

COVID-19 Infection Is Work-Related Under Workers Comp



Is coronavirus infection a work-related injury under workers comp? One of the first cases to address this crucial question involved a truck driver required to be in confined spaces where he couldn't maintain social distancing of 2 metres/6 feet dictated by COVID protocols. And because his exposure to 5 workers later confirmed as having the virus occurred early in the pandemic when face masks weren't required, he had no PPE. CNESST denied his claim for workers comp but the review Tribunal ruled that he was entitled to benefits. Significantly for future cases, the Tribunal said the worker need not prove precisely when the infect was transmitted, only that it was most likely transmitted in the workplace. And given that he wasn't exposed to COVID outside of work, the driver met that burden [*Lamarche v. Consolidated Fastfrate Inc.*, 2021 QCTAT 4580 (CanLII), September 23, 2021].