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Ms. Louise Kim  
Senior Manager  
Policy, Regulation and Research Division  
WorkSafeBC  
P.O. Box 5350 Station Terminal  
Vancouver BC V6B 5L5

Dear Ms. Kim:

**Re: Adding Diseases Caused by Communicable Viral Pathogens, including COVID-19, to Schedule 1 of the Workers Compensation Act (Act)**

The Surrey Board of Trade appreciates the opportunity to comment on the Discussion Paper: Adding Diseases Caused by Communicable Viral Pathogens, including COVID-19, to Schedule 1 of the Workers Compensation Act (Act).

On April 20, 2020 WorkSafeBC's (WSBC) Board of Directors directed the Policy, Regulation and Research Division (PRRD) to amend Schedule 1 of the Act to add a presumption for COVID-19 (or potentially more broadly coronaviruses or respiratory communicable diseases). As outlined in the Discussion Paper, a central issue is how to describe the disease and the corresponding process or industry in Schedule 1 for the purposes of creating a new presumption.

It is important to outline the employer's perspective regarding the nature and purpose of Schedule 1 of the Act and its role in the Workers Compensation System. As a no-fault insurance scheme, it is critical the system has the necessary structures and processes in place to ensure every worker who is unable to earn full wages because of a workplace injury or disease is appropriately compensated. Compensation for work related injury or disease is at the heart of the historic compromise and the basis of the long-standing agreement between employers and workers. Policy makers must resist contemporary pressures to expand WorkSafeBC's mandate beyond its lawful structure no matter how real and pressing the current societal concerns that British Columbians face. The federal and provincial responses to this pandemic have been rapid and coordinated.

At the call of citizens including strong representations from the BC business community, Premiers Horgan, Silver and Pallister recently issued a joint statement, requesting the federal government create a federally-funded national sick pay program under the auspices of the Canada Emergency Response Benefit Program and/or the Employment Insurance Act for the duration of the COVID19 pandemic. The Surrey Board of Trade called for this in addition to several business organizations. Prime Minister Trudeau has publicly committed to work jointly with the provinces to provide sick leave to ensure Canadians comply with public health directives. A publicly funded sick pay program would obviate the need for presumptive



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coverage. Insufficient scientific information and nature of this pandemic means the Workers Compensation System can only effectively address claims on a case-by-case basis, much as public health officials are currently doing within the contact tracing process. This pandemic – like all pandemics – is a public health crisis not a workplace health crisis. The provincial government recognized this in its management of the crisis going to extraordinary lengths to close public spaces, while also keeping more workplaces open than other provinces.

Accordingly, the Surrey Board of Trade strongly believes there needs to be social program solutions to this pandemic. The addition of a presumption under Schedule 1 of the Act would bring a public health pandemic into the ambit of the Workers Compensation System thereby upsetting the careful and longstanding balance established in the historic compromise. Requiring employers to fund a presumption transfers public health costs to the workers compensation system which is funded by employers. Shifting public health costs onto employers through WorkSafeBC premiums has no basis in science and is a betrayal of historic agreement. If COVID-19 were added it would be the first and only element of Schedule 1 that places public health costs squarely onto employer payrolls. Business can't bear this cost, nor should they. Embedding public health costs in WorkSafeBC premiums would cause irreparable economic harm to businesses who are unable to absorb any further fixed or variable cost increases because of the ongoing impact from COVID-19.

The Surrey Board of Trade supports business and attracts business. We are a city-building business organization, offering a diversified service portfolio to our 6,000 business member contacts representing a diverse industry-base.

Thank you again for the opportunity to comment on the Discussion Paper: Adding Diseases Caused by Communicable Viral Pathogens, including COVID-19, to schedule 1 of the Workers Compensation Act. If you would like to discuss the issues raised, please do not hesitate to contact me at 604-634-0342 or at email: [anita@businessinsurrey.com](mailto:anita@businessinsurrey.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'A Huberman', with a long, sweeping underline.

H. Captain (Navy) Anita Huberman  
CEO, Surrey Board of Trade