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Via email: [policy@worksafebc.com](mailto:policy@worksafebc.com)

June 15, 2020

Re: WCB Consultation- Submission on addition of communicable viral pathogens to Schedule 1 of the *Workers' Compensation Act*.

The Health Sciences Association of British Columbia (HSABC) appreciates the opportunity to provide our submission to WorkSafe BC to the expedited process with regards to adding a presumption for infections caused by viral pathogens (including COVID-19) to the list of occupational diseases in Schedule 1 of the *Workers' Compensation Act*. HSABC is a strong advocate for the expansion of presumptive coverage in a variety of areas in health care and community social services. This proposed change is in line with our advocacy for presumptive coverage for workers suffering from work-related illnesses and injuries in order to expedite appropriate treatment without the added worry about economic hardship.

HSABC is a trade union representing 20,000 health care and social services professionals in every corner of British Columbia. HSABC members can be found everywhere in these fields from small social service agencies to the largest of BC's acute care facilities. As diverse as this work force is, one commonality has been the risk to these workers as a result of COVID-19. WorkSafe BC statistics show a significant number of claims in the Health Care and Social Services subsector, and this includes measurable numbers for specific occupations in the HSABC membership, including social and community service workers, registered psychiatric nurses, medical laboratory technologists, and respiratory therapists (Discussion Paper s. 6.4). HSABC members are on the frontlines of COVID-19, and are subject to this risk daily.

HSABC supports the inclusion of COVID-19, and similar viral pathogens to the list of occupational diseases found in Schedule 1. That being said, HSABC does wish to highlight some concerns in the proposed schedule change.

The first concern is found in column 1, specifically related to the timing of when this presumption would apply. The proposal states that the presumption would apply with the declaration of a provincial state of emergency, in a number of various forms. While the declaration of the state of emergency is an indicator of the extremity of the event, it is not a true indicator of the timing for presumption. In the case of COVID-19 the first occurrence of the disease in British Columbia was January 28, 2020. The first WorkSafe claims came shortly after in February 2020. A province-wide public health emergency was not declared until March 17, 2020, followed by the provincial state of emergency declared March 18. Both of these provincial

actions took place several days after a number of municipalities had enacted local states of emergency. It should also be noted that provincial states of emergency are term limited, and need to be renewed bi-weekly.

HSA recommends that a declaration of a state of emergency is not an appropriate benchmark for the start of presumptive coverage. Instead, presumptive coverage should be assumed when the introduction of a novel virus is confirmed, eliminating procedural delays for workers who may contract an illness outside the timeline of a declaration of a provincial state of emergency.

A second concern is the proposal to amend column 2 to include the requirement for presumption to be applied to workers in a situation where there is a “risk of exposure to a source or sources of infection significantly greater than the public at large.” HSA takes exception to the quantifier “significantly”. This terminology is vague and may limit the conditions when presumption may apply. As the data indicates, HSA members across the spectrum have been exposed to COVID-19 at work, as such all of these members ought to be considered for presumptive coverage. To place an abstract quantifier of “significantly greater” is vague at least, discriminatory at best.

HSABC recommends the removal of the “significantly greater” clause from column 2.

On behalf of the Health Sciences Association of British Columbia and its 20,000 members, we thank you for the opportunity to provide our views on this proposal. British Columbia is leading the way with this regulatory change, and we applaud Worksafe BC in moving in this direction. We urge you to consider the recommendations found in this document.

Sincerely,

Michael Wisla  
Occupational Health and Safety Representative  
Health Sciences Association of BC

cc: Alison Hietanen  
Membership Services Coordinator, Disability Management  
Health Sciences Association of BC