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# Act amended to include mental disorder presumption

By Lori Guiton

A worker who is diagnosed with a work-related mental disorder may be entitled to benefits provided certain conditions are met.

Recent changes to the *Workers Compensation Act* and policy affect how mental disorder claims involving workers in certain occupations will be adjudicated.

In May, 2018, the Act was amended to add a mental disorder presumption for workers in eligible occupations who are exposed to one or more traumatic events as part of their employment.

To align with these changes to the Act, WorkSafeBC's Board of Directors approved amendments to Chapter 3 in the Rehabilitation Services & Claims Manual, Volume II on July 12, 2018. These amendments explain the recent changes to the Act and provide WorkSafeBC decision-makers with additional guidance.

## What is the mental disorder presumption?

Subsection 5.1 (1.1) of the Act now stipulates that under certain circumstances a mental disorder must be “presumed to be a reaction to the one or more traumatic events arising out of and in the course of the worker's employment in that eligible occupation.” This means that the worker does not have to prove the disorder was caused by work if the worker is:

- 1 Employed in an eligible occupation.
- 2 Exposed to one or more traumatic events arising out of and in the course of the worker's employment in that eligible occupation.
- 3 Diagnosed with a mental disorder that is recognized, in the most recent American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* as a mental or physical condition that may arise from exposure to a traumatic event.

## What are the eligible occupations?

According to the Act, the eligible occupations are: correctional officer, emergency medical assistant, firefighter, police officer, sheriff, or, without limitation, any other occupation prescribed by regulation of the Lieutenant Governor in Council.


## What if I'm not employed in an eligible occupation for this presumption?

Where the presumption in subsection 5.1(1.1) does not apply, a worker may still make a claim for a mental disorder under subsection 5.1(1) of the Act.

## What is considered a traumatic event?

Policy defines a "traumatic event" as "an emotionally shocking event." Not all events will be considered emotionally shocking. Each case must be determined based upon the specific facts. Determining whether an event is traumatic involves an objective and subjective analysis.

## Where can I get more information?

You can find more information on the changes to the Act and Claims Manual by searching "mental disorder presumption" on [worksafebc.com](http://worksafebc.com). If you want more information about mental health claims in general, search for "mental health disorders" to access our dedicated web page. 

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