

Workers' Compensation COVID-19 Provincial Guidelines and Updates

In these difficult times, ReedGroup wants to ensure that all of its clients have the most up to date information surrounding COVID-19 and what it means for their WCB accounts. ReedGroup is continuing to monitor all information coming from the provincial boards on an hourly basis. As of July 27, 2020, information and links for associated documentation in each province can be found below.

Alberta

All decision letters will now be emailed to employers and workers instead of mailed. Millard Health is closed, and affected workers will be contacted directly to reschedule.

2020 premium payments for all private section employers have been deferred until 2021. Small and medium sized employers (less than \$10 million of insurable earnings) will only be required to pay 50% of their 2020 premiums come 2021; the remainder will be paid by the government. No interest will be applied to unpaid 2020 premiums. Payments already made will be automatically refunded. Letters of clearance (Good Standing) will remain available for any employers, contractors, or subcontractors who have an open WCB account.

WCB will not allow any worker on modified duties to suffer any loss of benefits due to workplace closures due to COVID-19. WCB continues to investigate options related to any costs incurred as a result of pandemic-related closures.

<https://wcb.ab.ca/>

https://wcb.ab.ca/assets/pdfs/employers/EFS_COVID-19.pdf

<https://wcb.ab.ca/about-wcb/news-and-announcements/COVID-19.html>

British Columbia

Entitlement for COVID-19 claims where a worker has contracted COVID-19 as a direct result of their employment will be reviewed. Workers are not required to attend any treatment/appointment if they are not comfortable due to concerns with COVID-19. Occupational first aid certificates (or equivalent) with expiration dates between March 1, 2020 and June 30, 2020 are now extended for 180 days beyond their original expiration date. Telephone consults are now available with Visiting Specialist Clinics for follow-ups and reviews of required imaging.

Effective October 26, 2020, Infections caused by Communicable Viral Pathogens, including COVID-19, will be added to Schedule 1 of the Workers Compensation Act. The amendment stipulates requirements for the disease to be considered work-related:

- a. Infection that is
 - i. Caused by communicable viral pathogens, and
 - ii. The subject of one or more of the following:
 1. Notice given under section 52(2) of the Public Health Act;
 2. A state of emergency declared under section 9(1) of the Emergency Program Act;
 3. A state of local emergency declared under section 12(1) of the Emergency Program Act;
 4. An emergency declared under section 173 of the Vancouver Charter.
- b. Where
 - i. There is a risk of exposure to a source or sources of infection significantly greater than that to the public at large,
 - ii. The risk of exposure occurs during the applicable notice or emergency under column 1, and
 - iii. The risk of exposure occurs within the geographical area of the applicable notice or emergency under column 1

If a workplace shutdown temporarily occurs, workers on modified duties or gradual return to work plans will receive the benefits that they were receiving at the time of the shutdown. Wage loss benefits will not be paid for workers who have recovered but remain off work due to quarantine, self-isolation, or layoffs.

Review Division is no longer conducting in-person hearings as of March 26, 2020. They will contact you to reschedule. They are continuing to complete as many decisions as possible but are being flexible and extending deadlines where necessary.

Employers who report and pay on a quarterly basis can defer from the first quarter deadline of April 20, 2020, until June 30, 2020. No penalty will be applied for deferring until June 30. Employers who report and pay on an annual basis do not need to report their 2020 payroll or pay their 2020 premiums until March 2021.

<https://www.worksafebc.com/en>

<https://www.worksafebc.com/en/about-us/covid-19-updates>

<https://www.worksafebc.com/en/about-us/news-events/announcements/2020/March/covid-19-situation-your-reporting-payment-deadline>

Manitoba

For a claim to be accepted for COVID-19, WCB must determine that you contracted the virus as a result of an exposure arising out of and in the course of employment. To determine the work-relatedness of COVID-19 claims, the WCB looks at details such as the person's employment activities, their symptoms and whether they have a diagnosis of COVID-19. WCB will not be providing coverage for workers who are quarantined, self-isolating or sent home on a precautionary basis and are symptom free.

Premium payments and payroll reporting deadlines have been deferred until the end of May 2020. The WCB will ensure that coverage remains active for accounts that choose

to defer payments until the end of May. Clearances will remain in good standing. Late penalties will be waived until October 2020. If employers are expecting to see a dramatic change in their payroll compared to what they previously reported, they can submit a revised payroll estimate and their premiums will be adjusted. These dates will continue to be monitored and may be changed as the situation is assessed.

No information related to wage loss benefits or claims costs have been released at this time.

<https://www.wcb.mb.ca/>

<https://www.wcb.mb.ca/wcb%E2%80%99s-response-to-the-covid-19-pandemic>

New Brunswick

Claims submitted for COVID-19 are being adjudicated on a case-by-case basis. Assessment premiums related to employer payroll for March, April, and May will be deferred for three months without interest charges. Additional information surrounding this can be found at the links below. Account adjustments can be made with revised payroll estimates for those employers who pay assessments annually.

No information related to wage loss benefits or claims costs has been released at this time.

<https://www.worksafenb.ca/>

<https://www.worksafenb.ca/safety-topics/coronavirus-disease-covid-19/>

Newfoundland

WCB is focusing on core services. Internal review and requests for file information are currently suspended. No specific guidelines have been released regarding COVID-19 related claims. Injured workers will be contacted by Workplace NL or their healthcare

practitioner to reschedule any medical appointments that have been suspended. Prescriptions through Claim Secure will be automatically extended for three months.

Employer assessment payments and interest charges/penalties have been deferred until August 31, 2020. This applies to all existing payment plans and any post-dated cheques. Safety training certificates expiring after February 28, 2020, will remain valid until June 30, 2020.

No information related to wage loss benefits or claims costs has been released at this time.

<https://workplacenl.ca/>

<https://workplacenl.ca/article/coronavirus-disease-2019-covid-19/>

Nova Scotia

PMI examinations have been postponed until further notice. WorkSafe NS will be in touch to reschedule any appointments. Claims related to COVID-19 will be adjudicated on a case-by-case basis. Compensation will only be provided for work-related injuries or illnesses. No compensation will be paid out for preventative or precautionary reasons, such as quarantine.

Claims costs arising from front-line workers who contract COVID-19 will be spread across the collective liability and will not impact industry rates or the experience rating of individual employers.

All WCB premium payments from employers are deferred until October 2020. Interest and late payment fees will be waived until further notice. Process for Clearance Letters has been moved to My Account online. The last Clearance Letters sent out are valid from April 1, 2020, to June 30, 2020.

<https://www.wcb.ns.ca/>

<https://www.wcb.ns.ca/About-Us/News-Room/News/COVID-19-Service-update-March-16.aspx>

Ontario

WSIB is not processing any hard copy mail. All mail must be uploaded online or faxed to them. File disclosure will be sent out via secure email where possible (worker/employer have access to secure email). An allowable COVID-19 claim must show that the worker's risk of contracting the virus is greater through their employment than the risk for the general public, and that the work significantly contributed to the worker's illness. For details on the adjudicative approach, please visit the link below.

If a worker has contracted COVID-19 while at work (diagnosed or symptomatic), a claim should be filed to determine eligibility. If a worker believe they have been exposed to COVID-19 while at work (no symptoms or diagnosis), a claim should not be filed. Exposure Incident Reporting (all industries except construction) or Construction Exposure Incident Reporting (construction only) should be completed.

There will be no coverage for workers who are symptom free, even when quarantined or sent home on a precautionary basis. Workers who are unable to or not comfortable to attend medical appointments are not required to do so at this time. The decision to avoid appointments will not affect their claims. Only workers previously receiving loss of earnings benefits will continue to receive loss of earnings benefits in the case of a business shut down.

The six-month time limit for injured or ill people to file a claim for benefits will not apply while the state of emergency is in effect. Claims should be filed as early as possible, but claims will not be denied due to missing a time limit. Employers are expected to make all reasonable efforts to report any injuries or illnesses within the expected timelines, unless they are prevented from doing so because of the state of emergency. The same applies for the ten-day limit regarding material change in circumstances. The regular six-month limit for objecting to a decision will not apply while the state of emergency is in effect.

WSIAT to begin very gradually resuming Oral Hearings, prioritizing for time-sensitive matters that are not suitable for teleconference or video conference. Further information on the selection of cases for in-person hearings to be provided. Alternative hearing methods to remain in place for non-time-sensitive matters and those where an in-person hearing is deemed to be unnecessary.

Financial relief is being offered to Schedule 1 and 2 employers, allowing for the deferral of premium reporting and payments until August 31, 2020. No interest will accrue on outstanding premium payments and no penalties will be charged during the deferral period. Costs associated with COVID-19 related claims will not be allocated at an employer or class level. Instead, they will be allocated on a Schedule-wide basis and there will be no change in premium rates for 2020.

For the issuing of clearance certificates, most businesses with outstanding premium, reconciliation years, and overdue balances are eligible to receive a clearance certificate. Accounts with a write-off balance or that are inactive will not receive clearance certificates.

<https://www.wsib.ca/en/covid-19-faqs-about-wsib-claims>

<https://www.wsib.ca/en/novel-coronavirus-covid-19-update>

<https://www.wsib.ca/sites/default/files/2020-03/adjudicativeapproach2019novelcoronavirus20200322.pdf>

Prince Edward Island

WCB PEI is continuing to provide essential services. All claims related to COVID-19 will be adjudicated on a case-by-case basis. Benefits payments will continue at the same rate as before the crisis. They will not be providing compensation for workers who cannot work for precautionary or preventative measures, such as quarantine or self-isolation.

Reviews related to extended wage loss benefits are temporarily suspended. Any disruption to medical treatment should be discussed with the WCB case manager.

Impairment assessments have been postponed until non-urgent medical services become available again. All assessment due dates related to 2020 employer payrolls have been deferred until September 30, 2020. Neither interest nor penalties will accrue during this time. Any revisions to 2020 payroll estimates must be sent to the WCB before August 15th to ensure that it is reflected on their June statement. Payroll still needs to be reported, even if it is \$0.

<http://www.wcb.pe.ca/>

<http://www.wcb.pe.ca/COVID19>

<http://www.wcb.pe.ca/Information/NewsItem/495>

Quebec

Only essential services are prioritized and maintained (eligibility of claims, payment of indemnities, and reimbursement of expenses) and deadlines extensions have been implemented.

Claims related to COVID-19 must demonstrate that a worker has been in contact with the virus through or during the course their work. The work connection must be demonstrated in a conclusive manner. The CNESST's decision will take into account the specifics of each claim. Indirect contamination is not acceptable.

If a worker is under mandatory isolation or the company reduces/closes its operations in accordance with the Québec government's COVID-19 health guidelines, the CNESST will continue or resume the income replacement benefits. If the employer has implemented a company-wide telework so everyone can temporarily be reassigned to work from home, the CNESST will consider this to be a continuation of the temporary reassignment.

All Independent Medical Evaluations (either at the employer's or CNESST demands) are cancelled until further notice. There will be no penalty for workers who are unable to keep their in person medical appointments.

The program For a Safe Maternity Experience has been streamlined to facilitate access and protect the health of pregnant workers and their unborn or breastfed child. For more information on this policy, please visit the links below.

Declaration of wages has been extended to June 1, 2020 and premium payments following statement of account reception have been extended to August 31, 2020. For additional information, please reference the links below.

https://www.cnesst.gouv.qc.ca/Pages/accueil.aspx?_ga=2.118143310.693194010.1584462921-1375296147.1584462921

<https://www.cnesst.gouv.qc.ca/salle-de-presse/Pages/coronavirus.aspx>

Saskatchewan

For entitlement in a COVID-19 claim, a diagnosis of COVID-19 must be established as a direct result of employment. Only COVID-19 cases resulting in lost time have to be reported to WCB. Additional information surrounding the criteria for acceptance can be found at the links below.

All WCB medical appointments have been cancelled or postponed, unless they are able to be completed telephonically or through virtual assessment.

Wage loss benefits will be extended for up to an additional 4 weeks if workers are unable to attend treatment and progress with their recovery. Wage loss benefits will not be paid for workers who voluntarily self-isolate, unless the self-isolation is medically required.

Where a COVID-19 claim is determined to have arisen out of and in the course of employment, the employer will be provided with total cost relief. All claims costs will be charged to the Disaster Reserve. This is in effect until COVID-19 is no longer considered a global pandemic. Partial claims costs will be charged to the Second Injury and Re-Employment Reserve if recovery from an accepted work injury is prolonged due to delays in treatment or vocational rehab, caused by limited health care services available during the pandemic. This is in effect until the worker is able to resume treatment or their vocational rehab program.

Effective April 1 until June 30, 2020, the WCB will waive penalties and interest charges for late premium payments. Employer payroll revisions will be prioritized to reduce premium amounts. Clearance letters are available for employers that meet specific criteria, even in cases where the contractor's WCB account has not been paid. Employers will not be liable for any outstanding WCB premiums that the contractor owes.

<http://www.wcbsask.com/>

<http://www.wcbsask.com/sask-wcb-offers-relief-measures-for-employers/>

<https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus>