

Les Liversidge

From: Les Liversidge <lal@laliversidge.com>
Sent: Wednesday, April 8, 2020 9:06 AM
To: 'lal@laliversidge.com'
Subject: April 8, 2020 update re COVID-19 & WSIB/SWIAT - Message from L.A. Liversidge
Attachments: 20200324 CEC ltr to EW TT COVID-19 FINAL.pdf; 20200403 WSIB update re COVID-19.pdf

Dear Valued Client,

As you are aware, during this COVID-19 pandemic information is being updated on a daily basis. We have been closely monitoring the situation as well as the WSIB's response to critical elements which will affect employers. There are two developments:

After a March 24, 2020 letter from the Construction Employer Coalition to Board executives (see attached) which implored the Board to consider all costs of COVID-19 claims be allocated among Schedule 1 employers (like occupational disease claims) and not borne by the individual employer, the Board announced on Friday April 3, 2020 that:

“costs associated with COVID-19 related claims will not be allocated at an employer or class level. Instead, they will be allocated on a Schedule-wide basis and there will be no change in premium rates for 2020”.

See the **attached WSIB update**.

This is the right decision by the Board.

In addition, as we advised in our March 23, 2020 update, the Government of Ontario issued a regulation under the Emergency Management and Civil Protection Act, suspending legislated limitation periods for the duration of the state of emergency. On Thursday, April 2, 2020 the WSIB advised:

Suspending legislated time limits

Last week, the Government of Ontario issued a regulation under the Emergency Management and Civil Protection Act, suspending legislated limitation periods for the duration of the state of emergency.

As a result, we are temporarily extending the following time limits:

- *six-month time limit after an injury or illness to file a claim for benefits*
- *six-month time limit to file a claim for benefits following a WSIA decision*
- *30-day time limit for objecting to a return-to-work decision*
- *six-month time limit for objecting to any other decisions related to a WSIB claim or account*

The suspension applies to any time limits that expired on or after March 16, 2020 and will remain in effect until further notice.

Procedural time limits

We continue to expect employers and injured or ill people to make all reasonable efforts to meet the normal procedural timelines, unless they are prevented from doing so due to the state of emergency. Examples of such situations might include an employer needing to focus on setting up their staff to work remotely, or a small employer themselves being struck by the virus.

In such cases, decision makers will use their discretion to reasonably extend the following timelines:

- *three-day time limit for an employer to notify the WSIB of an injury or illness*
- *10-day deadline for an employer or an injured or ill person to report a material change in circumstances*
- *three-month time period to make an out-of-province or third-party election*

Keep well.

LAL

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