

From: The_Liversidge_Letter <the_liversidge_letter@laliversidge.com>
Sent: Thursday, November 25, 2021 11:36 AM
To: the_Liversidge_letter@laliversidge.com
Subject: WSIB Return to Work, Vaccination Status and entitlement to LOE benefits

Good morning,

In my work with the CEC, a scenario arose which WSIB policy did not address. As this issue may be one that you are facing as an employer, please find the details below.

A worker is fit to return to suitable or pre-injury employment; the worker has chosen to not receive the COVID-19 vaccine; the company has a mandatory vaccine policy in place; this policy was put in place while the worker was off work. How will the WSIB address such cases?

Through the CEC's letter of [October 19, 2021](#) we sought a policy change from the Board to address this issue.

Tom Bell, WSIB President and CEO responded on [November 17, 2021](#).

The Board advised on November 22, 2021 that **the Board's COVID-19 Frequent Asked Questions were updated to address this issue**, see the excerpt from the Board's website [here](#) and below.

COVID-19 vaccinations and return to work

I have been off work and receiving loss-of-earnings benefits because of a work-related injury. I'm now ready to return to work, but I have to be vaccinated against COVID-19 before I can go back. If I don't go back to work because I am not vaccinated, will I continue to receive benefits?

No. If the only reason you can't return to work is because you are not vaccinated or you are unable to provide proof of your vaccination, this is not related to your work-related injury or illness and you will no longer receive loss-of-earnings benefits. If you have a valid medical or other exemption from being vaccinated, we will work with you and your employer, while considering everyone's obligations under Ontario's *Human Rights Code* and the *Canadian Human Rights Act*.

I have been off work and I am receiving loss-of-earnings benefits due to a work-related injury. My employer has offered me modified work, but I have to be vaccinated against COVID-19 before I can go back to work. If I refuse the modified work because I am not vaccinated, will my benefits be reduced?

Yes. If modified work is suitable and available, and the only reason you can't return to work is because you are not vaccinated or you are unable to provide proof of your vaccination, this is not related to your work-related injury or illness. In these cases, your loss-of-earnings benefits may be adjusted. If you have a valid medical or other exemption from being vaccinated, we will work with you and your employer, while considering everyone's obligations under Ontario's *Human Rights Code* and the *Canadian Human Rights Act*.

I'm participating in a training program as part of my return-to-work plan, but to attend the training program, I either need to be vaccinated against COVID-19 and provide proof of vaccination, or show a negative COVID-19 test before I can attend any in-person training. What will happen to my benefits if I'm not vaccinated or don't show a negative test, and can't complete the training?

If the only reason you can't participate in the training is because you are not vaccinated or unable to provide proof of your vaccination and cannot show a negative COVID-19 test when required, this is not related to your work-related injury or illness. In these cases, your loss-of-earnings benefits may be adjusted. If you have a valid medical or other exemption from being vaccinated, we will work with you and the training provider taking into account everyone's obligations under Ontario's *Human Rights Code* and the *Canadian Human Rights Act*.

As always, if you have any questions, please reach out.

Regards,

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