



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

Factsheet #19
Updated: January 2013

CONTAGIOUS DISEASES

Please read the Factsheet called *Introduction to Occupational Diseases* for basic information about workers' compensation for occupational diseases.

Can I get workers' compensation if I get a contagious disease at work?

Yes, if you have a contagious disease, it may be accepted (found to be compensable) by WorkSafeBC as an occupational disease if:

- it is listed in **Schedule B**, and your work meets the requirements of **Schedule B**; or
- it is recognized as an occupational disease by Regulation.

Generally, to qualify for compensation, you must be working in a job where there is a risk to which the public is not normally exposed, or a risk that is significantly greater than the risk to which the public would be exposed. For example, a school teacher who gets whooping cough following an outbreak in the classroom would likely get compensation. A secretary who gets whooping cough when no one else in the office does would not likely get compensation.

Diseases listed in Schedule B

A number of contagious diseases are listed in **Schedule B** of the *Workers Compensation Act*. WorkSafeBC presumes they are occupational diseases if your work meets the requirements listed in Schedule B. Normally, the nature of your work must require you to be in close contact with a person with the disease, or in close contact with contaminated materials (for example, in a testing or research laboratory) for WorkSafeBC to accept your claim.

Schedule B recognizes the following contagious diseases:

- Psittacosis virus infection – presumed to be compensable where there is contact with ornithosis-infected species or material;

For more information:
Website: www.labour.gov.bc.ca/wab



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261
Northern & Central Interior: 1-800-663-6695
Vancouver Island: 1-800-661-4066

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- Staphylococcus aureus, Salmonella or Hepatitis B infection – presumed to be compensable where there has been frequent, close contact with: infected people in a medical setting, infected tissues or fluids where analyzing or testing those materials, or the relevant virus itself, and where the exposure was required by work;
- Brucella organism infection (aka “Undulant fever”) – presumed to be work-related where there is contact with animals, carcasses or animal by-products); and
- Tubercule bacillus infection – presumed to be work-related where there has been close and frequent job-required contact with: people in a medical treatment setting, infected tissue or fluid during testing or analysis of that material, or any source of the virus while researching it, so long as you were not infected when you began work, or when you resumed the work if you were away from that work for at least one year. If there is no testing confirming that you were uninfected at the relevant point, you are presumed to have been uninfected if you were symptom-free for the first six months of your work (or return to work, as the case may be).

If you previously received workers’ compensation for tuberculosis and you contract it again, WorkSafeBC may consider it a new claim or a recurrence under your old claim. If it is less than 3 years since you had active tuberculosis, WorkSafeBC is likely to consider it as part of your old claim. If your previous disease has been inactive for 3 years or more, WorkSafeBC will consider the new occurrence as a new claim, unless you can show that it is a direct result of the previous tuberculosis. WorkSafeBC will accept it as a new claim only if your job is one of the types described above.

Diseases recognized by *Regulation*.

Most compensable contagious diseases are recognized by *Regulation*. This means that WorkSafeBC agrees these contagious diseases are often caused by work, but not often enough to be listed in **Schedule B**. These are the contagious diseases recognized by Regulation:

bronchitis	mononucleosis
campylobacteriosis	mumps
chicken pox	red measles (rubeola)
giardia lamblia infestation	ringworm
head lice (pediculosis capitis)	scabies
hepatitis A	serum hepatitis
herpes simplex	staphylococci infections
legionellosis	streptococci infections
lyme disease	whooping cough
meningitis	

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These diseases are spread by contact from person to person.

Although scabies is not recognized under **Schedule B**, according to WorkSafeBC policy, it is presumed to be work-related where you have had contact with an infected person at a workplace where there is a recognized hazard of contracting an infectious disease, such as in an ambulance, hospital or nursing home, and where your scabies became symptomatic within a reasonable time following that contact (reasonableness being defined relative to the incubation period for the disease).

For the remainder of these diseases, WorkSafeBC does not presume automatically that your employment caused it. You will need to prove you were exposed to the disease at work. You are not required to name a person from whom you contracted the disease, but there must be evidence that you had contact with the disease at work.

Under certain circumstances, WorkSafeBC also recognizes two other contagious diseases that are spread by contact between food and a person. They are:

- food poisoning; and
- shigellosis.

If WorkSafeBC turns down my claim for a contagious disease, what can I do?

You must discuss the cause of your disease with your doctor or specialist. If your doctor thinks your work caused your condition, you need:

- a diagnosis of a specific disease found in **Schedule B** or recognized by Regulation, or a clear diagnosis and a very detailed report about how your disease relates to your work; and
- a detailed account of your work activities and exposures, or the substances that you use in your job.

What if I disagree with a decision?

If you do not agree with the WorkSafeBC decision, you have the right to request a review. You must request a review within **90 days**. If you disagree with the Review Division decision you have **30 days** to file an appeal to the Workers' Compensation Appeal Tribunal.