

# The Employers' Adviser



A bulletin by the Employers' Advisers Office, Ministry of Labour, B.C. Government.

The Employers' Advisers Office provides advice, assistance, representation and training on all aspects of workers' compensation.

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## Bill 9 – Mental Disorder Presumption and Proposed Changes to WorkSafeBC Claims Policies

On May 17, 2018, changes to the *Workers Compensation Act* regarding mental disorders came into effect. These changes are found in [new section 5.1\(1.1\)](#) and create a rebuttable presumption for workers in specified occupations who are diagnosed with a mental disorder arising from exposure to a traumatic event. The eligible occupations are: correctional officer, emergency medical assistant, firefighter, police officer, or sheriff. The legislation allows for future consideration of additional occupations.

In response to the new section and challenges to the current definition of “traumatic event”, WorkSafeBC is proposing amendments to its claims policies. These changes, set out in more detail below, include:

- Amending how policy defines traumatic event
- Clarifying how evidence of traumatic event or significant stressor will be assessed
- Adding a new policy to reflect the mental disorder presumption

RSCM Policy Item # C3-13.00 – S. 5.1 - Mental Disorders	
Current Provisions	Proposed Amendments
A “traumatic” event” is an “emotionally shocking event, which is generally unusual and distinct from the duties and interpersonal relations of a worker’s employment.”	A “traumatic” event is an emotionally shocking event.
“The worker’s subjective statements and response to <b>the event or stressor</b> are considered; however, this question is not determined solely by the worker’s subjective belief about the event or stressor. The Board also <b>verifies the events</b> or stressors through information or knowledge of the events or stressors provided by co-workers, supervisory staff or others.” [Emphasis added.]	“In determining whether <b>the event is traumatic or the stressor is significant</b> , the worker’s subjective statements and response to the event or stressor are considered. However, this question is not determined solely by the worker’s subjective belief about the event or stressor. <b>It involves both a subjective and objective analysis.</b> ” [Emphasis added.]

**New Policy C3-13.10 – Section 5.1(1.1) – Mental Disorder Presumption** reiterates the test as it is found in Bill 9:

- The worker is exposed to one or more traumatic events;
- A mental disorder that is recognized in the most recent Diagnostic and Statistical Manual (DSM) as one that may arise from exposure to a traumatic event is diagnosed by a psychiatrist/psychologist; and
- The worker is a correctional officer, emergency medical assistant, firefighter, police officer, or sheriff.

The test for what is considered traumatic and how evidence is to be assessed are consistent with what is proposed for Policy C3-13.00. The policy notes that the presumption is rebuttable. It further notes that, for workers in the eligible occupations, aggravation by a traumatic event of a pre-existing condition is adjudicated under this new policy.

**Feedback to the [proposed amendments](#) is due June 22, 2018.**

If you have any questions or concerns, please contact the Employers’ Advisers Office.