

2021 Bill 219

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Second Session, 30th Legislature, 70 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 219

## WORKERS' COMPENSATION (EXPANDING PRESUMPTIVE COVERAGE) AMENDMENT ACT, 2021

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MS SWEET

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## **BILL 219**

2021

### **WORKERS' COMPENSATION (EXPANDING PRESUMPTIVE COVERAGE) AMENDMENT ACT, 2021**

*(Assented to \_\_\_\_\_, 2021)*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### **Amends RSA 2000 cW-15**

**1 The *Workers' Compensation Act* is amended by this Act.**

**2 Section 1(1)(t) is repealed and the following is substituted:**

(t) "occupational disease" means each of the following:

(i) a disease or condition referred to in this Act as an occupational disease;

(ii) an occupational disease as defined in the regulations;

**3 Section 24.1(b.1) is amended by striking out "section 24.2" and substituting "section 24.21".**

**4 Section 24.2 is amended**

(a) in subsection (1) by striking out clauses (a), (b), (c), (d), (e), (f) and (h), and

(b) in subsections (2) and (3) by striking out "first responder, correctional officer, emergency dispatcher or a member of any

## Explanatory Notes

### Workers' Compensation Act

**1** Amends chapter W-15 of the Revised Statutes of Alberta 2000.

**2** Section 1(1)(t) presently reads:

*(t) "occupational disease" means occupational disease as defined in the regulations;*

**3** Section 24.1(b.1) presently reads:

*24.1(1) In this section,*

*(b.1) "paramedic" means a paramedic as defined in section 24.2;*

**4** Section 24.2 presently reads in part:

*24.2(1) In this section,*

*(a) "correctional officer" means a peace officer referred to in section 10 of the Corrections Act;*

other class of worker prescribed by the regulations” **and substituting** “worker”.

**5 The following is added immediately after section 24.2:**

**COVID-19 presumptive coverage**

**24.21(1)** In this section

- (a) “airport or airline worker” means an individual whose usual place of employment is either of the following and includes

- (b) *“emergency dispatcher” means an emergency dispatcher for a first responder;*
- (c) *“firefighter” means a full-time firefighter or part-time firefighter as defined in section 24.1;*
- (d) *“first responder” means a firefighter, paramedic, peace officer or police officer;*
- (e) *“paramedic” means an individual who is a regulated member of the Alberta College of Paramedics under the Health Professions Act and who holds a practice permit issued under that Act;*
- (f) *“peace officer” means an individual appointed as a peace officer under section 7 of the Peace Officer Act who is authorized by that appointment to use the title “Sheriff”;*
- (h) *“police officer” means an individual appointed as a police officer under section 5 or 36 of the Police Act or as a chief of police under section 36 of the Police Act;*

*(2) If a first responder, correctional officer, emergency dispatcher or a member of any other class of worker prescribed by the regulations is or has been diagnosed with post-traumatic stress disorder by a physician or psychologist, the post-traumatic stress disorder shall be presumed, unless the contrary is proven, to be an injury that arose out of and occurred during the course of the worker’s employment.*

*(3) If a first responder, correctional officer, emergency dispatcher or member of any other class of worker prescribed by the regulations*

- (a) is or has been exposed to a traumatic event or events during the course of the worker’s employment, and*
- (b) is or has been diagnosed with a psychological injury by a physician or psychologist,*

*the psychological injury shall be presumed, unless the contrary is proven, to be an injury that arose out of and occurred during the course of the worker’s employment.*

**5 COVID-19 presumptive coverage.**

an individual employed as flight personnel by a business that operates at that place:

- (i) Calgary International Airport;
  - (ii) Edmonton International Airport;
- (b) “child care worker” means a worker who is employed by a child care program that is operating under a licence issued under the *Early Learning and Child Care Act*;
- (c) “continuing care worker” means a worker whose usual place of employment is
- (i) a nursing home as defined in the *Nursing Homes Act*,
  - (ii) an approved hospital as defined in the *Hospitals Act*, or
  - (iii) a supportive living accommodation as defined in the *Supportive Living Accommodation Licensing Act*;
- (d) “correctional officer” means a peace officer referred to in section 10 of the *Corrections Act*;
- (e) “COVID-19” means the communicable disease that is commonly known and described by the World Health Organization as COVID-19;
- (f) “essential worker” means each of the following:
- (i) airport or airline worker;
  - (ii) child care worker;
  - (iii) continuing care worker;
  - (iv) correctional officer;
  - (v) first responder;
  - (vi) food or accommodation services worker;
  - (vii) health care worker;
  - (viii) teacher or school worker;
  - (ix) an individual whose usual place of employment is a



location

- (A) for which the Government of Alberta has issued a public notification stating that the location is
    - (I) a COVID-19 outbreak or alert location, or
    - (II) a location where there is a significant risk of an individual contracting COVID-19 at that location, or
  - (B) of which it could be reasonably assumed that the individual's presence at that location would present a significant risk to them of contracting COVID-19;
- (g) "firefighter" means a full-time firefighter or part-time firefighter as defined in section 24.1;
- (h) "first responder" means a firefighter, paramedic, peace officer or police officer;
- (i) "food or accommodation services worker" means an individual whose usual place of employment is any of the following where the individual provides an on-site service:
- (i) an accommodation as defined in the *Tourism Levy Act*;
  - (ii) a restaurant;
  - (iii) a retail or warehouse food store;
- (j) "health care worker" means an individual who is licensed or authorized under the *Health Professions Act* to practise a regulated profession as defined in that Act;
- (k) "paramedic" means an individual who is a regulated member of the Alberta College of Paramedics under the *Health Professions Act* and who holds a practice permit issued under that Act;
- (l) "peace officer" means an individual appointed as a peace officer under section 7 of the *Peace Officer Act* who is authorized by that appointment to use the title "Sheriff";





- (m) “police officer” means an individual appointed as a police officer under section 5 or 36 of the *Police Act* or as a chief of police under section 36 of that Act;
  - (n) “teacher or school worker” means an individual whose usual place of employment is a school building as defined in the *Education Act* and to whom this Act applies.
- (2) If, within 14 days of attendance at their usual place of employment, an essential worker tests positive for COVID-19
- (a) the essential worker’s infection is, unless the contrary is proven, presumed to be a personal injury of the essential worker caused by an accident that arose out of the essential worker’s employment,
  - (b) the essential worker’s personal injury is to be considered a disabling or potentially disabling condition caused by an occupational disease, and
  - (c) COVID-19 is considered to be the occupational disease referred to in clause (b).
- (3) The presumption referred to in subsection (2)(a) applies to all essential workers who test positive for COVID-19 on or after March 20, 2020.

**6 Section 153(1)(l.3) is repealed.**

**6** Section 153(1)(1.3) presently reads:

*153(1) The Lieutenant Governor in Council may make regulations*

*(1.3) prescribing classes of workers for the purpose of section 24.2(2), (3) or (4);*

**7 Section 158.2 is repealed.**

**7** Section 158.2 presently reads:

*158.2 Section 24.2 as it read immediately before January 1, 2021 continues to apply with respect to an accident occurring on or after April 1, 2018 and before January 1, 2021.*





