

Spotlight on Injured Workers

APRIL 2020

WORKING IN THE TIME OF COVID-19

We are living and working in exceptional times. Your Union continues to have the health and well-being of our members and communities in mind.

As many of our unionized workplaces are classified as essential services or have been declared as essential workplaces during this emergency, the Union continues to monitor your safety and security. Even with the extensive sanitation and cleansing of our workplaces, many members will be at a higher risk of exposure to COVID-19.

If you become symptomatic and/or get a COVID-19 diagnosis and must quarantine, the federal government has two income protection programs in place:

- [Employment Insurance \(EI\)](#), and;
- The [Canada Emergency Response Benefit \(CERB\)](#).

Workplace Safety and Insurance Board (WSIB) benefits may be available to front-line and essential members if it can be shown they likely contracted COVID-19 out of and in the course of employment.

The [Toronto Star reported on April 6, 2020](#), that:

*"...the provincial workers' compensation board has received some 450 benefit claims from workers who believe they contracted the virus on the job over the past month, the Star has learned. The board has also received some 200 reports from employers of potential workplace exposures to COVID-19."*¹

A [letter sent in the first week of April 2020 from the Ontario Federation of Labour](#), and 26 co-signers including Locals 175 & 633, to Premier Ford and the ministers of health and labour, outlined a [number of improvements needed](#) to ensure the workers' compensation system protects working people through this crisis. As [the letter](#) states:

"Our members have risen to these challenges and are providing, essential services in healthcare, transportation, retail, critical infrastructure construction and other sectors vital to the health of Ontarians and the functioning of economy. We have come together to call on you to ensure that just as we are there for our province, you are there for us."

The WSIB created a hasty response to COVID-19 and established an [adjudicative approach document for any work-related COVID-19 claims](#) on March 20, 2020.

Not surprisingly, the document is limited and neglects many aspects of the concerns confronting essential workers on the front-line. Regardless, workers who contract COVID-19 in the workplace may be eligible for WSIB coverage and claims will be dealt with on a case-by-case basis.



Form 6 and Worker's Exposure Incident Form

If you have a diagnosis or symptoms of COVID-19, you will need to complete a Form 6 — but only if you contracted COVID-19 while at work.

If you have not been diagnosed, but believe you have been exposed to COVID-19 at work, you may be in a position to complete a form called Program for Exposure Incident Reporting (PEIR).

- The purpose of the PEIR form is to obtain information about the exposure incident experienced by a worker should an illness or disease occur in the future.
- The PEIR is intended for voluntary use when an unplanned workplace incident exposure has occurred or is believed to have occurred.
- No diagnosis nor symptoms are required to complete the PEIR form.
- Instructions on where to send the PEIR form are indicated on the form.
- The [Worker's Exposure Incident Form is available on the WSIB website](#).

For help filling out the PEIR, please [contact your Union Representative, or the Union's Health and Safety or Workers' Compensation Departments](#).

Exposure in the workplace is not specifically based on contact with the public, but contact with someone affected by and diagnosed with COVID-19. For example:

- A custodial worker sanitizing healthcare equipment in clinic areas, waiting and patient rooms where confirmed cases of COVID-19 are being treated.
- A grocery store worker stocking shelves or working at the customer check out in a store where it is later confirmed to have had an exposure to coronavirus through customer(s) or co-worker(s).
- Transit operators providing public transportation where social distancing is challenging due to semi-confined spaces.

When you complete the PEIR, you will be assigned an incident number.

Filing a PEIR form is important because it establishes the timing of exposure. If you become ill in the future, the WSIB will be able to process your claim faster.

Importance of completing a PEIR or Form 6



We cannot know the outcome and future for people who have contracted and recovered from COVID-19. Therefore, it is important that the right measures are in place to guarantee your coverage.

While WSIB benefits may be limited, and ultimately just look to cover the 14-day quarantine period, the coverage may be considerable for some workers who experience serious illness, complications, or long-lasting effects of the disease, or for the family and survivors of workers who may lose their lives.

Timelines

The WSIB has suspended legislated limitation periods for the duration of the state of emergency; this includes timelines for submitting or appealing benefit claim, and objecting to return to work and negative claim decisions.

Even though there is an expectation for employers and injured/ill workers to make a reasonable effort to meet the normal timelines, it is understood that this may not be possible. The time limits for employers to notify WSIB of an injury or illness, reporting material change, and third-party election have been suspended as well.

Injured Workers, Return to Work (RTW) Plans, and Work Transition (WT) Plans

The COVID-19 pandemic has changed the nature of work for many of our members in food processing, health care, and retail sectors. With the many added pressures, the Union wants all members to continue to work safely and sensibly.

Remember: If you are made ill or get injured at work, you need to submit a Form 6 with WSIB. This needs to be done either by filling out the Form 6 on the WSIB website or calling them at 1-800-387-0750.

For members who are currently involved in RTW or WT plans, even though workplace demands may have increased you must continue to work within your restrictions to avoid further injury or re-injury.