

*A bulletin by the Employers' Advisers Office, Ministry of Labour, B.C. Government.
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Proposed Amendments to Allow Schedule 1 Presumption for Diseases Caused by Communicable Viral Pathogens, including COVID-19

At the direction of the Board of Directors, WorkSafeBC has drafted proposed amendments to Schedule 1 to allow a presumption for diseases caused by communicable viral pathogens, including COVID-19.

Schedule 1 sets out particular illnesses recognized as “occupational diseases” attributable to specified industries or work processes. If a worker’s occupational disease is identified in Schedule 1 and the worker was employed in the corresponding process or industry described in the Schedule, then work causation is presumed unless the contrary is proved. The purpose of a Schedule 1 designation is to create a form of institutional memory allowing decision-makers to make decisions for cases meeting the criteria without the necessity of establishing work-causation.

Schedule 1 contains two columns. Column 1 describes the occupational disease. Column 2 describes the corresponding process or industry to which the presumption is to apply.

What is being proposed as an occupational disease for Column 1 is an infection caused by communicable viral pathogens which is subject to one or more of four prescribed types of state or public health emergency in British Columbia. A disease subject to a BC-specific emergency ensures the presumption is only triggered once the disease poses a significant risk.

For Column 2, WorkSafeBC is proposing that the process or industry meets all of the following requirements:

- a) there is a risk of exposure to a source or sources of infection significantly greater than the public at large;
- b) the risk of exposure occurs during the applicable notice or emergency under Column 1; and
- c) the risk of exposure occurs within the geographical area of the applicable notice or emergency under Column 1.

Occupational Disease Services does not anticipate an increase in the number of allowed claims or costs as a result of the added presumption. However, there may be an increase in awareness for coverage which could result in an increase in the number of claims filed.

The consultation and amendment is being done on an expedited basis, with anticipated completion in six months. This time period includes the 90-day waiting period before the regulation comes into force, as required by the *Workers Compensation Act*.

The [Discussion Paper](#) inviting feedback was released June 1, with consultation ending June 12.

Please contact our office should you have any questions or concerns.