



March 27, 2023

Consultation Secretariat

Workplace Safety and Insurance Board (WSIB)

Consultation_Secretariat@wsib.on.ca

Re: Home Care Ontario Response to the WSIB Communicable Illnesses Policy Consultation

Home Care Ontario welcomes the opportunity to comment on the WSIB Ontario draft Communicable Illnesses Policy Consultation. Although WSIB states that the policy is “not a change in direction” and the policy “provides detailed and clear guidance about how entitlement in communicable illness claims has been, and will continue to be, adjudicated”, Home Care Ontario believes that additional clarity is required regarding the key points outlined below.

Specifically, our concerns address three topics:

1. The process for confirmation of the illness
2. Clarity around where and how the claimant was exposed
3. The length of time communicable disease claims will impact company insurance premiums

The policy requires that all claimants document their illness either through confirmation from a laboratory test or from a formal diagnosis made by a qualified health professional. Home Care Ontario believes that taken in isolation, this requirement is insufficient to prove communicable disease illness. For example, there are no laboratory tests available for common communicable diseases such as influenza or the common cold. Further, in the absence of laboratory validation, doctors or other health professionals will not be able to confirm an illness based solely on symptoms as many illnesses exhibit common symptoms. There will also be instances where physicians who are asked to write medical notes by a patient to support a claim, may agree to write these medical notes without sufficient clinical evidence. Unless there is a laboratory test that can be administered with high results accuracy, a confirmation of a communicable disease will be unreliable. **Home Care Ontario recommends that WSIB identify the tests that are acceptable for confirmation of specific diseases.**

Communicable diseases, by their very definition, are highly contagious and spread easily throughout the community. How would it be possible for anyone to truly determine whether an

175 Longwood Road South
Suite 319A
Hamilton, Ontario L8P 0A1
Tel: 905-543-9474
Sue.vanderbent@homecareontario.ca

individual was infected with influenza while taking the bus to work or whether the infection occurred in their place of work? Infections can occur in any area or workplace such as a third-grade classroom or even the emergency department of a hospital. Allowing this decision to be made by an assessor invites variability to the process if the only data inputs include transmission routes, opportunities for exposure and frequency of potential exposure.

From Home Care Ontario's perspective, it is critical to note that a home care worker may spend a half to two-thirds of their day either travelling or in activities outside of direct patient care where exposures can also occur. In this regard, it becomes even more difficult to determine the origination of the illness. The requirement and practice of wearing personal protective equipment (PPE) would also be a significant factor in determining workplace exposure.

Home Care Ontario's recommendation specifically related to communicable diseases is to apply the criteria in very specific circumstances such as:

- 1. Declaration of a Public Health Emergency related to a communicable disease**
- 2. Declaration of a confirmed outbreak in a place of work**
- 3. Exposures limited to remote or confined workspaces (such as agricultural workers who live together)**
- 4. Illness from communicable diseases not commonly found in the community**

Where these conditions do not exist, there will never be sufficient evidence of transmission in a specific work setting.

Additionally, if exposures and claims occur during a Public Health Emergency, it is likely that this emergency condition will be time-limited in nature. Claims processed for a specific year will impact premiums for the following eight (8) years or even longer (6 years with actual financial impact), even if the emergency condition or illness transmission no longer exists.

Home Care Ontario recommends that WSIB revisit or amend this policy to contain the time period for which an impact to premiums occur – such as 12 months following the end of an Emergency Order condition. In addition, since many of these exposures will be beyond the control of an employer, **Home Care Ontario recommends keeping the costs collectivized for this period of time or alternately report these costs on a standalone basis and implement plans to offset this cost for employers.**

Home Care Ontario recommends that the Ministry of Labour (MOL) develop a streamlined process during a declared emergency or a Public Health Outbreak to track exposures in order

to reduce separate reports and excessive visits with MOL inspectors for every singular exposure.

Finally, Home Care Ontario recommends that any claims be closed once the “main symptoms” of the condition have been resolved.

Given the possible variability in disease state, exposure and claim management, it will be critical to ensure that all adjudicators are trained consistently and with regularity to ensure variability of claims approvals and processing is limited.

Home Care Ontario appreciates the opportunity to provide our recommendations to The Workplace Safety and Insurance Board’s Policy and Consultation Services Division (PCSD) regarding the policy consultation on the WSIB draft communicable illnesses policy. The Association would be pleased to meet to review these recommendations.

Yours Sincerely,



Susan D. VanderBent, CEO
BA, BSW, MSW, MHsc