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Labour & Employment Law Bulletin

Proposed Amendments to the *Worker's Compensation Act* – Mental Stress

A bill to amend the *Workers Compensation Act* was given 1st reading on November 3, 2011. One of the proposed amendments could significantly expand the circumstances where a worker may be entitled to compensation for work-related mental stress. Where the present section 5.1(1)(a) of the Act refers to an acute reaction to a sudden and unexpected traumatic event arising out of and in the course of employment, the new subsection will refer to a reaction to “(i) one or more traumatic events arising out of and in the course of employment, or (ii) a significant work-related stressor, or a cumulative series of work-related stressors, arising out of and in the course of employment.”

The Act will still require that the worker be diagnosed with a medically recognized mental or physical condition and will continue to exclude mental stress caused by a decision of the worker's employer relating to the worker's employment, including performance and discipline matters.

On introducing the bill in the Legislative Assembly, the Minister of Labour cited the significant effect that mental stress can have on workers and their families as one of the reasons for expanding the conditions for eligibility for compensation benefits.

If passed in thier current form, the provisions would apply to decisions made on or after January 1, 2012.

We will follow the progress of this bill through the legislature and keep you informed.

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