

BC Government Expands Mental Health Presumption

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On June 10, 2024, the BC Government added 11 new eligible occupations to the mental health presumption under the British Columbia *Workers' Compensation Act* (WCA). The presumption provides easier access to workers' compensation benefits for psychological injuries caused by work-related trauma.

Mental Health Presumption

The WCA system provides workers with compensation and supports for illness, injuries or mental health disorders arising out of, and in the course of, a worker's employment. In order to receive compensation under the WCA, a worker is generally required to (1) have a medical diagnosis for illness or injury; and (2) establish through evidence (medical or scientific) that the illness or injury arose from their employment.

The presumption legislation under the WCA fast-tracks the claims process for workers in eligible occupations by removing the requirement to prove a connection between the illness/injury and the workplace. If a worker is part of an eligible occupation and develops a disease or disorder that is recognized as being associated with that occupation, then the disease or disorder is presumed to have arisen out of, and in the course of, a worker's employment, unless the contrary is proven. That is, the worker only requires a medical diagnosis and is not required to establish an evidentiary connection between the illness/injury and their employment. The WCA and regulations outline specific cancers, heart injury and diseases that impact firefighters with respect to the presumption.

In 2018, the WCA was amended to introduce a presumption for mental disorders. For workers in eligible occupations, who have been exposed to traumatic events in their employment and have been diagnosed with a mental disorder that may arise from a traumatic event, the mental disorder is presumed to be caused by the employment. At that time, the eligible occupations were defined to include federal and municipal firefighters, police, paramedics, sheriffs, and correctional officers.

In 2019, additional occupations were added to the mental health disorder presumption list, including emergency response dispatchers, nurses, and publicly funded health care assistants.

On June 10, 2024, the mental health disorder presumption list was expanded further to include the following occupations:

- community-integration specialists

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- coroners
- harm-reduction workers
- parole officers
- probation officers
- respiratory therapists
- shelter workers
- social workers
- transition house workers
- victim service workers
- withdrawal-management workers

The amendments will provide easier access to workers' compensation benefits for any worker in an eligible occupation. A worker who is not employed in an occupation listed under the presumption can still submit a claim to WorkSafeBC for compensation arising from a mental disorder or injury caused by work related factors. In such a case, the worker will be required to demonstrate that the disorder or injury is related to the employment.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.