**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 seize 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.

EAO Locations in BC: Abbotsford; Kamloops; Kelowna; Nanaimo; Prince George; Richmond; Trail; Victoria
Phone: 1-800-925-2233; Fax: 1-855-664-7993
Email: EAO@eao-bc.org