

Legislative
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Bill 191

An Act to amend the Workplace Safety and Insurance Act, 1997 with respect to presumptions in connection with COVID-19 for workers in essential businesses

Mr. W. Gates

Private Member's Bill

1st Reading May 19, 2020

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Workplace Safety and Insurance Act, 1997*. New section 15.0.1 of the Act applies with respect to workers who work for a business that has been listed as an essential business in an order made under the *Emergency Management and Civil Protection Act*. If a worker for an essential business receives a positive test for the disease known as COVID-19, the disease is presumed to be an occupational disease that occurs due to the nature of the worker's work, unless the contrary is shown. The presumption applies to a positive test received on or after January 25, 2020. Transitional matters are provided for.

An Act to amend the Workplace Safety and Insurance Act, 1997 with respect to presumptions in connection with COVID-19 for workers in essential businesses

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 The *Workplace Safety and Insurance Act, 1997* is amended by adding the following section:

Presumption re: COVID-19

Application, essential business workers

15.0.1 (1) This section applies with respect to workers who work for a business listed as an essential business in an order made under the *Emergency Management and Civil Protection Act*.

Occupational disease

(2) If a worker receives a positive test for the disease known as COVID-19, the disease is presumed to be an occupational disease that occurs due to the nature of the worker's work, unless the contrary is shown.

Timing of diagnosis

(3) The presumption in subsection (2) applies to a positive test received on or after January 25, 2020.

Clarification

(4) For greater certainty, this section applies,

- (a) whether the worker works for the essential business as an employee or otherwise; and
- (b) regardless of when the business is or was listed as an essential business in an order made under the *Emergency Management and Civil Protection Act*.

Pending claim before Board

(5) If a worker to which this section applies filed a claim for entitlement to benefits relating to COVID-19 and the claim is pending before the Board on the day on which this section comes into force, the Board shall decide the claim in accordance with this section.

Pending claim before Appeals Tribunal

(6) If a worker to which this section applies filed a claim for entitlement to benefits relating to COVID-19 and the claim is pending before the Appeals Tribunal on the day on which this section comes into force, the Appeals Tribunal shall decide the claim in accordance with this section.

Denial vacated

(7) If a worker to which this section applies filed a claim for entitlement to benefits relating to COVID-19 and the claim was denied by the Board or by the Appeals Tribunal before the day this section comes into force, the denial is vacated and the worker may refile a claim to be decided in accordance with this section.

Commencement

2 This Act comes into force on the day it receives Royal Assent.

Short title

3 The short title of this Act is the *Workplace Safety and Insurance Amendment Act (Presumption Respecting COVID-19), 2020*.