

Amendments to Workers Compensation Act reach Royal Assent

By Lori Guiton, director, Policy, Regulation and Research, WorkSafeBC

The Workers Compensation Amendment Act, 2020 includes support for workers and an expansion of WorkSafeBC's investigative powers.

On Friday, August 14, 2020, Bill 23, *Workers Compensation Amendment Act, 2020*, received Royal Assent. Bill 23 contains 34 provisions that include housekeeping amendments and changes relating to compensation, assessment, and occupational health and safety.

What are the changes?

Bill 23 enhances support for workers and expands WorkSafeBC's investigative powers in various ways. The changes include the following:

- Preventative health care may be provided on pending claims, if medical evidence supports that without such services or supplies, the worker is at risk of a significant deterioration in health.
- An explicit reference to mental disorders has been added to section 151(3) of the Act in order to distinguish mental disorders from personal injuries for the purpose of the one-year time limit for filing a compensation claim.
- WorkSafeBC is able to reconsider a decision after 75 days have elapsed, if the decision contains an obvious error or omission.
- The 90-day waiting period regarding the effective date of the presumption relating to infections caused by communicable viral pathogens, including COVID-19, has been removed.
- WorkSafeBC can demand that a third party who is indebted (or is likely to become indebted) to an employer that owes an amount to WorkSafeBC pays all or part of that debt directly to WorkSafeBC.
- Directors of a corporation at the time a debt to WorkSafeBC is accrued are now jointly and severally liable with that corporation for the debt.



- The court may issue search and seizure warrants to WorkSafeBC where there are reasonable grounds to believe an offence against the Act has been or is being committed.
- The laying of an information in respect of an offence no longer requires approval of the Board. (The laying of an information is what allows a prosecution to commence.)

As of January 1, 2021, the following three provisions will take effect:

- The maximum insurable earnings threshold and maximum wage rate will increase to \$100,000 (from \$87,100) for 2021.
- Permanent partial disability benefits will be based on the higher of a loss of earnings or loss of function calculation.
- Retirement age for a worker may be determined after a worker has reached age 63.

Why are these amendments happening?

The amendments are informed by three reviews initiated by the Minister of Labour, Harry Bains, and completed during 2018 and 2019 by Lisa Jean Helps, Paul Petrie, and Terry Bogoyo. Jeff Parr then consulted with stakeholders on potential amendments and made recommendations in a fourth report.

Where can I get more information?

For more details on the amendments, please see the news release from the Ministry of Labour at [gov.bc.ca](https://www.gov.bc.ca). 