

## PROPOSED AMENDMENTS TO BILL 14

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Honourable Margaret MacDiarmid to move, in Committee of the Whole  
on

### Bill 14

#### *Workers Compensation Amendment Act, 2011*

to amend as follows:

**SECTION 1**, by deleting the text shown as struck out and adding the text shown as underlined:

~~7 Section 5.1 (1) (a) of the Workers Compensation Act, R.S.B.C. 1996, c. 492, is repealed and the following substituted:~~

~~(a) is a reaction to~~

~~(i) one or more traumatic events arising out of and in the course of the worker's employment, or~~

~~(ii) 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,~~

1 Section 5.1 of the Workers Compensation Act, R.S.B.C. 1996, c. 492, is repealed and the following substituted:

#### Mental disorder

5.1 (1) Subject to subsection (2), a worker is entitled to compensation for a mental disorder that does not result from an injury for which the worker is otherwise entitled to compensation, only if the mental disorder

(a) either

(i) is a reaction to one or more traumatic events arising out of and in the course of the worker's employment, or

(ii) is predominantly caused by a significant work-related stressor, including bullying or harassment, or a cumulative series of significant work-related stressors, arising out of and in the course of the worker's employment,

(b) is diagnosed by a psychiatrist or psychologist as a mental or physical condition that is described in the most recent American Psychiatric

Association's Diagnostic and Statistical Manual of Mental Disorders at the time of the diagnosis, and

(c) is not caused by a decision of the worker's employer relating to the worker's employment, including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment.

(2) The Board may require that a psychiatrist or psychologist appointed by the Board review a diagnosis made for the purposes of subsection (1) (b) and may consider that review in determining whether a worker is entitled to compensation for a mental disorder.

(3) Section 56 (1) applies to a psychiatrist or psychologist who makes a diagnosis referred to in this section.

(4) In this section:

"psychiatrist" means a physician who is recognized by the College of Physicians and Surgeons of British Columbia, or another accredited body recognized by the Board, as being a specialist in psychiatry;

"psychologist" means a person who is registered as a member of the College of Psychologists of British Columbia established under section 15 (1) of the *Health Professions Act* or a person who is entitled to practise as a psychologist under the laws of another province.

**SECTION 2, by deleting section 2.**

**SECTION 4, by deleting the text shown as struck out and adding the text shown as underlined:**

*4 The provisions listed in Column 1 of the following table are amended by striking out the dollar amount set out opposite them in Column 2 and substituting the dollar amount set out opposite them in Column 3:*

<b>Column 1 Section or provision</b>	<b>Column 2 Dollar amount to be struck out</b>	<b>Column 3 Dollar amount to be substituted</b>
3 (5) (c)	118.36	<del>121.35</del> 124.86
17 (3) (a) (ii)	311.17	<del>319.05</del> 328.29
17 (3) (c)	1 005.51	<del>1 030.98</del> 1 060.84
17 (3) (d)	1 005.51	<del>1 030.98</del> 1 060.84
17 (3) (f) (iii) (B)	311.17	<del>319.05</del> 328.29
17 (3) (g)	33 522.66	<del>34 371.71</del> 35 367.14
17 (3) (h) (i)	550.72	<del>564.67</del> 581.02

Column 1 Section or provision	Column 2 Dollar amount to be struck out	Column 3 Dollar amount to be substituted
17 (3) (h) (ii)	550.72	<u>564.67581.02</u>
17 (3) (i)	550.72	<u>564.67581.02</u>
17 (13)	2 394.55	<u>2 455.202 526.30</u>
18 (1)	416.66 129.33	<u>427.21439.58</u> <u>132.60136.44</u>
22 (2)	1 538.66	<u>1 577.631 623.32</u>
29 (2)	355.03	<u>364.02374.56</u>
33 (5)	1 538.66	<u>1 577.631 623.32</u>
35 (5)	212.14	<u>217.52223.82</u>
73 (1)	49 498.45	<u>50 752.1252 221.94</u>
75 (3)	4 734.02	<u>4 853.924 994.49</u>
77 (2)	4 734.02	<u>4 853.924 994.49</u>
196 (2)	565 329.86	<u>579 648.26596 435.35</u>
217 (a) (i)	619 730.69 30 936.56	<u>634 401.59652 774.38</u> <u>31 720.1132 638.75</u>
217 (b) (i)	1 237 461.35 61 873.07	<u>1 268 803.161 305 548.74</u> <u>63 440.1665 277.44</u>

**SECTION 5**, by deleting the text shown as struck out and adding the text shown as underlined:

**Transition – mental stress disorder**

- 5 Section 5.1 of the *Workers Compensation Act*, as amended ~~enacted~~ by section 1 of this Act, applies to every decision made by the Board or the Workers' Compensation Appeal Tribunal on or after ~~January~~ July 1, 2012, the date section 1 of this Act comes into force, in respect of a claim made but not finally adjudicated before ~~January~~ July 1, 2012.

**SECTION 6**, by deleting section 6.

**SECTION 7**, by deleting the text shown as struck out and adding the text shown as underlined:

**Transition – apprentice or learner**

- 7 Section 33.2 of the *Workers Compensation Act*, as amended by section 3 of this Act, applies to an injury that occurs on or after ~~January~~ July 1, 2012, the date section 3 of this Act comes into force.

**SECTION 8, by deleting the text shown as struck out and adding the text shown as underlined:**

**Commencement**

- 8** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 1	<del>January 1, 2012</del> <u>July 1, 2012</u>
3	Section 3	<del>January 1, 2012</del> <u>July 1, 2012</u>
4	Section 4	<del>January 1, 2011</del> <u>January 1, 2012</u>
5	Section 5	<del>January 1, 2012</del> <u>July 1, 2012</u>
6	Section 7	<del>January 1, 2012</del> <u>July 1, 2012</u>

**The Honourable Margaret MacDiarmid**