



INCOME SECURITY ADVOCACY CENTRE  
Centre d'action pour la sécurité du revenu

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June 3, 2020

**Hon. Monte McNaughton, Minister of Labour, Training and Skills Development**  
Ministry of Labour, Training and Skills Development  
14th Floor, 400 University Ave.  
Toronto, ON M7A 1T7

**Dear Minister McNaughton:**

**RE: Protections for Injured Workers during the COVID-19 Pandemic**

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The Income Security Advocacy Centre is a community legal clinic with a mandate to advance the interests and rights of low-income Ontarians. We write this open letter to express concerns regarding the protection of injured workers during COVID-19. Many of these workers are engaged in essential work and providing critical services to Ontarians during the pandemic, at risk to their own health and safety. At the same time, many of them are vulnerable due to pre-existing illness or injury, low incomes and/or precarious immigration status. Our current workers' compensation regime is not doing enough to help them. We call on your Ministry to immediately implement certain measures that will enhance protections for these workers as well as the health of people in Ontario.

**First, we call on the province to add COVID-19 to the list of presumptive illnesses under the *Workplace Safety and Insurance Act, 1997* for anyone who is required to work onsite during the COVID-19 outbreak in Ontario.** It is undisputed that there is community spread of the disease and that all Ontarians are susceptible to coming into contact with the virus. And yet, the WSIB is currently adjudicating each claim on a case by case basis. About 4000 COVID-19 claims have been filed and over half of them are still pending investigation<sup>1</sup> in the nearly impossible search for proof of the cause of the virus. Well over half of these pending claims are from workers in hospitals, nursing and residential care facilities.<sup>2</sup> With community spread of the virus so prevalent, it is impractical and cruel to require these sick workers to prove where they caught the virus on a case by case basis.

**Second, compensation should be provided to any worker who must be removed from the workplace and isolated due to work exposure to COVID-19, whether or not they show symptoms.** This is simply an application of the precautionary principle

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<sup>1</sup> Workplace Safety and Insurance Board, "COVID-19 related claims statistics" (accessed May 27, 2020). Available at: <https://www.wsib.ca/en/novel-coronavirus-covid-19-update#covid>.

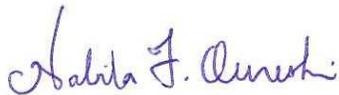
<sup>2</sup> Workplace Safety and Insurance Board, "COVID-19 related claims statistics" (accessed May 27, 2020). Available at: <https://www.wsib.ca/en/novel-coronavirus-covid-19-update#covid>.

as recommended by Justice Archie Campbell in the Ontario SARS Commission Report.<sup>3</sup>

Third, the WSIB may decrease or cancel Loss of Earnings benefits for injured workers with permanent disabilities who are not working on the basis that there is “suitable work” available for them in the general labour market. However, this is not the case during the pandemic. **The province should suspend the presumption by the WSIB that jobs are available for unemployed permanently injured workers in the general labour market and not decrease or cancel injured workers’ Loss of Earnings benefits.** This suspension should remain in place at least until October 3, 2020, or until labour market conditions improve and suitable employment again becomes available.

The above measures would help protect workers’ health, ensure workers are not forced into unsafe work to maintain their incomes, and reduce exposure of the virus to others, thereby contributing to the health and safety of all Ontarians. As we begin to consider how to rebuild the economy in the wake of the pandemic, we urge you to take immediate action and ensure no Ontarian is left behind.

Yours very truly,  
**INCOME SECURITY ADVOCACY CENTRE**



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<sup>3</sup> The Ontario SARS Commission Report is available at:  
[http://www.archives.gov.on.ca/en/e\\_records/sars/report/index.html](http://www.archives.gov.on.ca/en/e_records/sars/report/index.html).