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COCA Update on WorkSafeBC Activities #534

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The BC legislature has passed amendments – called Bill 14 -- to the Workers' Compensation Act that will liberalize the criteria for accepting stress claims (now called Mental Disorder claims).

COCA opposed these changes -- which were first going to come into effect on January 1, 2012. Now a modified version of the legislation will come into effect on July 1, 2012.

Currently, WorkSafeBC compensates for mental stress, but only when it is the result of a sudden and unexpected traumatic event that arises out of and in the course of the worker's employment.

The first version of Bill 14 came out in November, 2011.

Subsequently, because of employer concerns, these changes were made to the Bill:

* Mental stress was changed to mental disorder, so that the name corresponds to the American Psychiatric Association's terminology in their Diagnostic and Statistics Manual of Mental Disorders for diagnostic purposes; (The Manual requires a specific diagnosis as opposed to a general complaint of stress.)

* A psychiatrist or psychologist must diagnose the mental disorder, instead of the worker's physician;

* The mental disorder must be "predominantly" caused by a significant work-related stressor.

We agree with these changes but continue to believe that the amendments will result in significantly higher costs, especially in the public sector.

Now that the Bill has passed into law, WorkSafeBC is required to put policy in place to administer that law.

WorkSafeBC has issued a detailed Draft policy paper that provides the corresponding policy to the amendments.

COCA is responding to this proposed policy and will monitor the impact of the new legislation.