

# Ministry of Colleges & Universities (MCU) WSIB Coverage for Postsecondary Students

## Questions & Answers

**Q1 Will students on unpaid work placements have WSIB coverage during the COVID-19 outbreak?**

A1 Yes, WSIB coverage under [Policy 12-04-05, Coverage for Unpaid Trainees](#) will continue. There is no change to coverage due to COVID-19.

Note that WSIB makes decisions on claims for workplace insurance benefits under the *Workplace Safety and Insurance Act, 1997*. The ministry will continue, under its existing policy, to pay WSIB for the cost of any benefits that the WSIB pays to a student who is injured or becomes ill in the performance of their duties during an unpaid work placement.

**Q2 What about students who are on placements with paramedic services or in other clinical placements? Will they have WSIB coverage?**

A2 Yes, WSIB coverage under [Policy 12-04-05, Coverage for Unpaid Trainees](#) continues for students on placements in paramedic services and clinical placements, as it does in other workplaces. There is no change to coverage due to COVID-19.

Note that WSIB makes decisions on claims for workplace insurance benefits under the *Workplace Safety and Insurance Act, 1997*. The ministry will continue, under its existing policy, to pay WSIB for the cost of any benefits that the WSIB pays to a student who is injured or becomes ill in the performance of their duties during an unpaid work placement.

**Q3 If the clinical placement is suspended and restarts, we assume the same documentation completed is fine and does not need to be redone?**

A3 The WSIB's policy does not address this specifically. As outlined on page 7 of the ministry's [Guidelines for Workplace Insurance for Postsecondary Students of Publicly Assisted Institutions on Unpaid Work Placements](#) dated July 2017, it is up to the training agency to confirm the placement days with the placement employer. The WSIB would not deny a claim because an accident occurred outside of the specific days originally listed as part of the placement. Rather, the specifics of the case, including any information provided by the training agency as to the dates of the placement would be taken into consideration to determine if the circumstances relating to place, time, and activity indicate that the injury was work-related, with respect to the placement with the placement host.

**Q4 If the placement continues remotely/at home will there be WSIB coverage?**

A4 Yes, the WSIB has confirmed that if placements were to continue at alternate locations or at home, coverage would still exist. If the WSIB allows a claim and pays benefits to a student who is injured or becomes ill while performing duties remotely for the placement, the ministry will pay the WSIB for the cost of benefits.

In these cases, the WSIB's Policy [15-02-02, Accident in the Course of Employment](#) provides guidance on the criteria that the WSIB considers when determining whether an injury arose out of and in the course of employment. The criteria are: place, time and activity.

The WSIB has confirmed that, although all three criteria are considered by the WSIB, when working at home or remotely, the criteria of activity takes on particular significance. The WSIB determines whether the worker was engaged in:

- the performance of an employment duty,
- in an activity reasonably incidental to the employment, or
- in an activity of a purely personal nature (i.e., not incidental to the worker's employment)

If a personal injury by accident occurred while the worker was engaged in the performance of a work-related duty or in an activity reasonably incidental to (related to) the employment, the personal injury by accident generally will have occurred in the course of employment. To determine whether an activity is incidental to the employment, the nature of the work, the work environment, as well as the customs and practices of the workplace are considered.

When working at an alternate location, consideration would be given to whether the accident occurred in a place where the person would be reasonably be expected to perform their work-related duties. For those working at home, whether the injury occurred in the part of the worker's home normally used for work, such as a home office, may be of particular relevance in determining whether the activity is reasonably incidental to the employment.

It is important to note that any determination regarding "in the course of the employment" for at-home work injuries, as for all injuries, will depend heavily on the unique facts and circumstances of each case.

Although employers do not have as much control of the health and safety of workers who work at home or at other locations away from an employer's own premises, there are various things that they can do. From a prevention standpoint, they may develop and have each employee complete a health and safety inspection checklist of their home workspace or other location where they intend to work. Also, developing certain rules and expectations may help control some elements, such as confirming the hours of work and the location of the home office or other places they will be working from. However, as you know, the employer's responsibilities and obligations in the event of an injury or illness remain the same as for workers who are injured at a fixed workplace at the employer's premises.

**Q5 For students on unpaid work placements who are now working remotely, will MCU's WSIB coverage continue to remain in place? As MCU would pay claims for these students, can you kindly confirm if anything has changed.**

**A5 See #4.**

**Q6 In all cases, is COVID-19 covered?**

A6 The following information is currently posted on the [FAQs about WSIB claims](#) page of WSIB's website:

Multiple potential sources of COVID-19 may now exist at work and at home creating challenges in establishing work-relatedness when adjudicating claims.

For a COVID-19 claim to be allowed, evidence must show that the person's risk of contracting the disease through their employment is greater than the risk to which the public at large is exposed and that work **significantly contributed to the person's illness**.

To determine the work-relatedness of COVID-19 claims, the WSIB will look at details such as the person's employment activities, their symptoms and whether they have a diagnosis of COVID-19.

While the nature of some people's work may put them at greater risk of contracting the virus, for example those treating someone with COVID-19, this is a constantly evolving situation and any claims received by the WSIB will need to be adjudicated on a case-by-case basis, taking into consideration the facts and circumstances.

**Please note:** The WSIB does not provide coverage for people who are symptom-free even when quarantined or sent home on a precautionary basis. However, should someone who is symptom-free develop symptoms or illness while on quarantine, they may be eligible for WSIB coverage.

For additional information, please see [how the WSIB makes decisions about COVID-19 claims](#) (PDF), a document that is linked in the 'Workplaces' section of the COVID-19 update on its main website wsib.ca.

**Q7 Can the WSIB confirm that this adjudication approach is for all COVID-19-related claims, not just those related to unpaid learners?**

A7 The WSIB has confirmed that the adjudication approach for COVID-19 related claims pertains to claims made by all workers, not just unpaid learners.

**Q8 Does the adjudicative approach for COVID-19 apply to all workers covered under WSIB including nurses and EMTs?**

A8 Yes, the adjudicative approach applies to all workers. This includes paid workers, such as nurses and EMTs, and students on unpaid placements, as well as healthcare workers who may be called upon to assist in connection with the emergency declared by the Premier under section 7.0.1 of the *Emergency Management and Civil Protection Act*.

**Q9 How should colleges and universities interpret the ministry's WSIB policy?**

A9 Postsecondary institutions (i.e. "Training Agencies") that arrange unpaid work placements for students are best placed to work with placement employers to assess whether the employers' working environments for student trainees participating in these such placements are safe.

The ministry's policy on WSIB claims coverage is about covering the costs of any benefits paid by the WSIB to a student trainee who gets injured or sick on an unpaid placement that is arranged by a postsecondary institution. It does not prescribe for institutions what placements must be arranged or when to continue or cancel them.

The ministry is not asking postsecondary institutions to change their usual approach to working with placement employers to determine whether or not a workplace is safe. The ministry understands that institutions rely on placement employers for advice on whether appropriate health and safety precautions are in place. If institutions and placement employers have questions about what constitutes a safe work environment given the COVID-19 outbreak, they could seek the advice of local public health authorities.

Placement employers must also comply with their obligations under the Occupational Health and Safety Act and other statutes to protect workers, which include unpaid student trainees that are participating in an approved program of a college, PCC, university or other post-secondary institution.

The WSIB has indicated that there have been no changes in coverage for student trainees working in any locations, including hospitals or other clinical locations.

**Q10 If individual institutions are responsible for working with placement employers to assess if a workplace is safe or not, won't this lead to inconsistent interpretations across the province?**

A10 The ministry recognizes that assessments of the safety of any given workplace may vary based on the type of workplace and the individual circumstances in each location.

Postsecondary institutions that arrange unpaid work placements for students are best placed to work with placement employers to assess whether the employers' working environments for student trainees participating in these such placements are safe.

**Q11 To what extent are colleges and universities liable should a student in placement contract COVID-19?**

A11 If postsecondary institutions are seeking further clarification regarding the extent to which they would be liable should a student contract COVID-19 while on an unpaid placement or in any other context, they should seek advice from their legal counsel.

The ministry's policy on WSIB claims coverage is about covering the costs of any benefits paid by the WSIB to a student trainee who gets injured or sick on an unpaid placement that is arranged by a postsecondary institution. It does not prescribe for colleges and universities what placements they must arrange, and when to continue or cancel them.

Local health authorities may be in the best position to provide advice to postsecondary institutions and placement employers about COVID-19-related risks. Institutions are also encouraged to consult with their legal counsel when assessing next steps regarding their student work placements, including whether to continue, modify or cancel the placements.