

**Operational
Policy**

Section
Employer Accounts

Subject
Fatal Claim Premium Adjustment

Law

s.82(1)(2)(3)(4)

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

- If, in the opinion of the Board, the employer has not taken sufficient precautions to prevent accidents to workers or the working conditions are not safe for workers.
- If the employer's accident record has been consistently good and the employer's ways, works, machinery and appliances conform to modern standards so as to reduce the hazard of accidents to a minimum.
- If the employer has complied with the regulations made under this Act or the *Occupational Health and Safety Act* respecting first aid.
- 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

In the year of a traumatic fatality claim, a premium increase, equivalent to the NEER or CAD 7 refund an employer is entitled to receive, is applied to the employer of the deceased worker.

Guidelines

General

Once a traumatic fatality occurs, the decision-maker examines whether the deceased worker's employer would be entitled to receive a refund under NEER, CAD 7 or both. If so, a premium increase is applied to the employer of the deceased worker equivalent to the refund.

Merits and justice

In applying this policy, decision makers will also consider policy 11-01-03, Merits and Justice.

Experience rating refunds

NEER refund means the refund derived from all the injury years reviewed by NEER in a given year.

CAD 7 refund means the refund derived from all the injury years reviewed by CAD 7 in a given year.

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Costs and frequencies

Claim costs (for NEER) and claim costs/frequencies (for CAD 7) continue to be processed as they would be in the absence of this policy. See policy 13-02-02, NEER (New Experimental Experience Rating Plan) and policy 13-02-06, Construction Industry Plan (CAD 7).

Other incentive programs

Employers experience rated under NEER, CAD 7 or both, who also participate in Safety Groups or the Safe Communities Incentive Program, also remain subject to the provisions of those programs relating to fatalities.

When an employer in a Safety Group has a traumatic fatality the employer is disqualified from receiving its share of the group's rebate. See policy 13-01-03, The Safety Groups Program. The Community Group performance rebate in SCIP is also affected when a member employer has a traumatic fatality claim. See policy 13-02-08, Safe Communities Incentive Program - Revised (2002 and later entrants).

This policy is not applicable to employers experience rated under MAP. Such employers cannot receive NEER or CAD 7 refunds. Under MAP a fatal claim results in an additional 25% increase to the premium rate of the employer of the deceased worker. See policy 13-02-04, Merit Adjusted Premium Program.

Application date

This policy applies to all decisions made on or after March 10, 2008.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended
Sections 82(1)(2)(3)(4), 83(1)(2)(3)

Minute

Administrative
Minute #1, June 9, 2008, Page 463