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## Law

### s.82 (1)(4)

The WSIB may increase or decrease the premiums otherwise payable by a particular employer in such circumstances as the WSIB considers appropriate including the following:

- If, in the opinion of the WSIB, the employer has not taken sufficient precautions to prevent accidents to workers or the working conditions are not safe for workers.
- If the frequency of work injuries among the employer's workers and the accident cost of those injuries is consistently higher than that of the average in the industry in which the employer is engaged. 1997, c. 16, Sched. A, s.82.

## Policy

The Workwell program issues an additional premium charge to employers who have not taken sufficient precautions to prevent accidents in the workplace.

Workwell operates independently of the WSIB's experience rating programs and its additional premium charges are issued in addition to any premium or premium rate adjustments that may be realized through experience rating.

## Guidelines

### General

Workwell identifies employers with particularly poor accident records and/or high accident costs compared to their rate group and/or rate groups, or who have a history of non-compliance with the Occupational Health and Safety Act and encourages them to improve their prevention programs.

Workwell requires these employers to participate in a workplace health and safety evaluation. Employers that fail the evaluation are given a specified time frame to make improvements. If improvement does not occur within the given time the WSIB issues an additional premium charge.

### Identification of employers for a Workwell evaluation

The WSIB determines whether an employer is a candidate for a Workwell evaluation by considering any of the following

- the number and rate of Ministry of Labour workplace orders that have been issued and the degree of compliance with those orders,
- the type of order and the severity of the contravention of the Occupational Health and Safety Act,
- prosecutions initiated for failure to comply with Ministry of Labour orders,

**Operational  
Policy**

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Section  
Workplace Practices

---

Subject  
**Workwell Program**

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- injury frequency information,
- injury cost information,
- severity of injury information,
- compliance with first aid regulations,
- complaints or referrals from workers or other parties, or
- any information concerning deficiencies or mitigating activities related to an employer's health and safety measures.

The information received from these various sources is reviewed and assessed by the WSIB's Workwell Program. When reviewing and assessing injury frequency and/or injury cost information, the WSIB adopts a comparative approach by evaluating an employer's record relative to the record of other employers of a similar size and industry. This comparative approach is applicable to any and/or all of an employer's rate groups; all of an employer's business activities are subject to evaluation.

Following identification, employers are notified in writing that there is going to be a Workwell health and safety evaluation of their workplace.

### **Workwell evaluation**

The Workwell evaluation verifies the existence, the consistent application, the implementation and the enforcement of an employer's health and safety program.

Evaluation consists of an initial phase and a follow-up phase. Each evaluation receives a score, weighted to the risk posed.

### **Evaluation results**

#### **Initial evaluation**

Employers are informed in writing of the results of the evaluation. Those that do not achieve a score of seventy five percent (75%) or better compliance with the evaluation criteria fail the initial evaluation and are eligible for a Workwell additional premium charge. Employers have 6 months to improve their compliance with the evaluation criteria.

Employers that fail the initial evaluation are required to work with a health and safety program provider (eg. a Health and Safety Association) to improve their compliance with the evaluation criteria. Failure to do so results in the immediate levying of the additional premium charge, based on the initial evaluation score.

#### **Second evaluation**

WSIB staff re-visit the employer at the conclusion of the 6 months to re-evaluate the workplace and calculate the additional premium charge if indicated.

**Operational  
Policy**

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Section  
**Workplace Practices**

---

Subject  
**Workwell Program**

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**Workwell additional premium charge**

The amount of the Workwell additional premium charge is dependent on the degree of the employer's non-compliance with the evaluation criteria at the second evaluation. If the score at second evaluation is 75% or better there is no additional premium charge.

Employers with a score less than 75% at second evaluation receive an additional premium charge ranging from 10% to 75% of their annual premium. The maximum additional premium charge is \$500,000.

**Application date**

This policy applies to all Workwell evaluations with a notification date on or after January 1, 2010.

**Document History**

This document replaces 13-01-02 dated August 21, 2006.

**References****Legislative Authority**

*Workplace Safety and Insurance Act, 1997*, as amended  
Section 82 (1)(2)(3)(4)

**Minute**

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#4(e), November 12, 2009, Page 7057