

IAVGO Community Legal Clinic

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Tom Teahen
President, Workplace Safety and Insurance Board
200 Front St. W
Toronto ON M5J 3J1

Dear Mr. Teahen

RE: WSIB's response to COVID-19

The WSIB's actions in the coming days will have a drastic impact on the public health crisis we are seeing with COVID-19. We urge you to implement these measures immediately:

1. It is important that injured workers do not contribute to overloading the health care system. The WSIB should presume that all injured workers maintain entitlement through this crisis and, when the health care system has resumed normal service levels, workers should be reassessed before ending entitlement.
2. If an employer is limiting operations and ceases to provide modified work to an injured worker, or if retraining providers halt services, the WSIB should provide Loss of Earnings. This is vital as many workers who have recently been off work due to a work-related injury will not qualify for EI. It is also a vital step to prevent EI services from becoming overloaded.
3. Many workers, employers, unions and representatives will not have access to a fax machine or regular mail and will have difficulty getting signatures from workers and/or sending Intent to Object forms. The WSIB should wave time limits to object for all decisions made within the last 6 months and ongoing until normal operations resume.
4. Regularly update injured workers via your website about the operations of WSIB during this crisis and what is expected of them, their employers and the WSIB staff. This should include timelines for adjudication, special measures WSIB is taking and what they should do if their employers tell them to stop working.

5. The WSIB should deliver outreach and education regarding work-related spread of COVID-19. Education should target: those who work in health and food services, distribution, manufacturing and transportation industries as well as workers who are marginalized.
6. The WSIB should have plans in place to address the unique realities that migrant workers face. These workers experience extreme barriers to accessing Ontario's health care services, lack access to handwashing stations, and are unable to isolate because they live in employer-provided bunkhouses with other workers. The WSIB's plan should involve education as well as rehousing protocols in the event of recommended self-isolation or a workplace cluster.
7. The WSIB should work with federal, provincial and municipal public health authorities and agencies to understand the role they can play in prevention, containment and mitigation.
8. The government add COVID-19 to the list of presumptive illness for anyone who worked onsite during the COVID-19 outbreak.

The WSIB has an important role to play in containing and preventing the wide spread of the virus and protecting disabled workers who are particularly vulnerable during this crisis. It is imperative that it takes meaningful and large-scale measures immediately.

Sincerely,

IAVGO Community Legal Clinic

*Please provide responses to IAVGO via Jessica Ponting, j_ponting@lao.on.ca

Copied to community members and networks