

March 2020 Newsletter

COVID-19 WSIB Update

Due to the uncertainty of COVID- 19 we have decided to have the majority of our office staff work remotely, however you can still reach us by phone or email, and it is business as usual for our team. Our office will remain open and available to take your calls during regular business hours, for the time being.

All training and seminars have been rescheduled for after May 1, 2020 and we will continue to update you on any changes to our schedule and/or work operations.

As expected, it is not business as usual at the WSIB. All hearings and on-site meetings have been postponed. There will be no return to work meetings or similar until the pandemic has been resolved.

The primary focus of the Board right now is to make decisions on entitlement for any new claims and to continue to provide Loss of Earnings income replacement for current files.

We thought many Employers might have questions about how the WSIB is responding to the pandemic and wanted to reach out. We hope you find this Q&A helpful.

Q & A FROM THE WSIB WEBSITE:

Q: How will the WSIB determine if a COVID-19 claim will be allowed?

In order for the Board to grant entitlement evidence must show the person's risk of contracting the disease through their work activities was greater than their risk of exposure from the public at large AND that work significantly contributed to the person's illness.

To determine the work-relatedness of COVID-19 claims, the WSIB will look at details such as the person's employment activities, their symptoms and whether they have a diagnosis of COVID-19.

While the nature of some people's work may put them at greater risk of contracting the virus, for example those treating someone with COVID-19, this is a constantly evolving situation and any claims received by the WSIB will need to be adjudicated on a case-by-case basis, taking into consideration the facts and circumstances.

Q: I currently have employees performing modified duties but may have to shut down my office and lay-off my staff. What happens to their WSIB claim?

The Board will not be re-instating wage-loss benefits due to mass layoffs. These workers will be eligible for Employment Insurance benefits as will the rest of your staff.

These workers will still be eligible for health care benefits related to their workplace injuries.

Where an employer may have a problem is if they only lay-off workers on modified work. This would likely be seen as a means of removing only those workers from your workforce. Please call SE-GA if you anticipate this problem.

Q: Will the WSIB be accepting and adjudicating new claims at this time?

Yes, while the workforce may be reduced all workplace incidents, accident and work-related illnesses should be reported within normal time frames.

Q: How should I handle any work-refusals from fear of exposure in the workplace?

An employee can refuse work where they believe there is a clear and present danger to their health and safety. While every instance must be viewed on a case by case basis it is reasonable to say a workplace with exposure to the virus presents a danger to their workforce.

In the event this occurs follow your regular procedures and contact the Ministry of Labour to resolve the dispute.

Q: Should I respond to WSIB letters/calls or pursue appeals?

Continue to operate your business as usual but expect significant delays for any inquiry to the WSIB.

The best way to contact the Board is through wsib.ca/upload to upload any claim-related forms, letters or documentation.

Alternatively, if you don't have a claim number, you can fax documents to 1-888-313-7373.

At this time we expect the March Accident Cost statements to be sent out as usual but cannot say for sure that this will occur.

Q: How can SE-GA be of assistance during the pandemic?

Our office is open and ready to provide advice on a case by case basis. We are happy to answer your NEER, CAD-7, Rate Framework, or Claim/Appeal questions.

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