

# Adjudicative Approach Document: Novel Coronavirus (COVID-19) Claims

## Entitlement

A worker may be entitled to benefits for COVID-19 arising out of and in the course of the worker's employment.

Claims for COVID-19 will be adjudicated on a case-by-case basis. In all cases, entitlement decisions for COVID-19 must be based on the merits and justice of the case, taking into account all of the facts and circumstances relating to the case.

## Purpose

The purpose of this Adjudicative Approach Document is to provide entitlement guidelines for claims for COVID-19. Due to the emerging and evolving nature of COVID-19, this document may be updated when appropriate as more information on COVID-19 becomes available.

## Guidelines

### Determining Entitlement

Claims for COVID-19 may be considered work-related where the following is established:

1. the nature of the worker's employment created a risk of contracting the disease to which the public at large is not normally exposed; and
2. the WSIB is satisfied that the worker's COVID-19 condition has been confirmed.

### Gathering Evidence - Factors to Investigate

In determining entitlement, the factors below should be investigated. They are meant to provide guidance about what objective questions to explore in the information-gathering phase of adjudication, but are not an exhaustive list.

- a) The nature of the worker's employment created an elevated risk of contracting COVID-19
  - Has a contact source to COVID-19 within the workplace been identified?
  - Does the nature and location of employment activities place the worker at risk for exposure to infected persons or infectious substances?
  - Was there an opportunity for transmission of COVID-19 in the workplace via a compatible route of transmission for the infectious substance?
- b) The worker's COVID-19 condition has been confirmed
  - Are the incubation period, the time from the date of exposure and the onset of illness, clinically compatible with COVID-19 that has been established to exist in the workplace?

- Has a medical diagnosis been confirmed? If not, are the worker's symptoms clinically compatible with the symptoms produced by COVID-19? Is this supported by an assessment from a registered health professional?

### **Weighing the Evidence**

In considering entitlement for COVID-19, a decision-maker must gather all of the relevant information in order to assess and weigh each piece of evidence to determine whether the worker's COVID-19 is work-related.

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.

**Where the nature of the worker's employment creates a risk of contracting the disease to which the public at large is not normally exposed, and the worker's COVID-19 condition is confirmed, this will generally be persuasive evidence that the work made a significant contribution.**

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.

### **Symptom-free workers**

The WSIA does not provide coverage for workers who are symptom free even when quarantined or sent home on a precautionary basis. However, should a symptom-free worker develop symptoms or illness while in quarantine, they may be eligible for WSIB benefits.

Employers and/or workers may choose to voluntarily report COVID-19 exposure through the WSIB's Program for Exposure Incident Reporting (PEIR) program.