



COVID-19

CSC Loses Appeal Against Decision to Accept Covid-19 Death as Occupational Injury October 2022

In August 2021, a Correctional Officer from Mission Medium Security Institution, in the Pacific Region, contracted Covid-19 after escorting an inmate to outside hospital. Shortly after, the infection became serious and the officer required hospitalization. Unfortunately, that officer passed away due to the consequences of Covid. The family submitted a claim to the Workers Compensation Board (WCB) and was initially accepted that this was a workplace death.

CSC Management (Nationally, Regionally and at Mission Institution) refused to accept the decision of WCB and did everything they could to overturn the decision, including holding a closed-door meeting with WCB along with regional managers and the regional return to work advisor to pressure WCB to reconsider its decision, but were ultimately unsuccessful. This is completely unethical and never before seen in any WCB case in the Pacific Region. WCB upheld its decision, so CSC filed a request for review.

CSC retained representation from the legal aid department for employers and presented wild arguments to support their appeal. For example, CSC said that the Correctional Officer could not have caught Covid-19 at work because there was no outbreak at Mission Institution or at the hospital (failing to mention that it is the regional hospital designed to treat Covid patients). The employer also said that the claim should not be accepted because there was no confirmed exposure. Sparing no expense on imaginary arguments, CSC said that WCB should rely on the

American CDC guidelines on incubation period, omitting any reference to the Public Health Agency of Canada guidelines which were favourable to the worker's case!

Their appeal was denied. The Review Division found that Correctional Officers were at higher risk of contracting Covid-19 due to the nature of their occupation and that the legal presumption found in the law applied to this case. The Review Division found that the employer's arguments that the worker contracted Covid-19 somewhere other than at work was speculative.

During the October 2022 NLMC, the Commissioner and her senior management team were challenged to now do the right thing and recognize that this Correctional Officer died as the result of performing his Correctional Officer duties. Senior management adamantly defended their actions and made no commitment to UCCO-SACC-CSN. All senior management could do was remind us that they still had one more level of appeal available to them and they would be reviewing the recent WCB decision carefully. UCCO-SACC-CSN will continue to represent the family against any more attempts to appeal by the CSC.

We have said this for a long time. Correctional Officers are facing working conditions that are vastly different from the general public and that of other public service occupations. This decision proves it. The employer must recognize that.

UCCO-SACC-CSN offers its deepest condolences to the officer's family and friends affected by this death.