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March 24, 2020

Mr. Tom Teahen
President & CEO, Workplace Safety & Insurance Board
200 Front Street West
Toronto, ON M5J 3J1

Dear Mr. Teahen

Members of the Ontario Network of Injured Workers Groups are joining forces to draw your attention to the challenges that injured workers in Ontario are facing in regards to social distancing and COVID-19.

We stand firmly with correspondence you have received from the Hamilton Community Legal Clinic, the IAVGO Community Legal Clinic and Alec Farquhar's proposal for decisive action by the Ontario's Workers' Compensation system to support workers affected by the COVID-19 pandemic, both directly and indirectly.

In Geneva on 17 March 2020, the UN Special Rapporteur on the Rights of Persons with Disabilities, Catalina Devandas, reported that little has been done to provide people with disabilities with the guidance and support needed to protect them during the ongoing COVID-19 pandemic, even though many of them are part of the high-risk group. Many injured workers, both with permanent impairments and those who are participating in a compensation program, are part of that high-risk group and need the WSIB to step up and take on the responsibilities of those they are mandated to support.

In recent correspondence from Diane Weber, Director, Chair's Office & Corporate Secretary, WSIB, she advised that the WSIB is working quickly to mobilize a fully work from home workforce and their offices have been closed to in person traffic in response to the COVID-19 pandemic. She also advised that the WSIB has been able to keep their core business processes of claims intake, registration, initial entitlement and payment on track and with the reduction in health care services, and all of the other important work they do, getting people back to work has been impacted. The WSIB is working closely with their health care partners, who are rightly prioritizing response to COVID-19, and exploring a virtual care model to support injured people in their recovery and return to work throughout the duration of this crisis. This is a work in progress and more details will follow in the days/weeks ahead.

Entitlement for workers exposed to the COVID-19 virus out of and in the course of their employment will be subject to the WSIB's just-released policy, *Adjudicative Approach Document: Novel Coronavirus (COVID-19) Claims*. It states:

The key issue to be determined, as part of the assessment of work-relatedness, is whether the worker's employment duties or requirements were a significant contributing factor in the worker contracting COVID-19.

When assessing the level of risk to the worker, and work-relatedness more generally, the decision-maker should consider information gathered as part of the assessment of the factors above, but also any other information that may have bearing on decision-making, such as information about the work environment, work processes, job tasks, and use of personal protective equipment.

The COVID-19 pandemic is posing unprecedented challenges to the health and economic wellbeing of people all around the world, including Ontario. The response from civil society has in many ways been exemplary. It has been marked by a sense of social solidarity and a significant public sentiment that we must protect and support all people who are affected, especially the most vulnerable. With that, we are calling on the WSIB to make sure that all workers who have been previously injured or made sick in the workplace, or those who will face quarantine and / or possible permanent illness from the COVID-19, will receive timely benefits, whether medical or financial, to ensure that they are not negatively impacted by the COVID-19 or the WSIB. Given the pace that COVID-19 attacks the body and the effects up to death which is a possibility, the WSIB must act quickly to ensure the worker has the best opportunity to survive and to recover. Financial stress should not be forced upon the worker and must be covered by the WSIB.

Injured workers with permanent impairments, particularly those with respiratory illnesses, are considered to be part of the population of persons who are more at risk with the COVID-19. The use of public transit is the WSIB's preferred mode of travel for injured workers for medical treatment. Social isolation is not only promoting absence of public transit but many of the treatment modalities have now been shut down. We are asking the WSIB that they respect the right for injured workers to travel by modes respecting social isolation and to ensure that their earnings are not negatively impacted when their WSIB programs are affected by COVID-19.

The act of deeming is a particularly harmful practice to injured workers with permanent impairments as we all know that the unemployment rate for these workers is very high and the reality of any of kind of work for them is unrealistic. We are asking that you put all deeming decisions on hold, leaving workers on full LOE until such time that COVID-19 is no longer a factor in society because there is no work available. Furthermore, we are also asking that you review all deeming decisions retroactively and return these injured workers with permanent impairments who have wage loss to full LOE as we know that there is no available work for them now due to COVID-19.

You noted that the WSIB has spent the last ten years getting rid of the Unfunded Liability and we are now asking that you open the purse strings to injured workers and do what is right for them, whether they are actively involved with a WSIB program, they have been denied and are caught up in the appeals system, they have been deemed and have had LOE deductions for work which is now unavailable, or have become infected by the COVID-19 virus in the course of their employment so that all injured workers will have an equal opportunity to survive the dangerous COVID-19.

We ask that you contact every injured worker to let them know how COVID-19 is affecting the WSIB and them. All levels of the government are committing to help all Canadians to go through this crisis without being negatively affected. In this same spirit, injured workers are calling on the WSIB to come to the fullest support of injured workers in this hour of need. Members of the Ontario Network of Injured Workers Groups (ONIWG) call on you to contact us for a meeting to discuss these proposals and other ways that injured workers should be supported now during this pandemic. We look to you for your immediate response.

Thanking you in advance,



Janet Paterson
President
Ontario Network of Injured Workers Groups

CC: Premier Doug Ford, Premier of Ontario

Minister McNaughton, Minister of Labour

Elizabeth Witmer, Chair, BOD, WSIB

Andrea Horwath, Leader, Official Opposition

Mike Schreiner, Leader, Green Party of Ontario

Steven Del Duca, Leader, Liberal Party of Ontario

Patty Coates, President, Ontario Federation of Labour

ONIWG Board of Directors
