

# The Employers' Adviser



Employers'  
Advisers Office

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

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

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## Bill 23 - Workers Compensation Amendment Act, 2020

On August 14, 2020, [Bill 23](#) received Royal Assent, bringing significant changes to the *Workers Compensation Act* ("Act"). The Bill contains 34 provisions related to compensation, assessment, occupational health and safety, and adjudication matters.

**Some of the changes that took immediate effect on August 14, 2020 include:**

### Claims

- Workers may receive preventative health care prior to claim acceptance if medical evidence supports a conclusion that without such care, the worker is at risk of a significant deterioration in health. (See Interim Practice Directive #[C10-6, Preventative Health Care](#), effective August 14, 2020.)
- A reference to "mental disorder" was added to section 151(3) to distinguish mental disorders from personal injuries with regard to the one-year timeline to file a claim. This change helps recognize delayed onset of some mental disorders. (See Interim Practice Directive #[C3-7, Mental Disorder Claims – Time Limits for Application](#), effective August 14, 2020.)
- The 90-day waiting period for the effective date of presumptions relating to infections caused by communicable viral pathogens, including COVID-19, has been removed. (This led to the expedited effective date of August 20 for the Schedule 1 presumption for COVID-19 claims.)

### Assessments

- WorkSafeBC may hold corporate directors liable for a corporation's unpaid assessments.

- Money may be demanded from a third party owing money to an employer who is indebted to WorkSafeBC

### Occupational Health and Safety

- WorkSafeBC may apply to the courts for search and seizure warrants appropriate to the investigation of workplace safety offences.
- Approval by the Board is no longer required for the laying of an information to commence prosecution in court in respect of an offence under the Act.
- Victim impact statements may be heard during sentencing in court of employers and supervisors.

### Adjudication

- A decision may be reconsidered at any time if the decision contains an obvious error or omission.
- The Workers' Compensation Appeal Tribunal may hear arguments pertaining to the *Canadian Charter of Rights and Freedoms* and *Human Rights Code*.

**Changes that take effect on January 1, 2021 are:**

### Claims

- Permanent disability benefits will be based on the higher of a loss of function or loss of earnings calculation.
- Decisions regarding when a worker will retire for benefit duration purposes may be delayed until the worker is 63 years old.

### Assessments

- The maximum insurable earnings threshold is increased from \$87,100 to \$100,000 in 2021.

For further information, please see the Ministry of Labour's [news release](#) or contact our office.