

Human Resources Legislative Update

WSIB Claims in Light of COVID-19

Date: April 14, 2020

The Workplace Safety and Insurance Board (WSIB) has published a [“Frequently Asked Questions”](#) page to address questions regarding COVID-19 claims, the impact of COVID-19-related closures on injured workers, and changes in WSIB processes during this period. Below is a brief summary of the key points.

Claims for COVID-19 as a Workplace Injury

- WSIB claims involving COVID-19 will be adjudicated on a case-by-case basis.
- In some circumstances, the WSIB will consider the nature of the worker’s employment and whether it may have created a risk of contracting COVID-19 greater than the risk to which the public-at-large is exposed. For example, in the case of a healthcare worker the evidence must demonstrate that the worker’s risk of contracting the disease through their employment is greater than the risk to which the public-at-large is exposed, and that their employment significantly contributed to the illness in order for a COVID-19 claim to be allowed.
- Workers who are symptom-free and do not have a positive COVID-19 diagnosis, even when quarantined, self-isolating or sent home on a precautionary basis will not receive benefits.
- Workers who believe they have been exposed to COVID-19 while at work but who are not ill or showing symptoms are encouraged **not** to file a claim.
- Rather, they are encouraged to file a voluntary exposure incident form through the Program for Exposure Incident Reporting (PEIR), or if they work in the construction industry, to file an exposure incident form through the Construction Exposure Incident Reporting (CEIR) program. The forms can be found here:
 - [PEIR for workers](#)
 - [PEIR for employers](#)
 - [CEIR for workers](#)
 - [CEIR for employers](#)
- If these workers go on to develop symptoms, claim processing may be expedited when a reported exposure is already on file.
- A diagnosis of COVID-19 will be needed to ground a successful claim.

Benefits during COVID19 related layoff

In accordance with the WSIB’s policy for temporary work disruptions benefits for injured workers affected by shutdowns will be as follows:

Status of Benefits at the time of COVID-19-related Temporary Shutdown	Benefits During Shutdown
Worker is in receipt of full benefits	Full benefits continue until worker recovers or until their employer re-opens and has safe and suitable work for the worker
Worker is in receipt of partial wage loss benefits	Partial wage loss benefits will continue
Worker is not in receipt of benefits	No benefits

WSIB Operations

- **WSIB offices** are temporarily closed. The WSIB’s main inquiry line remains open. The WSIB is prioritizing benefit payments and healthcare inquiries.
- **WSIB meetings and oral hearings** are either being postponed or being scheduled to proceed by alternate means. Typically the appellant has the choice of postponing the hearing or proceeding in an alternate manner.
- **Mail** is not currently being processed. Parties are encouraged to upload documents to wsib.ca/upload. Faxes are still being received and processed.

Time Limits

- **Initial claim reporting**
 - **Workers:** The six-month time limit for injured or ill people to file a claim will not apply during the declared emergency (beginning March 16, 2020), but parties are still encouraged to file claims as early as possible.
 - **Employers:** Employers are expected to make all reasonable efforts to report injuries or illnesses within the expected timelines. The WSIB will exercise discretion in the extension of time limits during the declared emergency period to avoid unfair penalization.
- **Objections:** The six-month time limit for objecting to a WSIB decision or the 30-day time limit for return-to-work decisions will not apply during the declared emergency period. Parties are still encouraged to notify the WSIB of any objections as early as possible.
- **Material Change:** Employers and workers are expected to report material changes within 10 days, unless prevented from doing so because of the declared emergency. The WSIB will exercise discretion in extending time limits for reporting material changes to avoid unfair penalization.