
May 8, 2020

BULLETIN

PRESUMPTION FOR COVID-19 WORKSAFEBC CLAIMS

WorkSafeBC announced on April 30th that COVID-19 will be added to the list of “occupational diseases” in Schedule 1 of the *Workers Compensation Act*, the primary significance being that COVID-19 claims will be presumed to be caused from work, unless proven otherwise.

In a typical claim, assessed on a case-by-case basis, the worker has the burden of proving that an illness was contracted “out of and in the course of employment”. Once an illness is included in Schedule 1, however, it is presumed to be work-related, and claims are automatically accepted without consideration of the circumstances of the particular case. This means that once COVID-19 is added to Schedule 1, employers will have to rebut the presumption that an employee contracted the illness at work in order to have a COVID-19 claim denied.

Although an addition to Schedule 1 generally takes between 18 and 24 months, it is anticipated that COVID-19 will be added through an expedited process in approximately 6 months. In the meantime, COVID-19 claims will continue to be adjudicated on a case-by-case basis.

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