of New Brunswick grants workers three basic rights, including:

- The right to know about workplace hazards.
- The right to participate in solving health and safety issues.
- The right to refuse dangerous work.

When a Health and Safety Officer Visits

To better serve you, a WHSCC health and safety officer may visit and inspect your workplace. You can improve the health and safety of your workplace, and possibly reduce your premium, when you take advantage of an officer's expertise.

See the "Prevention" section of our website for more information about our inspection services. **www.whscc.nb.ca**

Improvement and Stop-Work Orders

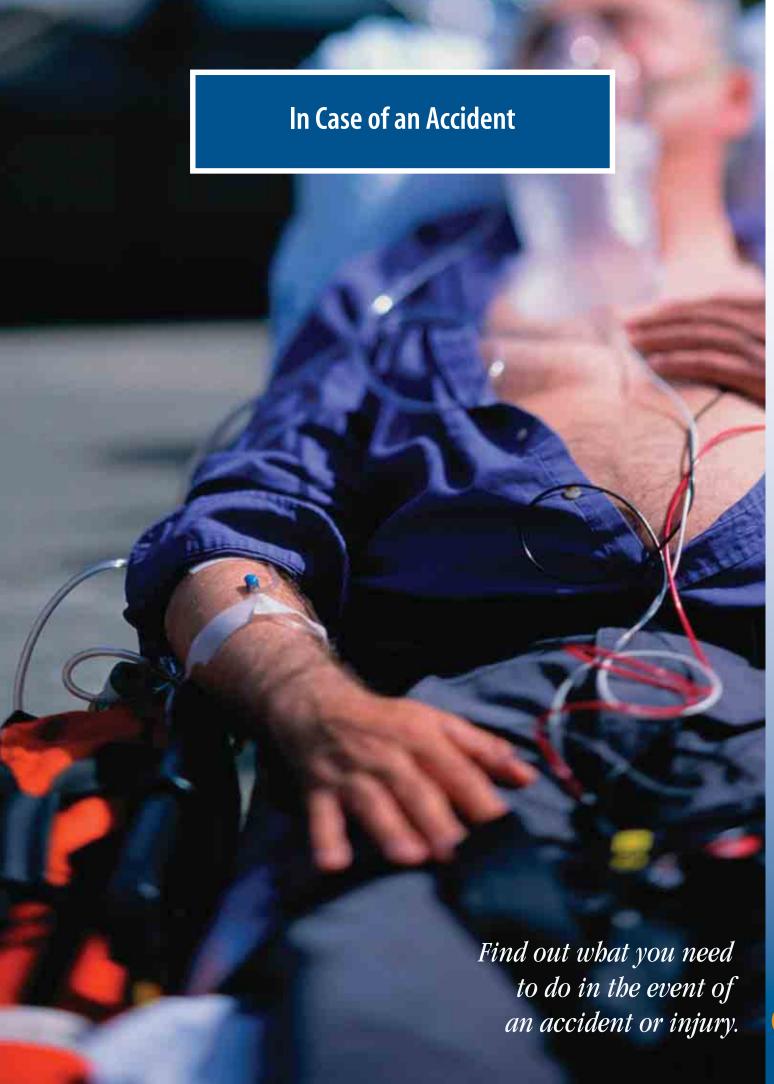
You might receive an order or stop-work order from a health and safety officer. The aim is to protect you and your workers from unsafe or unhealthy conditions. For more information, see page 30 in *Workers' Compensation:* A Guide for New Brunswick Employers. If you do not comply with an order:

- You can be charged or imprisoned.
- Substantial fines can be levied.

Rely on Our Resources

We're here to help you and your workers improve health and safety at your company. We provide a variety of informative resources to make it easy for you. These include:

- The **5*22** program (based on five health and safety fundamentals and 22 topic areas)
- Copies of the Occupational Health and Safety Act, Workers' Compensation Act and Workplace Health, Safety and Compensation Commission Act
- Hazard alert publications
- Specialized prevention guidelines
- Joint Health and Safety Committee information
- An informative, seasonal newsletter
- An annual health and safety conference



When an Accident Occurs

Accidents happen. When they do, the first thing you must do is look after the medical needs of the injured worker. This includes providing or paying for transportation to the hospital or other treatment facility.

The Workers' Compensation Act defines accidents and occupational diseases. It clearly states all must occur when working on the job.

Common Accidents and Injuries

Most workplace injuries are defined according to the following groups:

• Traumatic Injuries:

Happen quickly and cause trauma to the body such as broken bones, severe cuts and burns.

• Repetitive Strain Injuries:

Strains and sprains resulting from repeatedly doing the same task.

• Recurring Work-related Injuries:

Based on continued symptoms of an old injury and the medical connection between the present condition and the old injury.

• Occupational Disease:

Caused by conditions in the workplace such as repeated exposure to toxic materials.

All Accidents and Injuries Must be Reported

You must report the accident or injury, in writing, to the WHSCC even if the worker doesn't require medical attention or time off work. We provide a WHSCC Form 67—Report of Accident or Occupational Disease, to make it easy for you.

Getting a Form 67

If you don't have a *Form 67* on hand, you can go to our website (*www.wbscc.nb.ca*) and print the form. You can also obtain a *Form 67* from any WHSCC office.

You and the injured worker have to report the accident by filling out a *Form 67*. Even if an outside authority, such as the RCMP, has contacted us, you still have to report the accident. You can be fined up to \$50,000 if you don't report the accident in a timely manner.

Reporting in a "Timely Manner" Depends on the Nature of the Accident

Report Immediately: When the accident causes or might cause death, loss of a limb, or an occupational disease; or when the injury requires or might require hospitalization. Call 1 800 442-9776.

Report within 24 Hours: In the event of an accidental explosion or accidental exposure to a biological, chemical or physical agent. Call 1 800 442-9776.

Report within Three Days (Using a *Form 67***):** All accidents from the date they happened or the date you were told about the accident by the injured worker.

Information You Need to Report

Complete information about the accident or injury makes the claim process easier and more effective for you and the worker. You should:

- Report events that led up to the accident.
- Ask the worker if there were any witnesses.
- Determine what the worker was doing when the accident happened.
- Ask especially about how he/she was moving his/her body.
- Talk to co-workers and anyone else you might think is a helpful witness.

Details should include:

- The nature of the accident/injury and how it happened.
- The time it happened.
- Where it happened.
- Name and address of worker.
- Name and address of physician or surgeon who treated the injury.
- Any other information required by regulation.

Even if you and the worker can't agree on all the details of the accident, you still have to report it in a timely manner. Disagreement over the details with the worker will not affect your right to contest the compensation claim.

When the WHSCC Investigates

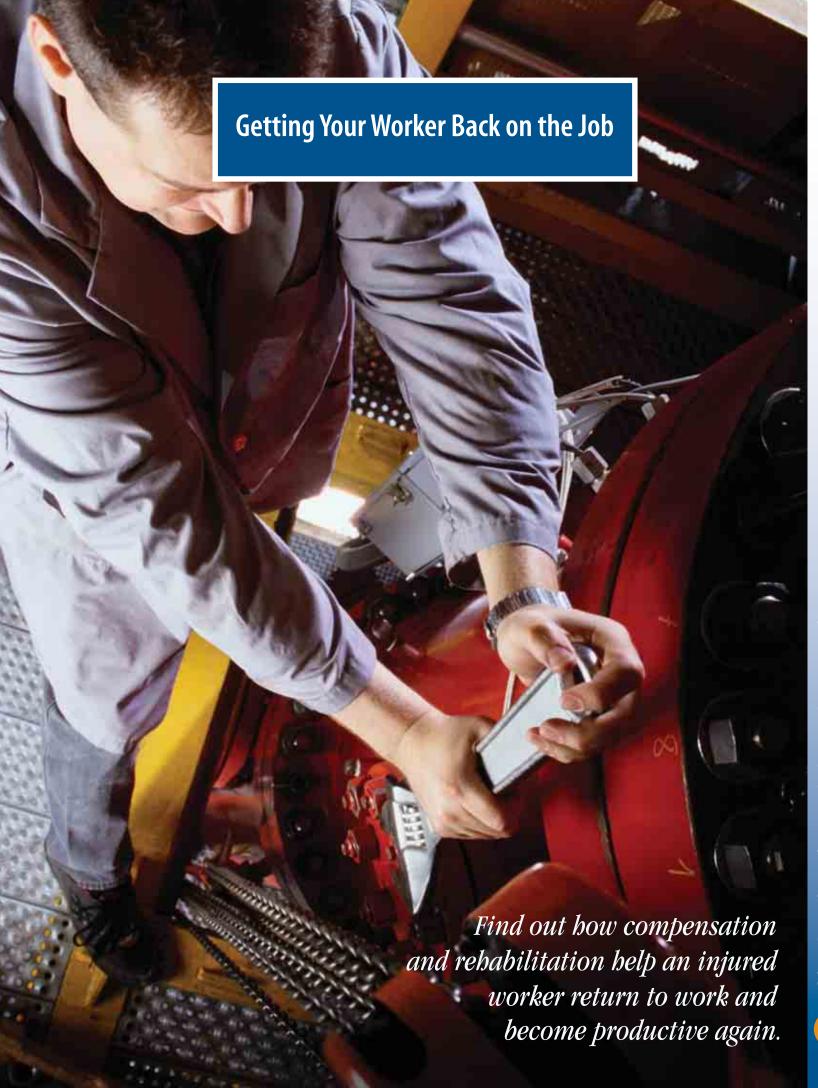
Most accidents and related claims are processed quickly and routinely. But we do have the right to investigate accidents and collect evidence in the interest of fairly deciding and professionally managing a claim.

This is the case when:

- There has been a death.
- The accident is particularly serious.
- There is evidence of an occupational disease.
- The facts are in dispute.
- There is evidence or allegations of fraud and abuse.

Consult page 35 in *Workers' Compensation: A Guide for New Brunswick Employers* for details regarding employer and worker post-accident responsibilities and obligations.





We're Here to Assist You and Your Workers

Losing a valued employee to a workplace injury can affect the smooth operation of your business. Getting the worker back on the job is good for him or her and for your company. We're here to help you both.

The WHSCC owns and operates the Workers' Rehabilitation Centre.

It offers a specialized team approach to occupational rehabilitation.

Workers' Benefits

Your premiums pay for:

- Payment for lost work-related earnings
- Medical treatment and health care expenses
- Transportation allowances
- Personal care allowances
- Loss of opportunity award
- Long-term disability benefits
- Benefits to dependants of fatally injured workers
- Assistance with funeral expenses

Workers' Rights

Under the *Occupational Health and Safety Act* of New Brunswick, you have to make every reasonable effort to re-employ an injured worker who has suffered a temporary or permanent work-related disability.

"No employer shall dismiss, suspend, lay off, penalize, discipline or discriminate against a worker because the worker suffered a personal injury by accident..."

- Workers' Compensation Act Section 42.1(2)

Your Responsibilities as an Employer

You must:

- Hold the position the worker held before the accident for one year if you employ 10 to 20 workers.
- Hold the position the worker held before the accident for two years if you employ more than 20 workers.
- Provide modified employment (see page 38 in *Workers' Compensation: A Guide for New Brunswick Employers*) in a suitable position without loss of seniority or benefits if the worker is unable to perform pre-accident duties.
- In consultation with a case manager, discuss modified work options for a worker suffering a temporary work restriction.
- In consultation with a case manager, discuss alternative work options (see page 38 in *Workers' Compensation: A Guide for New Brunswick Employers*) that match the functional abilities of a worker suffering permanent work restriction.

Case Management Services

- WHSCC case management teams become involved if an injured employee is off work for six months or more.
- Case management co-ordinates the efforts of all (employer, employee, health care providers) to get the worker back on the job.
- A case management team may visit your company to see if changes might be made to help the employee return to work.
- A case manager decides, based in part on the advice of health care providers, when the employee can return to work.

Disability Management

You may be required to participate in the WHSCC's Disability Management Program to assist in an injured worker's return to work.

- The goal is to minimize the impact of the disability.
- It is designed to involve you in efforts to accommodate the needs of injured or ill workers.

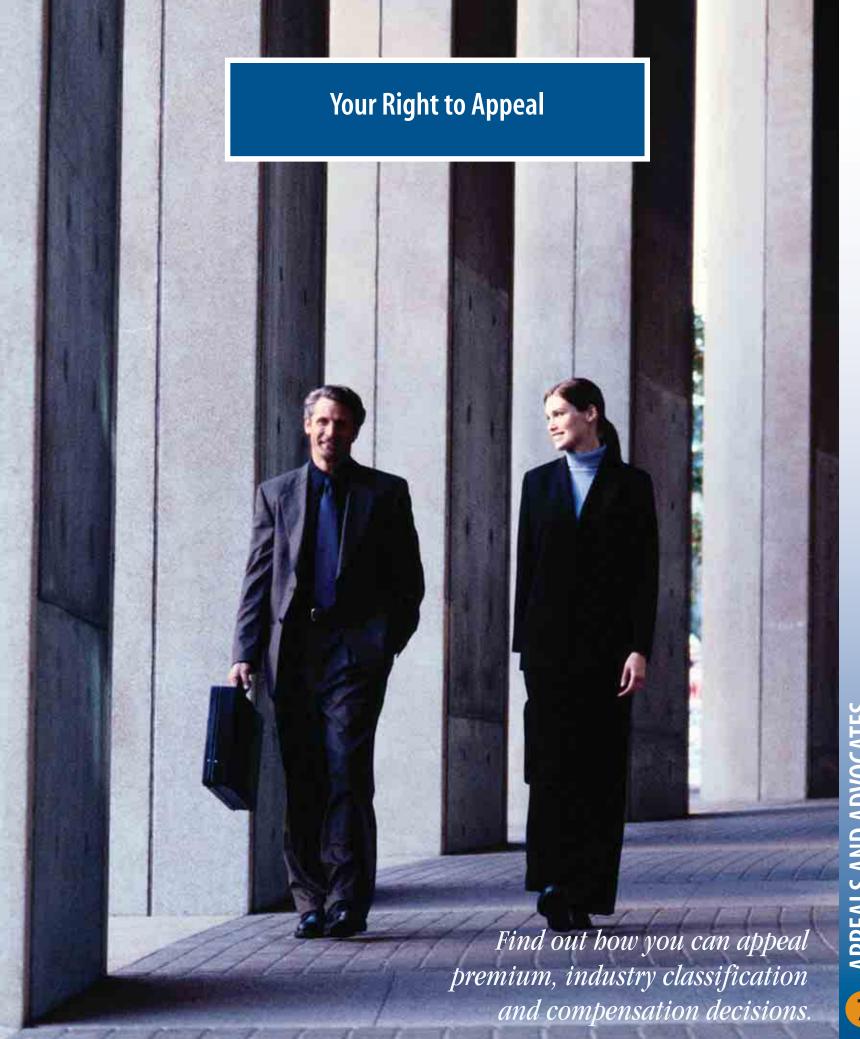
Keep Track of Compensation Claims

You're issued a monthly Cost of Claims Statement when compensation and occupational rehabilitation claims are made. Check the statement to make sure the information is correct. Report any incorrect information to the appropriate WHSCC case manager.

Access to Information Policy

You and the injured worker have access to a claim or employer file. There is a fee for this service.





You Have the Right to Appeal

In the interest of fairness and service, you have the right to appeal the premium you're assessed, the classification of your business, and compensation claims. Workers and their dependants also have the right to appeal decisions related to their compensation claims.

Appeals are made to the Appeals Tribunal and heard by an Appeals Panel.

Appealing Your Assessment or Classification

- 1. Ensure all relevant information has been given to our Assessment Services Department.
- 2. Write to Assessment Services and request a re-examination of the initial decision.
- 3. Request an appeal to the tribunal if you're still not satisfied.

Appealing a Compensation Claim

Before submitting an application of appeal for a compensation claim to the tribunal, you must provide all relevant information to the original decision-maker. This will avoid unnecessary delays and ensure you receive all the services to which you are entitled. The original decision-maker is the person who signed the letter informing you of the compensation decision.

Deadline to Appeal:

One year from the date of the decision (excludes decisions made before June 1, 2001)

Appeals Tribunal, Panel and Hearing

The Appeals Tribunal is an administrative tribunal operating on the premise of natural justice and at arm's length from the WHSCC. The decision, order or ruling of the tribunal is final.

An Appeals Panel consisting of either one or three persons conducts the appeal hearing. Hearings are structured, fair, and designed to collect necessary information. You can make your presentation to the hearing orally or in the form of a written submission.

- Witnesses on your behalf can appear at the hearing.
- You must advise the tribunal in writing of any witnesses three weeks before the hearing date.
- All relevant information should be submitted to the original decision-maker.
- Should the aforementioned not be possible, you may submit documents to the tribunal at least three weeks before the hearing.
- New documents presented at the hearing are subject to the acceptance of the panel.

Submitting an Appeal

No forms are required to file for an appeal. All you have to do is submit the following information in writing to the Appeals Tribunal Registrar:

- Your name, address and claim or employer number.
- Date of decision being appealed.
- Issue being appealed and your request to appeal.
- Reasons supporting your appeal.
- Preferred official language.

Appealing a Decision

You have two options if your appeal is not accepted.

- 1. Reconsideration: Decisions may be reconsidered only when new, substantial information is submitted.
- **2. Court of Appeal:** You may appeal to the Court of Appeal on questions of jurisdiction or law. If you intend to go to the Court of Appeal you must apply to the Appeals Tribunal for a Statement of the Facts within 30 days of notice of the Appeals Tribunal's decision, order or ruling.

To contact the Appeals Tribunal:

Toll Free: 1 800 222-9775 Tel: 506 632-2200 Fax: 506 633-3989 E-mail: appeals@whscc.nb.ca

No-cost Advocates for Employers

Employers' Advocates offer a free service that can help you with the appeals process and matters concerning the *Workers' Compensation Act*. Advocates are employees of the Department of Training and Employment Development and are independent of the WHSCC.

Employers' Advocates:

- Determine if a claim problem can be resolved through an appeal.
- Help prepare an appeal.
- Appear with you, or as your representative, at Appeals Panel Hearings.
- Advise on actions to take.
- Help gather necessary information.
- Provide general information about the workers' compensation system, policies, and procedures.

To enlist the services of an Employer Advocate, call the Office of the Employers' Advocate nearest you.

Fredericton: 506 457-3510 Moncton: 506 856-3176 Bathurst: 506 547-2267

Contact Information

WHSCC Regional Offices

Appeals Tribunal

Telephone: 506 632–2200 Toll Free: 1 800 222–9775 Fax: 506 633–3989 E-mail: appeals@whscc.nb.ca 1 Portland Street PO Box 160 Saint John NB E2L 3X9 100 Arden Street, Suite 200 Moncton NB E1C 4B7 Telephone: 506 867-0525 Toll Free: 1 800 222-9775 Fax: 506 859-6911

Head Office

Telephone: 506 632-2200 Toll Free: 1 800 222-9775

BATHURST

Workers' Rehabilitation Centre

3700 Westfield Road
Saint John NB E2M 5Z4
Telephone: 506 738-8411
Toll Free: 1 800 222-9781
Fax: 506 738-3470

Postal Address

PO Box 160 Saint John NB E2L 3X9 Place Bathurst Mall 1300 St. Peter Avenue, Suite 220 Bathurst NB E2A 3A6 Telephone: 506 547–7300 Toll Free: 1 800 561–2524 Fax: 506 547–7311 506 547–2982

166 Broadway Blvd., Suite 300 PO Box 7244 Grand Falls NB E3Z 2J9 Telephone: 506 475-2550 Toll Free: 1 800 222-9775

Fax: 506 475-2568

Office of the Employers' Advocate Department of Training and Employment Development

470 York Street PO Box 6000 Fredericton NB E3B 5H1 Telephone: 506 457–3510 Fax: 506 453–3990

Counties/Cities served: Carleton, York (Fredericton), Sunbury, Queens, Kings (Saint John), Charlotte. Assumption Place, 4th Floor 770 Main Street PO Box 5001 Moncton NB E1C 8R3 Telephone: 506 856–3176 Fax: 506 869–6608

Counties/Cities served:
Westmorland (Moncton), Albert, Kent,
Northumberland (Miramichi), GloucesterAcadian Peninsula.

Harbourview Place 275 Main Street, Suite 216 Bathurst NB E2A 1A7 Telephone: 506 547–2267 Fax: 506 549–5351

Counties/Cities served: Gloucester (Bathurst), Restigouche (Campbellton), Madawaska (Edmundston), Victoria.

www.whscc.nb.ca

