

Alert: BC to Cover Mental Stress Claims, Including Stress from Bullying & Harassment



Bill 14 was originally introduced in the BC legislative assembly on Nov. 3, 2011 and addresses workers' compensation coverage of mental stress claims. On May 2, the BC Minister of Labour, Citizens' Services and Open Government tabled amendments to Bill 14, which are designed to address stress from workplace bullying and harassment.

Original Bill 14 Coverage

Bill 14 initially focused on workers' comp claims for mental stress. (It also addresses compensation for apprentices and learners and confirmation of dollar amounts for compensation and penalties.) The bill includes a new definition of "mental stress": a reaction to

- one or more traumatic events arising out of and in the course of the worker's employment; or
- a significant work-related stressor, or a cumulative series of significant work-related stressors, arising out of and in the course of the worker's employment.

In short, the proposed changes remove the requirement that the mental stress be an acute reaction to an event and add a provision to make mental stress resulting from a significant work-related stressor, or a cumulative series of

significant work-related stressors, compensable under the workers' comp system.

Bill 14 retained the requirement that the mental stress be diagnosed by a physician or a psychologist as a mental or physical condition that's described in the most recent American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders at the time of the diagnosis.

It also kept the exclusion for stress caused by a decision of the employer relating to the worker's employment, including a decision to change the worker's job or working conditions, discipline the worker or terminate the worker's employment.

Changes to Bill 14

The amendments to Bill 14 tabled May 2 were based on recommendations made by various stakeholders throughout the province. They include:

- Revised wording from "mental stress" to "mental disorder"
- revised requirement for a diagnosis to be from a psychiatrist or psychologist—but not a physician
- A new reference to bullying and harassment as significant work-related stressors
- A "predominant cause" test for mental disorders caused by significant work-related stressors—that is, the diagnosis must demonstrate that a significant work-related stressor is the primary cause of the worker's mental disorder.

While Bill 14 is pending in the legislative assembly (it's in second reading as of May 3), WorkSafeBC is taking immediate action to address bullying and harassment in the workplace by:

- Beginning work on a bullying and harassment policy on which it'll consult stakeholders
- Developing a prevention toolkit for employers and workers
- Expanding the definition of violence in the regulations and requiring employers to have formal prevention plans
- Developing policies to support Bill 14, including what constitutes a "traumatic event" and a "significant work-related stressor" eligible for compensation.

We'll keep you posted on the progress of Bill 14. In the meantime, go the OHS Insider's Workplace Violence Compliance Centre for information and tools to help you protect workers from violence, bullying and harassment.