

## NEWS RELEASE

For Immediate Release  
2011LCITZ0021-001395  
Nov. 3, 2011

Ministry of Labour, Citizens' Services and Open Government

### **Workers Compensation Act expands mental stress coverage**

VICTORIA – Amendments to the Workers Compensation Act were introduced today in the legislature by the Honourable Margaret MacDiarmid, Minister of Labour, Citizens' Services and Open Government.

The proposed changes ensure the current workers' compensation system remains responsive to the needs of workers and employers. Specifically, the amendments:

- Broaden compensation coverage for mental stress conditions arising in the workplace.
- Adjust compensation for injured apprentices to a level that fairly represents their loss of earnings.
- Grant survivor benefits to common law couples without children after two years of cohabitation (previously three years).
- Confirm the most recent inflation adjustments for compensation and penalty amounts.

#### **Quotes:**

#### **Minister of Labour, Citizens' Services and Open Government Margaret MacDiarmid –**

“Our government recognizes that we need to treat job-related mental stress the same way we treat physical illness and injuries. We know mental stress has a significant impact on workers, their families and their workplace.

“We need to maintain a safe and productive workforce in order to create and maintain jobs in B.C. The amendments introduced today will ensure our workers compensation system continues to be relevant to workers and employers.”

#### **Bev Gutray, CEO of the Canadian Mental Health Association's B.C. Division –**

“Just as we wouldn't expect a window washer who sustains physical injuries to go it alone, we shouldn't expect workers who experience mental health problems as a result of their job to fend for themselves. It's important for workers to have greater security and support when dealing with workplace-related mental health conditions, and an added benefit is that this legislation encourages B.C. employers to actively promote mental health in the workplace.”

**Michael Hurley, president of the BC Professional Fire Fighters' Association –**

“The BCPFFA welcomes the proposed changes to the Workers Compensation Act. These changes recognize mental stress in a new way, and they should also send a message to employers and employee advocates that mental stress is a serious issue that needs to be given the proper attention in the workplace.”

**Quick Facts:**

- The Workers Compensation Act sets out the scope of coverage and benefit entitlements for British Columbia’s workers’ compensation system.
- In the event of work-related injuries or diseases, WorkSafeBC works with those affected to provide return-to-work rehabilitation, compensation and a range of other services.
- WorkSafeBC is fully funded by employers’ premiums, which continue to be the lowest rates B.C. has seen in 30 years and among the lowest rates in Canada.

**Learn More:**

Workers Compensation Act:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96492\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96492_00)

Two backgrounders follow.

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# BACKGROUND 1

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## **Mental stress in the workplace**

### **What are the effects of mental stress?**

Since mental stress most often results in physical and psychological symptoms, it has a significant effect on workers and their families.

It can also impact the workplace through reduced efficiency, frequent absences, indifference, decreased creativity and poor decisions that can result in accidents and injury.

### **How will this amendment affect workers with mental stress?**

Bill 14 proposes expanding compensation for mental stress arising from the course of the worker's employment to go beyond the current requirement of "an acute reaction to a sudden and traumatic event" and include:

- The reaction to one or more traumatic events;
- The reaction to a significant work-related stressor; or
- The reaction to a cumulative series of significant work-related stressors.

Stress resulting from employment decisions like discipline, termination or a change in working conditions will continue to be excluded from coverage. To be eligible for mental stress compensation in B.C., a recognized diagnosis will be required.

### **What are some examples of when this expanded coverage might apply?**

Mental stress conditions can be caused by many different work circumstances. WorkSafeBC will be developing policy on when mental stress will be eligible for compensation. Examples that other jurisdictions have accepted include:

- Emergency service personnel who gradually develop post-traumatic stress or another recognized stress disorder as a reaction to the traumatic events they may regularly experience as part of their job.
- Exposure to workplace violence or bullying.
- Ongoing sexual harassment.

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# BACKGROUND 2

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## **Other amendments to the Workers Compensation Act**

### **Apprentice Compensation**

- This change will see apprentices and learners receive compensation that is more fairly based on their loss of earnings due to their injury.
- Currently, they receive benefits based on their current wage for the first 10 weeks of their temporary disability. After 10 weeks, that rate jumps to the starting rate of a qualified person in the trade.
- This amendment will change the compensation provided to apprentices and learners so that after 10 weeks, benefits for a temporary disability will be based on the wage rate they earned on the day they were injured or on their average earnings in the previous 12 months – whichever is greater.
- Compensation for permanent disabilities will continue to be based on the starting rate of a qualified journey person.

### **Common Law Spouses – survivor benefits eligibility**

- This amendment changes the act to recognize common law marriage rights after a couple has lived together for two years, rather than three years, if they have no children.
- This means common law spouses will be eligible for survivor benefits sooner in the case of a workplace fatality.
- Common law couples with children remain eligible for survivor benefits after one year of cohabitation.

### **Inflation adjustment confirmation**

- Various sections of the act refer to specific dollar amounts for compensation and penalties.
- These dollar amounts are adjusted each year with the Consumer Price Index so as to keep up with the cost of living.
- This is a legal housekeeping amendment that confirms in the act the past changes to these dollar amounts, and has no impact on workers or employers.

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