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**An Environmental Scan of Presumptive Coverage for  
Work-Related Psychological Injury  
(including Post-Traumatic Stress Disorder) in Canada and Beyond**

Prepared for WorkplaceNL

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Draft submitted: April 30, 2018

Final version submitted: July 24, 2018

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## **ABOUT THIS REPORT**

This report summarizes the findings of an environmental scan undertaken to examine the experience of other jurisdictions in Canada and selected other countries with presumptive coverage for work-related post-traumatic stress disorder (PTSD). The project entailed a high-level environmental scan of workers' compensation and occupational health and safety legislation as well as of downstream policy instruments (i.e., regulations, policies, practice directives and guidelines) to determine which jurisdictions currently have presumptive coverage for PTSD and to identify the categories of workers to which that presumption applies. To supplement the findings of the scan, telephone interviews were conducted with key informants in jurisdictions where a PTSD presumption had been in place for two or more years. The purpose of these interviews was to elucidate how the presumption had been operationalized and to gain insight on how the presumption has worked in practice.

## **EXECUTIVE SUMMARY**

### **Purpose of the project**

This report summarizes the findings of a pan-Canadian environmental scan undertaken to examine experience of other jurisdictions with presumptive coverage for work-related post-traumatic stress disorder (PTSD) and psychological injury.

### **Methodology**

The project first entailed a high-level environmental scan of workers' compensation legislation and downstream policy instruments (i.e., regulations, policies, practice directives and guidelines) to determine the jurisdictions with presumptive coverage for PTSD and psychological injury and to identify the categories of workers to which the presumption applies. Key policy instruments were then examined to identify the principles governing how claims for PTSD and psychological injury are adjudicated, with particular focus on diagnostic and employment criteria for entitlement. Telephone interviews were subsequently conducted with key informants in jurisdictions with a PTSD presumption in place for two or more years.

### **Key Findings**

Nine jurisdictions have a rebuttable presumption for PTSD and/or psychological injury: Prince Edward Island (PEI), Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, and the Yukon. Alberta was the first jurisdiction to introduce the presumption (in May 2012); British Columbia was the most recent (in April 2018). In some jurisdictions, the presumptive language in the statutes is very prescriptive, setting out in detail the definitions and criteria that must be met in order for the presumption to apply. Most jurisdictions state the presumption more generally and provide the detail in either regulation or policy.

#### Diagnostic criteria

All jurisdictions with a presumption require that the diagnosis be made using the Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association. All jurisdictions specify what health care professionals can make the diagnosis.

#### Employment criteria

With the exception of PEI, Saskatchewan and Manitoba, the presumption tends to be limited to first responders, front-line workers, or emergency-response workers. There is some variation across jurisdictions in how these occupational groups are defined. Saskatchewan was the first jurisdiction to provide presumptive coverage for all workers who are exposed to a traumatic event; PEI was the most recent (in November 2017). In four jurisdictions (British Columbia, Alberta, Ontario, Nova Scotia), the legislation allows for the presumption to be extended by regulation to other occupations.

## **1. INTRODUCTION**

### **1.1. Purpose of the project**

The purpose of this project was to determine which jurisdictions in Canada have presumptive coverage for work-related post-traumatic stress disorder (PTSD) and/or psychological injury and to identify the diagnostic and employment criteria applied by each jurisdiction to determine entitlement under the presumption.

To achieve the project's objectives, a high-level environmental scan of workers' compensation legislation and downstream policy instruments (i.e., regulations, policies, practice directives and guidelines) was undertaken. The scan was followed by a more detailed examination of legislative frameworks and key policy instruments to identify the principles governing how claims for PTSD and psychological injury are adjudicated and how entitlement is determined. Information was collected primarily from online sources but was supplemented by email or telephone correspondence wherever additional clarification was required. To elucidate how the presumptions had been operationalized and to gain insight on how they had worked in practice, a series of telephone interviews were conducted with key informants in jurisdictions with a PTSD presumption in place for two or more years.

### **1.2. Organization of the report**

This report is organized into five major sections:

**Section 1** introduces the project and describes how the report is structured.

**Section 2** describes the methodology used to undertake the environmental scan.

**Section 3** presents what was learned about presumptive coverage for work-related PTSD in Canada. It is organized into the following five subsections:

- Which jurisdictions in Canada have a presumption for work-related PTSD?
- What diagnostic criteria must be met for the presumption to apply?
- What employment criteria must be met for the presumption to apply?
- Does the worker need to be actively employed at the time of diagnosis?
- Under what circumstances are workers not entitled to coverage under the presumption?

**Section 4** summarizes the lessons learned from jurisdictions with a presumption in place for two or more years.

**Section 5** pulls together everything learned in the project by highlighting key similarities and key differences in the presumptions across the country and by presenting a cross-cutting synthesis of the scan's findings (Table 9).

The report concludes with five appendices:

**Appendix 1** provides a series of high-level summaries that describe the legislative and policy framework in each jurisdiction for PTSD and other psychological injury claims.

**Appendix 2** sets out the statutory provisions that each jurisdiction with a presumption has enacted.

**Appendix 3** presents a series of tables comparing specific aspects of the presumptions across jurisdictions (e.g., definitions of eligible diagnosticians and eligible occupations).

**Appendix 4** lists statutes, policy instruments and other references cited in this report.

**Appendix 5** lists the names and contact information for the key informants consulted.

## **2. ENVIRONMENTAL SCAN METHODOLOGY**

### **2.1. Scope of the scan**

The scope of the scan was delineated by the following terms: “psychological injury”, “psychological impairment”, “psychological disorder”, “mental stress”, “psychiatric injury”, “psychiatric impairment”, “psychiatric disorder”, and “post-traumatic stress disorder” (or “PTSD”). The scan sought to identify the prerequisites or criteria for entitlement to compensation for these disorders. It did not include a comparison of the type of compensation paid (e.g., wage loss, functional impairment, etc.), the types of benefits payable (e.g., lump sum payments, disability awards, etc.), or other procedural issues (e.g., early acceptance, waiting periods, the measurement of earnings’ loss, the establishment of compensation rates, treatment approaches, etc.).

### **2.2. Scan methodology**

Enabling statutes and downstream policy instruments were identified and retrieved using searches of: official workers’ compensation authority websites; official provincial/territorial/federal government websites<sup>1</sup>; and other websites and online portals that gather information on relevant legislation and policy<sup>2</sup>. Sites were bookmarked and any relevant documents were downloaded (when they were available in a downloadable format). Within each jurisdiction, the starting point for the search was the official website of the organization with provincial responsibility for (or oversight of) the workers’ compensation system. Using the hyperlinks and search engines located within the official website, relevant documents were downloaded and webpages pertaining to the adjudication of claims for psychological injury/impairment were downloaded and/or bookmarked.

All workers’ compensation statutes in Canada (as well as the regulations and policies made pursuant to the legislation) was examined to identify any relevant information regarding

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<sup>1</sup> Included in this search were official websites of the legislative assemblies, provincial/territorial/federal laws (including bills, consolidated statutes and regulations), and the Queen’s Printers.

<sup>2</sup> The two principal sites used were the Canadian Legal Information Institute (<http://www.canlii.org/>) and the Association of Workers’ Compensation Boards of Canada (<http://awcbc.org/>).



coverage (presumptive or otherwise) for psychological injury and/or impairment. Where a piece of legislation, regulation or policy appeared to be germane to the project, the language of the applicable section was extracted verbatim and recorded.

Canadian jurisdictions were the primary focus of the scan, although the workers' compensation systems in other jurisdictions were explored to determine if they included presumptive coverage for PTSD under their legislation. The two primary jurisdictions examined were Australia and New Zealand, which were principally selected because they and Canada have similar economies, labour market institutions, and a number of shared features in their approaches to occupational health and safety and workers' compensation (i.e., a no-fault insurance system that protects both the employers who fund it and the workers who receive benefits if they are injured on the job)

### **2.3. Key informant interviews**

Telephone interviews were conducted with key informants in jurisdictions with a PTSD presumption in place for two years or more. The purpose of these interviews was to elucidate how the presumption had been operationalized and to gain insight on how the presumption has worked in practice. To help the key informants prepare for the interview, they were sent the following list of questions in advance of the interview:

- What has been your jurisdiction's experience in implementing the presumption and in developing policy to support the interpretation of the presumption? What kinds of challenges did you encounter in the development/implementation of policy? How did you seek to overcome them?
- How is the presumption working in practice? For example, what has been the impact of the presumption on the number of claims for PTSD (or other psychological injury) received by the Board? What has been the impact of the presumption on the allow/disallow rate for PTSD and other psychological injuries? Has the presumption had an impact on the number of claims for PTSD that have been voluntarily suspended by the worker? Has the presumption had an impact on the level of appeal activity (i.e., has it increased or decreased the number of claims going to either an internal or an external level of review)?
- What has been the response of the stakeholder communities to the presumption? That is, are they generally supportive of how the presumption has been implemented in policy and practice? Have any concerns been expressed about how terms like "traumatic event" have been defined? Have concerns been raised about what is excluded under the presumption or by policy?
- How much discretion is allowed in the adjudication process? For example, does policy or practice allow for consideration of a worker's subjective statements and subjective response to an event or stressor?

As each 30- to 45-minute interview unfolded, key informants were prompted, as necessary, with additional questions to clarify aspects of the presumption or the policy language, the impact that the presumption had had on claims volume, and any challenges they faced in implementing policy to support the presumption.

### **3. OUTCOME OF THE ENVIRONMENTAL SCAN**

#### **3.1. Which jurisdictions in Canada have a presumption for PTSD and/or psychological injury?**

Every jurisdiction in Canada provides non-presumptive coverage for psychological injury. Nine jurisdictions (seven provinces and one territory) provide presumptive coverage, which is either limited to PTSD specifically or applies more broadly to psychological injuries arising from exposure to traumatic event(s). Alberta is the only province that has introduced a presumption that covers PTSD (for select occupational groups) and psychological injury (for all workers). For each of these nine jurisdictions, the presumptive language is presented verbatim in Appendix 2.

The first jurisdiction to introduce a presumption was Alberta (in May 2012) and the most recent one was British Columbia (in April 2018). Of the remaining jurisdictions, one province (Manitoba) introduced its presumption in 2015, three in 2016 (New Brunswick, Ontario, and Saskatchewan, and three in 2017 (Nova Scotia, Yukon and Prince Edward Island). Alberta and Ontario are the only two jurisdictions that have amended their legislation to expand the list of occupations first included under the presumption. There is no legislation at the federal level that provides a presumption for PTSD for members of the Armed Forces or the Royal Canadian Mounted Police (RCMP).

##### **3.1.1. Does the presumption provide broad or narrow coverage?**

Three jurisdictions (British Columbia, Saskatchewan and Prince Edward Island) have introduced a broad presumption that applies to trauma- and stressor-related psychological injuries (i.e., they do not limit their presumption to PTSD). For example, British Columbia's presumption applies to "mental disorders"; Saskatchewan's presumption applies to "psychological injury, including PTSD"; Prince Edward Island's presumption applies to "trauma- and stressor-related disorders, including PTSD"; Alberta's presumption applies to "psychological injury". Five jurisdictions explicitly limit the presumption to PTSD (Nova Scotia, New Brunswick, Ontario, Manitoba, Alberta, and the Yukon). Alberta, as noted above, has two presumptions – one that covers first responders and another that covers all workers. Regardless of the terminology used or the breadth of the presumption, all must meet specified diagnostic criteria (see Section 3.2 for further detail).

Of the jurisdictions with a broader presumption for psychological injury, three extend the presumption to all workers (Alberta, Saskatchewan and Prince Edward Island). Of the five jurisdictions that limit their presumption to PTSD, only Manitoba extends the presumption to all workers. Five jurisdictions restrict their PTSD presumptions to select occupations (Alberta, Ontario, New Brunswick, Nova Scotia, and the Yukon); and, British Columbia restricts its mental disorders presumption to certain eligible occupations specified in the statute.

Table 1: How the presumption is applied in each jurisdiction

Application of the presumption		Jurisdiction									
		BC	AB	AB	SK	MB	ON	NB	NS	PEI	YK
Disease	Psychological injury	✓	✓		✓					✓	
	Post-traumatic stress disorder			✓		✓	✓	✓	✓		✓
Occupation	All workers		✓		✓	✓				✓	
	First responders	✓		✓			✓	✓	✓		✓

### 3.1.2. How is the presumption worded?

As is the case with most legislative presumptions, each jurisdiction has included language in the statute that addresses both diagnostic criteria and employment criteria. In some jurisdictions, the language in the statutes is very prescriptive, setting out in detail the definitions and criteria that must be met in order for the presumption to apply (e.g., the *Workplace Safety Insurance Act* in Ontario). Others state the presumption more generally and provide the detail in either regulation or policy. Regardless of where the detailed requirements are provided, claims for PTSD in each jurisdiction are adjudicated on their own merits, using the adjudicative principles set out in their respective policy manuals.

- Diagnostic criteria:** All jurisdictions require (either by statute or by regulation) that the diagnosis of psychological injury or PTSD be made using the definition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), published by the American Psychiatric Association. Six provinces require that the diagnosis be made according to the current or most recent edition of the DSM (British Columbia, Alberta, Manitoba, New Brunswick, Nova Scotia and the Yukon). Two specify that the fifth edition is to be used (Saskatchewan and Ontario). One (Prince Edward Island) sets out that the “DSM means the edition...that is specified in the regulations”<sup>3</sup>. All jurisdictions specify, either in the statute or in policy, which healthcare professionals are required to make the diagnosis.
- Employment criteria:** With the exception of Prince Edward Island, Saskatchewan and Manitoba, the presumption in all jurisdictions is limited to certain categories of workers, which are defined by statute as first responders, front-line workers, or emergency-response workers. As shown in Section 3.3.1, there is some variation in how each jurisdiction defines these occupational groups. Saskatchewan was the first jurisdiction to provide presumptive coverage for any worker covered by the *Workers’ Compensation Act*<sup>4</sup> who is exposed to a traumatic event. Manitoba’s presumption (which came into effect a year after Saskatchewan’s) similarly extends coverage to all workers covered under its *Workers’ Compensation Act*<sup>5</sup>. Prince Edward Island’s recently proclaimed presumption applies to all

<sup>3</sup> The PTSD presumption was proclaimed on May 22, 2018. As of the date of this report, the [Workers Compensation Act General Regulations](#) had not yet been updated.

<sup>4</sup> The percentage of the workforce covered in Saskatchewan is the lowest in Canada. As reported by the [Association of Workers’ Compensation Boards of Canada](#), the percentage of the workforce covered in 2013 was 73.33%.

<sup>5</sup> The percentage of the workforce covered in Manitoba in 2014 was 76.28%. (Source: [Association of Workers’ Compensation Boards of Canada](#)).

workers in the province<sup>6</sup>. In some jurisdictions, the statutes allow for the presumption to be extended by regulation to other occupations (British Columbia, Alberta, Ontario, Nova Scotia).

In some jurisdictions (for example, the Yukon), the presumption simply states that provided the diagnostic and employment criteria are met, a worker’s PTSD is presumed to be a work-related injury, unless the contrary is proven. In others, the presumptive language explicitly includes the requirement that the worker’s condition has to have arisen in response to an individual traumatic event or a series of such events. In all jurisdictions, the definition and interpretation of the term “traumatic event” is generally provided in policy.

### 3.2. What diagnostic criteria must be met for the presumption to apply?

#### 3.2.1. Diagnostic definition

Every presumption states that psychological injury and/or PTSD have the meaning provided in either the 5<sup>th</sup> or the most current edition of the DSM.

Table 2: Edition of the DSM specified in the presumption, by jurisdiction

Diagnostic criteria		Jurisdiction									
		BC	AB	AB	SK	MB	ON	NB	NS	PEI	YK
Psychological injury, as defined in	Current/most recent edition	✓	✓								
	5 <sup>th</sup> edition				✓						
	Edition specified in regulation									✓	
PTSD, as defined in	Current/most recent edition			✓		✓		✓	✓		✓
	5 <sup>th</sup> edition						✓				
	Edition specified in regulation										

In the most recent edition, these diagnostic criteria are found in Chapter 7: Trauma- and Stressor-Related Disorders (1). The diagnostic criteria for PTSD are shown in Text Box 1, on the next page.

<sup>6</sup> At 97.06% (in 2014), the percentage of the workforce covered in Prince Edward Island is one of the highest in Canada. The only other provinces with a higher percentage of the workforce covered are: Newfoundland and Labrador (97.63% in 2014), British Columbia (97.34% in 2014), Yukon (99.76% in 2013), Nunavut and the Northwest Territories (100% in 2014).

Text Box 1: Diagnostic Criteria for PTSD in the 5th Edition of the DSM

<p><b>Diagnostic Criteria</b> <span style="float: right;">309.81 (F43.10)</span></p> <p><b>Posttraumatic Stress Disorder</b></p> <p><b>Note:</b> The following criteria apply to adults, adolescents, and children older than 6 years. For children 6 years and younger, see corresponding criteria below.</p> <p>A. Exposure to actual or threatened death, serious injury, or sexual violence in one (or more) of the following ways:</p> <ol style="list-style-type: none"><li>1. Directly experiencing the traumatic event(s).</li><li>2. Witnessing, in person, the event(s) as it occurred to others.</li><li>3. Learning that the traumatic event(s) occurred to a close family member or close friend. In cases of actual or threatened death of a family member or friend, the event(s) must have been violent or accidental.</li><li>4. Experiencing repeated or extreme exposure to aversive details of the traumatic event(s) (e.g., first responders collecting human remains; police officers repeatedly exposed to details of child abuse).</li></ol> <p><b>Note:</b> Criterion A4 does not apply to exposure through electronic media, television, movies, or pictures, unless this exposure is work related.</p> <p>B. Presence of one (or more) of the following intrusion symptoms associated with the traumatic event(s), beginning after the traumatic event(s) occurred:</p> <ol style="list-style-type: none"><li>1. Recurrent, involuntary, and intrusive distressing memories of the traumatic event(s).</li></ol> <p><b>Note:</b> In children older than 6 years, repetitive play may occur in which themes or aspects of the traumatic event(s) are expressed.</p>
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**Source:** Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> Edition. Reprinted without permission.

### 3.2.2. Diagnosticians permitted to make the diagnosis

All nine jurisdictions set out explicit criteria in their statutes for who can diagnose PTSD or psychological injury for the purposes of the presumption. Seven of the jurisdictions (Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan, British Columbia and the Yukon) require that the diagnosis be made by a specialist, which must be either a registered psychologist or a psychiatrist. Alberta and Manitoba require that the diagnosis be made by either a registered psychologist or a physician (thus including family physicians). In each jurisdiction, these terms are defined either in the definitions at the beginning of the Act or in the presumption itself. Many jurisdictions also include these definitions in the policy manual.

Almost all of the statutes include reference to the relevant legislation and/or regulation governing the registration and practice of these professions. Some jurisdictions accept diagnoses only from those individuals licensed to practice in that jurisdiction; while others will accept diagnoses from individuals certified by national bodies (i.e., the Royal College of Physicians and Surgeons of Canada) or other equivalent provincial certification bodies. See

Appendix 3 (Table 11 through Table 13) for a cross-jurisdictional comparison of how eligible diagnosticians are defined.

Table 3: Diagnosticians required to diagnose PTSD

Eligible diagnosticians		Jurisdiction									
		BC	AB	AB	SK	MB	ON	NB	NS	PEI	YK
Psychologist	Psychological injury	✓	✓		✓					✓	
	Post-traumatic stress disorder			✓		✓	✓	✓			✓
Psychiatrist	Psychological injury	✓			✓					✓	
	Post-traumatic stress disorder						✓	✓			✓
Physician	Psychological injury		✓								
	Post-traumatic stress disorder			✓		✓					
Other (see Note 1)	Psychological injury										
	Post-traumatic stress disorder								✓		

**Note 1:** Under the PTSD presumption in Nova Scotia, a worker must be diagnosed by a “prescribed diagnostician”. This is defined in the *Act* as “a person prescribed by the regulations who may diagnose a worker with post-traumatic stress disorder for the purpose of this Section”. The presumption is not due to come into effect until late 2018 and the regulations have not yet been updated.

### 3.3. What employment criteria must be met for the presumption to apply?

The scope of coverage varies across the nine jurisdictions. Four jurisdictions (Prince Edward Island, Saskatchewan, Manitoba and Alberta<sup>7</sup>) extend a presumption to all workers covered by their workers’ compensation acts (2). Six jurisdictions (British Columbia, Alberta<sup>7</sup>, Ontario, New Brunswick, Nova Scotia, and the Yukon) restrict their presumption to certain classes of workers falling under the broad umbrella of “first responders” or “emergency workers”.

#### 3.3.1. Eligible occupations

Across the six jurisdictions, there is considerable variation in the occupations eligible for the presumption. Ontario’s presumption provides the most extensive coverage (a total of twelve occupations are covered). The presumption in New Brunswick is the most restrictive, covering only three occupations. Since first introducing their presumption, both Alberta and Ontario have amended their legislation to expand the list of eligible occupations. Alberta’s expanded list became effective in 2018. According to the Ontario government website, Ontario’s expanded list has not yet been proclaimed<sup>8</sup>. In speaking with the key informant at the WSIB, he indicated that they are in the process of updating their policy and procedures (anticipated date: end of June 2018).

All six provinces provide definitions for each of the eligible occupations listed under their presumption, either in the definitions at the beginning of the *Act* or in the presumption itself. See Appendix 3 (Table 14 through Table 19) for a cross-jurisdictional comparison of how eligible occupations are defined.

<sup>7</sup> As noted earlier in the report, Alberta offers two presumptions: a PTSD presumption to first responders and a psychological injury presumption to all workers.

<sup>8</sup> The status of Bill 151 can be found here: <https://www.ola.org/en/legislative-business/bills/parliament-41/session-2/bill-151/status-of-business>.

Table 4: List of eligible occupations, by jurisdiction

	Jurisdiction					
	BC	AB	ON	NB	NS	YK
Firefighter <sup>9</sup>	✓	✓		✓	✓	
- full-time firefighter		✓	✓			✓
- part-time firefighter		✓	✓			✓
- volunteer firefighter			✓			✓
Fire investigator			✓			✓
Police officer	✓	✓	✓*	✓	✓	✓
Member of an emergency response team			✓			
Peace officer (e.g., Sheriff)	✓	✓				
Paramedic	✓ <sup>10</sup>	✓	✓	✓	✓	✓
Emergency medical attendant			✓			
Ambulance service manager			✓			
Worker in a correctional institution (e.g., correctional officers)	✓	✓	✓*		✓	
Worker in a place of secure custody or secure temporary detention			✓			
Worker involved in emergency dispatch		✓	✓		✓	
Nurse			✓**		✓	
Continuing care assistant					✓	
Frontline works and health care professionals			✓**			
Other occupation or class of worker specified in regulation or policy	✓	✓			✓	

**Notes:** \*Amended in Bill 151. \*\*Bill 151 expands coverage to include this occupation.

### 3.3.2. First responder coverage

Most jurisdictions group firefighters, police officers<sup>11</sup> and paramedics under the broader category of “first responders”, “front line workers” or “emergency response workers”. Some workers’ compensation acts define what these occupations mean, while others make reference to specific pieces of legislation that govern the provincial delivery of these services (e.g., the *Police Act*). These occupations have a presumption for PTSD in five jurisdictions (Alberta, Ontario, New Brunswick, Nova Scotia, and the Yukon) and for psychological injury more broadly in one jurisdiction (British Columbia).

Alberta is the only jurisdiction that includes peace officers in its definition of first responder. When Alberta introduced its first responder presumption in 2012, it covered four occupations (firefighters, emergency medical technicians, police officers appointed under the provincial *Police Act*, and peace officers). It has since extended the presumption to include correctional officers and emergency dispatchers (effective April 1, 2018).

Under Bill 151, Ontario has amended its list of “emergency response” and “front line” occupations as follows:

- Amended “police officers” to “police officers and other workers who provide police services or support the work of persons who provide police services, including workers

<sup>9</sup> Only Ontario and the Yukon explicitly state that the presumption applies to full-time, part-time, and volunteer firefighters.

<sup>10</sup>The three classes of paramedic (i.e., advanced care, critical care, and primary care) are licensed as Emergency Medical Assistants under British Columbia’s [Emergency Medical Assistants Regulation](#).

<sup>11</sup>Not included under this category is the RCMP which manages its own compensation program.

who provide investigative support, workers in forensics, garage staff, offender transport officers and civilian members or employees of a police force.”

- Added “front line workers and health care professionals who are involved in the delivery of health care services, including the delivery of home care services, and who provide close assistance to other workers listed in this subsection in stressful and traumatic situations in a health care setting.”

Table 5: Cross-jurisdictional comparison of employment criteria for first responder presumptions

Jurisdiction	Diagnosis	Employment Criteria
BC	Psychological injury	<ul style="list-style-type: none"> <li>• current or previous employment in eligible occupation</li> <li>• exposure to one or more traumatic events arising out of and in the course of employment in eligible occupation</li> </ul>
AB	PTSD	<ul style="list-style-type: none"> <li>• first responder</li> </ul>
ON	PTSD	<ul style="list-style-type: none"> <li>• current or previous employment in a listed occupation</li> </ul>
NB	PTSD	<ul style="list-style-type: none"> <li>• current or previous employment as an emergency response worker</li> </ul>
NS	PTSD	<ul style="list-style-type: none"> <li>• current or previous employment as a front line or emergency response worker</li> </ul>
YK	PTSD	<ul style="list-style-type: none"> <li>• current or previous employment as an emergency response worker</li> </ul>

### 3.3.3. All worker coverage

Four jurisdictions extend a presumption for either psychological injury or PTSD to all workers covered under their respective workers’ compensation acts.

Jurisdiction	Diagnosis	Employment Criteria
AB	Psychological injury	<ul style="list-style-type: none"> <li>• worker is or has been exposed to a traumatic event or events during course of employment</li> </ul>
SK	Psychological injury	<ul style="list-style-type: none"> <li>• current or former worker</li> <li>• exposure to a traumatic event</li> </ul>
MB	PTSD	<ul style="list-style-type: none"> <li>• exposure to a traumatic event or events of a type specified in the DSM as a trigger for PTSD</li> </ul>
PEI	Psychological injury	<ul style="list-style-type: none"> <li>• exposure in the course of employment to a traumatic event or events of a type specified in the DSM as a trigger for trauma- and stressor-related disorders, including PTSD</li> </ul>

### 3.4. Does the worker need to be actively employed at the time of diagnosis?

In some jurisdictions, the presumption is not tied to a requirement of active employment at the time of diagnosis. British Columbia, Nova Scotia, New Brunswick, Ontario, Alberta, and Saskatchewan include explicit language that the presumption applies to both current and former workers (i.e., those who ceased employment on or after the effective date of the presumption).

- **Prince Edward Island:** the presumption applies to a worker diagnosed with a trauma- or stressor-related disorder, including PTSD, on or after the date the presumption comes into force.
- **Nova Scotia:** the presumption applies if the worker is diagnosed while employed in an eligible occupation or within the period prescribed by regulation after ceasing



employment in that occupation. At present, none of the regulations made pursuant to the *Workers Compensation Act* in Nova Scotia prescribe the time period to which the presumption refers.

- **New Brunswick:** the presumption applies to current workers diagnosed while employed in an eligible occupation on or after June 28, 2016 and to former workers diagnosed within 24 months of leaving the job if they ceased employment on or after June 28, 2016. The presumption also applies if a worker had already submitted a claim but was not diagnosed until after June 26, 2016.
- **Ontario:** the presumption applies if a worker is diagnosed while currently employed in an eligible occupation for at least one day on or after April 6, 2014; or if a former worker (who was employed for at least one day on or after April 6, 2014) is diagnosed within 24 months after the day employment ceased (if he/she ceased employment on or after April 6, 2016). Policy 15-03-13 lays out how the presumption applies to transitional claims (i.e., pending claims as of April 6, 2014; new claims filed within six months of April 6, 2014; and, claims from former workers who ceased employment between April 6, 2014 and April 6, 2016).
- **Manitoba:** the presumption applies to a worker diagnosed with PTSD on or after the date the presumption comes into force.
- **Saskatchewan:** there is nothing in the *Act* or in policy that delimits a time frame in which former workers must file a claim in order for the presumption to apply
- **Alberta:** there is nothing in the *Act* or in policy that delimits a time frame in which former workers must file a claim in order for the presumption to apply
- **British Columbia:** there is nothing in the *Act* that delimits a time frame in which former workers must file a claim in order for the presumption to apply. This presumption is not yet in effect and policies pursuant to the amended *Act* have not yet been published. WorkSafeBC is currently consulting on proposed policy amendments<sup>12</sup>. The consultation deadline is June 22, 2018.
- **Yukon:** there is nothing in the *Act* or in policy that delimits a time frame in which former workers must file a claim in order for the presumption to apply.

### 3.5. What principles have been set out that govern how claims are adjudicated under the presumption?

Each jurisdiction has developed and implemented policy (and, in some cases, practice or procedure) that sets out the principles guiding the adjudication of claims under the presumption. A high-level summary of the principles applied in each jurisdiction for the presumption specifically, and for psychological injury claims more broadly, is included as Appendix 1.

The following general adjudicative principles are common to all of the jurisdictions (and apply both to claims from workers in eligible occupations covered by the presumption and claims

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<sup>12</sup>The discussion paper is available online at: <https://www.worksafebc.com/en/resources/law-policy/discussion-papers/bill-9-mental-disorder-presumption?lang=en>.

from workers in ineligible occupations, which are generally adjudicated under the policies for other acute psychological injury or mental stress).

- The worker has to have been exposed to a single event or a series of traumatic events.
- The event(s) must have arisen out of and in the course of employment, and be supported by reasonable, objective and credible evidence.
- The condition must have resulted from an acute reaction to a traumatic event or it must result from the cumulative effects of multiple work-related events.
- The condition must be diagnosed in accordance with a current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM).
- The condition must be diagnosed by a licensed psychologist or psychiatrist who is registered with the appropriate provincial or national regulatory body.

Each jurisdiction includes definitions in policy and sometimes practice of what is meant by “an acute reaction” and by a “traumatic event”. Some of the different ways in which a traumatic event is defined in policy include:

- an event that is specific, sudden and generally accepted as being unusually shocking or horrific
- an event that may have an element of actual or potential violence
- an emotionally shocking event, which is generally unusual and distinct from the duties and interpersonal relations of a worker’s employment
- an event generally recognized as being horrific, or having elements of actual or threatened violence or substantial harm to the worker or others
- workload or work-related incidents that are beyond what is generally accepted as the normal scope of maintaining employment

Most of the policies across the country include also examples to illustrate the types of events that would be considered traumatic, including (but not limited to):

- direct exposure to actual or threatened death or serious injury
- witnessing, or being the victim of, a criminal act or a horrific accident
- witnessing the death of a co-worker
- providing first response to victims of severe physical trauma or fatalities

### **3.6. Under what circumstances are workers not entitled to coverage under the presumption?**

In all jurisdictions with a PTSD presumption, the legislation states that, for eligible workers diagnosed with PTSD, their condition will be presumed to be related to their employment, unless the contrary is proven. In other words, claims for PTSD under the presumption are not compensable if there is evidence that rebuts the presumption.

There are other situations common to all jurisdictions in which PTSD or other psychological injury are non-compensable. For example, if it is shown that a worker

- had a pre-existing psychological condition and was traumatized by events that would not generally be considered traumatic, or

- developed a psychological or psychiatric condition due to
  - an employer’s decisions or actions related to the nature of employment (e.g., termination, demotion, disciplinary action, transfer, work scheduling, performance expectations)
  - other stressors considered to be part of every workplace (e.g., interpersonal relationships and conflicts) or
  - ongoing personal circumstances (e.g., voluntary personal relationships or their breakdown)

In addition, there are some jurisdiction-specific situations that are non-compensable. For example, in the Yukon, Policy EN-09 sets out that a worker will not be entitled to benefits for psychological disorders resulting from decisions or actions of the employer related to the nature of employment (which includes the situations listed above, as well as allegations relating to harassment). In the Northwest Territories and Nunavut, Policy 03.09 states that a worker is not entitled to compensation for a psychiatric or psychological disability that results from mental stress caused by a worker’s relations with the WSCC during the entitlement, adjudication, or management of the worker’s claim.

### **3.7. What other jurisdictions outside of Canada have presumptive coverage for PTSD?**

A high-level scan of websites for workers’ compensation systems in Australia and New Zealand did not find any jurisdictions that provided presumptive coverage for PTSD. A report comparing the operations of the systems in Australia and New Zealand highlighted recent developments and legislative changes in the systems (3). While some systems introduced presumptive coverage for firefighters, the changes focused on establishing a presumption for 12 cancers. One system (Northern Territory) made a change with regard to the adjudication of mental injury claims (specifically, to modify the basis for the defense of a mental injury claim).

A quick search of the internet (using search terms: “PTSD”, “post-traumatic stress disorder”, “presumption”, “presumptive coverage”, “workers’ compensation”) identified a presentation entitled “Addressing the emergence of PTSD presumption: issues and solutions”<sup>13</sup>, which in turn led to the identification of three systems in the United States that have introduced and/or passed legislation providing presumptive coverage for PTSD to first responders.

- In 2017, Vermont amended its *Workers’ Compensation Act* to create a [PTSD presumption](#) for police officers, firefighters and EMTs (i.e., a rescue or ambulance worker) diagnosed by a mental health professional and incurred during service in the line of duty.
- In 2017, Maine amended its *Workers’ Compensation Act* to establish a rebuttable [PTSD presumption](#) for law enforcement officers, firefighters, corrections officers or emergency medical services workers diagnosed by a licensed physician specializing in psychiatry or a licensed psychologist that the PTSD is presumed to have arisen out of and in the course of the worker's employment.

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<sup>13</sup>The presentation prepared by Willis Towers Watson is online at <http://www.nlc.org/sites/default/files/users/user118/PDF/Hanson PTSD d.3a.pdf>

- In 2018, Washington State passed a law to establish a [rebuttable presumption](#) that PTSD is an occupational disease for firefighters, emergency medical technicians, and law enforcement officers.

Two other states have also introduced legislation regarding PTSD in first responders: Florida and New Hampshire. Florida's [legislation](#), which was introduced in 2018, doesn't create a presumption; rather, it revised the adjudicative criteria to ease the evidentiary burden of proof. New Hampshire introduced a [bill](#) in 2018 that establishes a commission to study the incidence of PTSD in first responders and to determine whether it should be covered under workers' compensation.

#### **4. EXPERIENCE OF SELECT JURISDICTIONS**

Key informants were contacted in jurisdictions with a PTSD presumption in place for two years or more (Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick). Three informants were interviewed by telephone and two provided their responses by email.

The input received has been synthesized under the following four headings:

1. What has been their experience in implementing the presumption?
2. How has the presumption worked in practice?
3. What has been the stakeholders' response to the presumption?
4. Key lessons learned

##### **4.1. What has been their experience in implementing the presumption?**

###### **4.1.1. Alberta<sup>14</sup>**

- Government had started campaigning on this issue about 12 months prior to the presumption being implemented. This raised awareness about the issue both internally and in the stakeholder communities – and, more importantly, gave the WCB time to think through some issues (e.g., whether it would apply retroactively, the scope of coverage (i.e., would it apply to just first responders?), communication and outreach to treatment providers). Because awareness was high, there was a steady and gradual increase in claims volume for both PTSD and psychological injuries. The increase was not just from first responders.
- A multi-disciplinary group was put in place to plan and implement the strategy. Group included: senior medical manager (committee lead), key representatives from claimant customer services and employer account services, as well as representatives from health care strategy, psychology consultant, policy development, legal services, corporate communications, corporate learning and development, quality assurance and business training. During implementation period, group met with Government to clarify their intention around certain elements of the presumption (e.g., what was meant by

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<sup>14</sup>The key informant also provided a copy of a presentation "Alberta's Statutory Presumption for Post-Traumatic Stress Disorder" delivered at the AWCBC Learning Symposium on October 4, 2016. It is available from her upon request.

requirement to provide treatment by *culturally competent* clinicians, what kind of approach would be taken to rebut the presumption).

- Prepared their staff through: careful selection, prolonged peer mentorship/on the job training, and frequent professional development activities. For example, bringing speakers in, sending staff to workshops and courses, staff participation in “ride alongs” with first responder groups). Prepared the community and created engaged community partnerships with employers, unions/worker associations/worker groups, and treatment providers (in groups, one-on-one).
- Some of the challenges encountered during the implementation included: having no idea what kind of claims volume to expect; some assessment providers opting out of working with this population of claimants; having only pockets of specialized psychological expertise in the province (WCB staff as well as treatment providers); certain employers seeking cost relief for having workers with pre-existing PTSD<sup>15</sup>; unintentional reinforcement for physicians and psychologists to diagnose PTSD; claims adjudicators seeking PTSD diagnosis; increased claim filing behaviour in all populations/occupations because of increased media attention and awareness.

#### 4.1.2. Saskatchewan

- Wasn't a huge change for decision makers. Prior to the presumption, the WCB accepted chronic/cumulative stress/harassment claims (beyond the normal work experience). Presumption does not define traumatic event(s), but WCB did through policy.
- Before the presumption, psychological injuries would be accepted without a DSM diagnosis when the traumatic event was very clear (e.g., bank robbery). Because the presumption notes that the psychological injury must be DSM-diagnosed, WCB needed to confirm with the Ministry that these types of claims could still be quickly adjudicated without having to wait for the DSM diagnosis.
- Policy was developed soon after the presumption was approved. Realized that it would be a “work in progress” and are currently looking at revising it this year.
- Throughout the policy development stage, many discussions were held with the adjudicators (Claims Entitlement III staff), case management, health care services and WCB’s psychologist consultant. There was a lot of “back and forth” and the input delayed the policy. WCB wanted to ensure that the policy informed customers that adjudicative staff still needed to complete file development (e.g., reports, investigations if needed, etc.).
- If a worker submits a psychological injury claim with a DSM diagnosis, staff (adjudicators and WCB medical officer) will review to ensure it meets the guidelines for a full assessment diagnosis. That is, has the psychologist or psychiatrist included both the clinical information (i.e., history, presentation, functioning levels) and psychological testing information). If information is missing, the worker is sent for a mental health assessment. There have been issues and concerns that this causes delays. This is one of the processes currently under review.

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<sup>15</sup>Former military personnel often move into police and paramedic roles after leaving the Armed Forces. See Section 4.3 (stakeholder response to the presumption) for additional information.

- There is discretion involved in the decision, especially with chronic/cumulative stress and harassment-type claims. But as noted above, WCB has a psychologist consultant with whom staff can discuss the claim. WCB also has Claims Representative staff who may "investigate" further. In these types of cases, employers may be more sensitive, especially if it is a small employer.
- In some of the claims that adjudicators have seen, a worker's personal history may play a large part in their current psychological injury. As per policy, entitlement for a work-related psychological injury will not be denied due to the existence of a pre-existing condition. However, the WCB does not assume any responsibility for a worker's pre-existing condition. Determining that the employment was the predominant cause in these cases can be difficult.
- While DSM diagnoses can be submitted by either a psychiatrist or a psychologist, not all are WCB-accredited. Further, there is a limited number of psychologists who are qualified to complete a mental health assessment. These limitations are currently being examined as part of the review.

#### 4.1.3. Manitoba

- There were a few hiccups at the beginning, but overall, it was a pretty smooth experience.
- PTSD is considered an occupational disease rather than an injury (Manitoba is unique in this regard) and this created some challenges with the application of the presumption.
- Had to resolve how much they should be digging into the diagnosis and/or traumatic events in order to rebut the presumption. Developed training materials to help adjudicators in this area<sup>16</sup>.

#### 4.1.4. Ontario

- Worked with government when introducing the presumption. The presumption is highly prescriptive, so didn't need to do a lot to fill in gaps or clarify discretion in the policy. This made the implementation much more straightforward with the decision makers and stakeholders were clear on what was compensated under the presumption. The biggest challenge was to take a fairly complex piece of legislation and turn it into a user-friendly document that was easily understood by both internal and external stakeholders.
- Having the opportunity to engaged with the Ministry of Labour throughout and in drafting the legislative language helped identify and address any unintended consequences<sup>17</sup> at the design stage. This ensured that the WSIB was clear on the government's intentions.
- The presumption has gone through two rounds of legislative amendments. In the first phase, the presumption included a list of occupations typically associated with "first responders". There was a lot of pressure from stakeholders to expand the list to include other occupations (such as nurses, parole officers, civilian police officers) who also

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<sup>16</sup>When asked about the availability of these training materials, the key informant indicated that she thought they could be shared with WorkplaceNL upon request.

<sup>17</sup>One example offered was regarding corrections officers. There was a grey area about whether the presumption applied to both provincial and federal officers (whose claims would be referred to the WSIB under *GECA*).

experienced work-related PTSD. Policy was implemented on the first cohort of occupations; policy coming out on the second cohort towards the end of June 2018.

- The presumption is working in practice and part of a larger trend in workers compensation – namely, that of being sensitive to and saving the worker the difficulty of reliving the traumatic experience during the adjudicative experience (especially when they are already in treatment). Adjudicating these claims is a complex, time-consuming, fact-finding exercise. A lengthy adjudicative process is a hindrance to timely recovery.

#### 4.1.5. New Brunswick

- There were no challenges in developing the policy to support the interpretation of the presumption. A policy review was already underway and a new section in the policy needed to be developed to support the amended legislation. The presumption clause came into effect with relatively no impact in adjudication. Staff was advised of the effective date and the change in legislation that came with it, but the first responder group weren't typically difficult to adjudicate in the first place because they were already known to be exposed to traumatic situations.
- The only challenge encountered was that some claims were filed by workers who had been First Responders years ago, who had heard about presumption, and felt that might make them eligible for some benefits. However, the legislation did not include the population who had been out of the field more than 24 months.

## 4.2. How has the presumption worked in practice?

Claims volume in all jurisdictions has increased since the presumption was introduced.

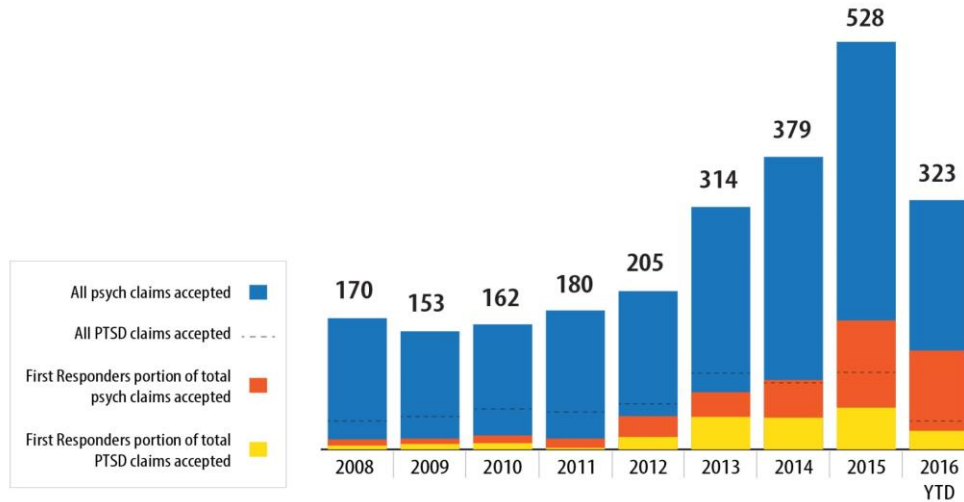
### 4.2.1. Alberta

Table 6: PTSD claims volume in Alberta

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
Registration Year of PTSD Claims	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Grand Total	
All Other Occupations	14	31	23	31	25	19	18	33	7	28	11	17	22	23	47	53	51	453	
First Responder	1	2	0	0	0	1	2	1	0	1	2	3	15	41	42	57	73	241	
Grand Total	15	33	23	31	25	20	20	34	7	29	13	20	37	64	89	110	124	694	
First Responder's share	7%	6%	0%	0%	0%	5%	10%	3%	0%	3%	15%	15%	41%	64%	47%	52%	59%	35%	
First Responder's Share Pre-Bill 1	9.12%																		
First Responder's Share Post-Bill 1	55.04%																		

Figure 1: Psychological Claims Volume in Alberta

Psychological Claim Volume, First Responders, and PTSD



4.2.2. Saskatchewan

Table 7: Mental health claims volume in Saskatchewan

Mental Health Claims					
Claim Decision	2015	2016	2017	2018*	Total
Accepted	133	137	231	114	615
Disallowed	305	314	321	124	1,064
Pending	1	0	4	37	42
<b>TOTAL</b>	<b>439</b>	<b>451</b>	<b>556</b>	<b>275</b>	<b>1,721</b>
*2018 Claims Registered as of May 28, 2018					
All Status as of May 28, 2018					
	2015	2016	2017	2018*	
% Accepted	30%	30%	41%	41%	
% Disallowed	70%	70%	58%	45%	
% Pending	0%	0%	1%	14%	
*2018 Claims Registered as of May 28, 2018					
All Status as of May 28, 2018					



#### 4.2.3. Manitoba

No data provided.

#### 4.2.4. Ontario

Figure 2: Summary of PTSD claims volume in Ontario

(Reprinted from: 2017 Economic Statement)

### Presumptive PTSD Legislation for First Responders

As per legislation passed in April 2016, First Responders (or people in other designated professions) diagnosed with posttraumatic stress disorder (PTSD) no longer need to prove that the condition is work-related. Instead, the WSIB must assume the condition is caused by their work, unless the contrary is shown.



#### Financial Implications

**746**  
**REGISTERED CLAIMS**

Since the legislation came into effect, as of the end of June 2017, 746 PTSD claims have come in to the WSIB – 255 under the legislation’s transition provisions and 491 that have arisen since the legislation passed.

**\$35M**  
**IMPACT ON UFL**

Of the PTSD claims, most (643 claims) are from Schedule 2 employers<sup>4</sup> with the remaining 103 claims from Schedule 1 employers. Last year, the WSIB estimated a \$35 million UFL impact due to cost increases resulting from the Schedule 1 claims. Actual results to date suggest that initial estimates are more than adequate to cover costs so far.

#### 4.2.5. New Brunswick

Table 8: PTSD claims volume in New Brunswick

Year	Count of PTSD Claims (emergency response workers)	Count of PTSD Claims (all occupations)
2013	9	23
2014	11	39
2015	5	26
2016	10	33
2017	8	21

**Notes:** Emergency response workers include firefighters, police officers or paramedics (which, for simplicity, is anyone employed by the provincial ambulance provider).

### 4.3. What has been the stakeholders’ response to the presumption?

#### 4.3.1. Alberta

- Anecdotally, the response from the stakeholders has been positive and favourable. This is due to a combination of factors which helped to destigmatize psychological injury

(including, for example, employer interest in the issue, peer support, conversations in the workplace, etc.)

- Some employers (e.g., police) expressed concern that because they hire ex-military, they might have workers with pre-existing PTSD from their military service that is aggravated by their current employment. They have asked for cost relief. For the most part, the WCB does not provide cost relief for these claims.
- Some unions and worker representatives have expressed concern about occupations not covered. Prior to the expansion of the presumption earlier this year, the most vocal dissenting voices were the corrections officers who felt they should have been included. Occupations now protesting their exclusion are social workers and nurses.

#### 4.3.2. Saskatchewan

- The response and resulting discussions in the past year have been mostly positive and generally supportive. The WCB's Prevention area has been working with different organizations (e.g., WorkSafe Saskatchewan) to promote mental health training.
- Some workers submitting claims may have been under the impression that they wouldn't have to explain/describe the traumatic event and that WCB would not have to complete file development. For example, if their psychiatrist said it was PTSD, some might have thought the claim would be automatically accepted.
- The policy and adjudication process are currently under review for possible improvements to make it easier for customers to receive treatment as soon as possible.

#### 4.3.3. Manitoba

- Generally positive, although some employers felt the presumption was too broad because it was not occupation-specific.

#### 4.3.4. Ontario

- The stakeholder response has generally been pretty positive. There was a general sense that the worker community was happy when the presumption first came into being. Other workers continued advocacy, which led to recent amendment expanding coverage.
- Some pushback regarding the requirement for diagnosis by psychological treatment provider. There was concern that this would introduce delays into the adjudicative and treatment process. Able to mitigate delays by developing a provider network who take referrals and undertake comprehensive assessments.

#### 4.3.5. New Brunswick

- The response of the stakeholder community has been positive.
- Correctional officers across the country and specifically in New Brunswick have been vocal that they are not included under their provinces' legislation as an emergency response worker.

#### 4.4. Key lessons learned

Some of the key lessons learned from introducing and implementing the presumption were common to multiple jurisdictions. Others were specific to individual jurisdictions.

##### 4.4.1. Lessons learned

- Engagement with government throughout the planning and implementation phases ensured that grey areas were quickly clarified and that unintended consequences were identified early and addressed during the design phase.
- The demand for specialized psychological resources can outpace supply. There may be limited expertise in the community and, as a result, assessment and treatment providers may be hard to find.
- Managing and treating psychological injury claims requires an understanding of unique work environments and triggers for trauma<sup>18</sup>. Developing and fostering treatment provider relationships, and building knowledgeable and creative case management teams, are important.
- One important consideration is the process by which the presumption is rebutted. Requiring an evidentiary approach that collects information by “digging into” either the diagnosis or the traumatic event(s) can run at odds with the purpose of the presumption (i.e., saving the worker the difficulty and sensitivity of having to relive the traumatic experience) and can be a hindrance to timely recovery. Alberta, for example, made the decision early on not to focus on the “unless the contrary is proven” – if it is in the forefront of the reporting, they address it; otherwise, they don’t look for it.
- Taking the time to raise awareness (internally and externally) and to develop and foster partnerships are important predictors of success.

##### 4.4.2. Advice offered to WorkplaceNL

- Work closely with government to understand their intentions and to help identify unintended consequences of the legislation in the design phase. Have your legal department on stand-by to assist with interpretation.
- Get clarity from government on their intentions regarding the evidentiary approach to rebutting the presumption. Making a claimant relive the experience is at odds with the purpose of the presumption and can be a hindrance to timely recovery.
- Create a multi-disciplinary team to plan and implement the policy changes.
- Prepare your staff and prepare the community for the coming changes.

## 5. CROSS-CUTTING SUMMARY OF FINDINGS

Table 9 provides a cross-cutting summary of the similarities and differences in presumptive coverage for PTSD across Canada. (Note: table does not include Ontario’s recent amendments.)

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<sup>18</sup>Alberta reported that since the presumption was first implemented, 6.5% of first responder PTSD claims have had a recurrence of disability *after recovery*. Potential triggers for re-experiencing psychological symptoms include: the anniversary of the traumatic event, having to testify in court about the original event, traumatic events reported in the media and/or occurring in the local community.

### **5.1. Key similarities in the presumptions**

The scan revealed the following key similarities between the jurisdictions that had presumptive coverage for PTSD:

- the presumption is rebuttable (all jurisdictions)
- the use of the Diagnostic and Statistical Manual of Mental Disorders (DSM) to define and diagnose PTSD (all jurisdictions)
- the requirement that PTSD be diagnosed by specified categories of health professionals, with all jurisdictions including licensed and registered psychologist and six specifying psychiatrist
- the inclusion of firefighters, police officers, and paramedics in the list of eligible occupations (all jurisdictions)
- the principles that guide the adjudication of claims are generally the same (all jurisdictions)
- a common set of reasons why a claim for PTSD may be non-compensable

### **5.2. Key differences in the presumptions**

The scan revealed the following key differences between the jurisdictions that had presumptive coverage for PTSD:

- the edition of the DSM specified in the presumption (current or recent edition in six jurisdictions, 5<sup>th</sup> edition in two jurisdictions)
- whether or not PTSD can be diagnosed by a licensed and registered physician (two jurisdictions explicitly allow physicians, others allow only psychiatrists)
- the number of eligible occupations covered under the presumption (ranged from 3 to 12, depending on the jurisdiction)
- how the eligible occupations are broadly categorized (i.e., “first responders” in two jurisdictions vs. “front-line workers or emergency-response workers” in one jurisdiction vs. “emergency-response workers” in one jurisdiction) and defined (i.e., there were some interjurisdictional differences in how the same occupation was defined under the law)
- whether the presumption applied to former, as well as current, workers and the time limits governing the application of the presumption for former workers

### **5.3. Temporal trends**

The scan revealed the following temporal trends in the emergence of PTSD presumptive coverage in Canada

- No Canadian jurisdiction had a presumption for PTSD prior to 2012 when Alberta became the first to implement one.
- Over the subsequent six years, one jurisdiction after another implemented a presumption using terminology and provisions similar to those of the Alberta legislation and regulations with a flurry of change beginning in 2015.
- Presumptions introduced later in this period tend overall to be somewhat more inclusive in terms of eligible occupations covered than those introduced earlier.

Table 9: Cross-cutting comparison of diagnostic & employment criteria for jurisdictions with PTSD presumptions

	Jurisdiction								
	BC	AB	SK	MB	ON	NB	NS	PEI	YK
<b>Diagnostic Criteria</b>									
PTSD as defined in current or most recent edition of DSM	✓	✓		✓		✓	✓		✓
PTSD as defined in 5 <sup>th</sup> edition of DSM			✓		✓				
Trauma- and stressor-related disorders as defined in DSM specified in regulation								✓	
<b>Diagnosis by:</b>									
- psychiatrist			✓		✓	✓		✓	✓
- psychologist		✓	✓	✓	✓	✓		✓	✓
- physician		✓		✓					
- diagnostician prescribed by regulation							✓		
- not specified	✓								
<b>Employment Criteria – broad occupational groupings covered</b>									
All workers			✓	✓				✓	
First responders	✓	✓			✓				
Front-line workers							✓		
Emergency-response workers						✓	✓		✓
Other occupation, designated in regulation or policy	✓	✓			✓		✓		
<b>Employment Criteria – specific occupations covered</b>									
Firefighter	✓	✓			✓	✓	✓		✓
- full-time firefighter		✓			✓				✓
- part-time firefighter		✓			✓				✓
- volunteer firefighter					✓				✓
Fire investigator					✓				✓
Police officer	✓	✓			✓	✓	✓		✓
Member of an emergency response team					✓				
Peace officer (e.g., Sheriff)	✓	✓							
Paramedic	✓	✓			✓	✓	✓		✓
Emergency medical attendant					✓				
Ambulance service manager					✓				
Worker in a correctional institution (e.g., correctional officers)	✓	✓			✓		✓		
Worker in a place of secure custody or secure temporary detention.					✓				
Worker involved in emergency dispatch		✓			✓		✓		
Nurse							✓		
Continuing care assistant							✓		
Other occupation or class of worker specified in regulation or policy	✓	✓			✓		✓		
<b>Other Eligibility Criteria</b>									
Presumption includes workers who have ceased employment	✓		✓		✓	✓	✓		
Presumption stipulates time frame in which former workers are eligible					✓	✓			

## **APPENDIX 1: JURISDICTIONAL SUMMARIES**

## **Newfoundland & Labrador (NL)**

At present, WorkplaceNL does not provide presumptive coverage of post-traumatic stress disorder (PTSD) or other psychological injuries.

### **How is a compensable psychological injury defined?**

Section 2(1)(o) of the *Workplace Health, Safety and Compensation Act* (the “Act”) includes “stress that is an acute reaction to a sudden and unexpected traumatic event” in its definition of personal injury (4). Therefore, PTSD is treated as a personal injury and compensation is payable under Section 43 of the Act provided that the disability arose out of, and in the course of, employment (unless it is attributable solely to the serious and wilful misconduct of the worker). WorkplaceNL’s published policy interprets this to include mental stress that develops as a result of either a single, sudden and unexpected traumatic event (i.e., an acute effect) or a series of multiple traumatic events (i.e., a cumulative effect) (5).

### **How is a claim for psychological injury adjudicated?**

Claims for acute and cumulative mental stress are adjudicated on the merits and justice of each case, using the adjudicative principles set out in Policy EN-18: Mental Stress<sup>19</sup>. These principles include:

- The occurrence of one or more traumatic events<sup>20</sup> (e.g., witnessing a fatality)
- The event(s) must arise out of and occur in the course of the employment and be clearly and precisely identifiable and objectively traumatic
- A mental stress diagnosis must be made in accordance with the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM), and
- The diagnosis must be made by an appropriate regulated health care professional (i.e., physician, nurse practitioner, psychologist or psychiatrist)

### **When is a claim for psychological injury not compensable?**

- If a worker with a pre-existing psychological condition is traumatized by events that would not generally be considered traumatic
- If a worker develops mental stress gradually over time due to general workplace conditions
- If a worker “burns out” from usual duties, workplace change or performance demands
- If a worker experiences stress due to an employer’s work-related action (e.g., termination, demotion, disciplinary action, transfer, work scheduling, performance expectations)

### **Links:**

[Workplace Health, Safety and Compensation Act](#)  
[Client Services Policy Manual](#)

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<sup>19</sup>This policy can be found under the Entitlement Policies in the Client Services Policy Manual, which is available online at: <http://www.workplacnl.ca/policiesandprocedures.whsc>.

<sup>20</sup>May be a result of witnessing, or being the victim of, a criminal act or a horrific accident; may have elements of actual or potential violence.

## Prince Edward Island (PEI)

In November 2017, a private member's bill<sup>21</sup> was introduced to amend the *Workers Compensation Act* (the "Act") to provide presumptive coverage for PTSD for workers exposed in the course of employment to a traumatic event or events. The bill received Royal Assent on December 20, 2017. An amended version of the bill was subsequently re-introduced in April 2018. It was approved on May 22, 2018 and the amended bill was proclaimed into law on June 2, 2018<sup>22</sup>.

### How is a compensable psychological injury defined under the Act?

Section 1(1.1) of the *Workers Compensation Act* (the "Act") clarifies that stress that is "an acute reaction to a traumatic event" is included in its definition of accident (6). Therefore, provided that the accident arose out of and in the course of employment, compensation is payable under Section 6(1) of the Act. The WCB's published policy (POL-01) interprets "acute reaction" to mean "a significant or severe reaction by a worker resulting in the diagnosis of a psychological or psychiatric condition" which may or may not occur immediately after an event (7). The policy applies to all workers.

Section 6(4.1) sets out a presumption for trauma- and stressor-related disorders, as defined in "the edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that is specified in the regulations". Section 6(4.1)(b) specifies that these disorders include PTSD and Section 6(4.3) goes on to clarify that "trauma- and stressor-related disorders, including post-traumatic stress disorder, are considered an acute reaction to a traumatic event for the purpose of subsection 1(1.1).

### How is entitlement to benefits for psychological injury determined under Section 6(1)?

Claims for psychological injury are adjudicated on their own merits, using the adjudicative principles set out in Policy POL-01: Psychological or Psychiatric Condition<sup>23</sup>. These principles include:

- The occurrence of one or more traumatic events<sup>24</sup> (e.g., witnessing or being the object of a serious accident)
- The event(s) must arise out of and in the course of employment, and be supported by reasonable, objective and credible evidence
- The condition must be diagnosed in accordance with the Diagnostic and Statistical Manual of Mental Disorders (DSM),
- The condition must result from an acute reaction to a traumatic event or an acute reaction resulting from the cumulative effects of multiple work-related events
- The diagnosis must be made by a psychologist or psychiatrist

### How is entitlement to compensation determined under the presumption?

Sections 6(4.1) and 6(4.2) state that for workers diagnosed with a trauma- or stressor-related disorder on or after the date the presumption comes into force, their disorder will be presumed to be a personal injury arising out of and in the course of employment, unless the contrary is proven. To be entitled to

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<sup>21</sup>Bill 102, as introduced is available online at [http://assembly.pe.ca/bills/pdf\\_first/65/3/bill-102.pdf](http://assembly.pe.ca/bills/pdf_first/65/3/bill-102.pdf)

<sup>22</sup>The amended Bill 102 can be found at [http://assembly.pe.ca/bills/pdf\\_first/65/3/bill-2.pdf](http://assembly.pe.ca/bills/pdf_first/65/3/bill-2.pdf). Discussion surrounding the amendments and approval of the bill can be found in the [Hansard of May 22, 2018](#).

<sup>23</sup>This policy can be found under the Entitlement Policies in the Claims section of the Policy Manual, which is available online at: <http://www.wcb.pe.ca/Information/Policies>.

<sup>24</sup>These events are typically emotionally shocking and unexpected, and involve intense fear, helplessness or horror.



the presumption, the disorder must meet the diagnostic criteria in the DSM for a trauma- and stressor-related disorder and it must be diagnosed by a licensed psychiatrist or psychologist. The presumption applies to all workers.

**When is a claim for psychological injury not compensable?**

As noted in Policy POL-01: Psychological or Psychiatric Condition, Section 1.1 of the *Act* excludes stress as a compensable condition other than as a result of an acute reaction to a traumatic event.

- If a worker experiences stress, other than as a result of an acute reaction to a traumatic event.
- If a worker develops a psychological or psychiatric condition due to stressors considered to be part of every workplace (e.g., interpersonal relationships and conflicts, changes in working conditions, disciplinary action on the part of the employer, etc.)
- If a worker's mental health is affected by ongoing personal circumstances or regular workplace duties.

The presumption was proclaimed into law in June 2018. The Workers Compensation Board of PEI has not yet introduced policy to address the legislative amendment.

**Links:**

[Workers Compensation Act](#)  
[Policy Manual](#)

## Nova Scotia

The Government of Nova Scotia introduced legislation<sup>25</sup> on September 27, 2017 to amend the *Workers' Compensation Act* (the "Act") to provide presumptive coverage for PTSD for front-line and emergency-response workers. The bill received Royal Assent on October 26, 2017 and the changes come into effect on October 26, 2018. Until that time, the Workers' Compensation Board of Nova Scotia will continue to apply its existing policies and practices on psychological injury.

### **How is a compensable psychological injury defined under the current policy?**

Section 2(a) of the *Workers' compensation Act* (the "Act") states that stress that is "an acute reaction to a traumatic event" is included in its definition of accident (8). Therefore, provided that the accident arose out of and in the course of employment, compensation is payable under Section 10(1) of the Act. While the WCB's published policy defines what is meant by a "traumatic event", it does not provide an interpretation of "acute reaction" (9). The policy applies to all workers.

### **How will a compensable psychological injury be defined after the presumption comes into effect?**

Chapter 10 of the Act has been amended to define post-traumatic stress disorder as having the meaning "described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association".

### **How is a claim for psychological injury adjudicated under the current policy?**

Claims for PTSD are adjudicated on their own merits, using the adjudicative principles set out in Policy 1.3.9: Psychological Injury<sup>26</sup>. These principles include:

- The occurrence of one or more traumatic events<sup>27</sup>, which involves witnessing or experiencing an event(s) that is objectively traumatic
- The event(s) must arise out of and in the course of employment
- The response to the event(s) has caused the worker to suffer from a mental or physical condition described in the DSM
- The condition must be diagnosed in accordance with the most current Diagnostic and Statistical Manual of Mental Disorders (DSM)
- The diagnosis must be made by a psychiatrist or a clinically trained psychologist registered with the Nova Scotia Board of Examiners in Psychology

### **How will a claim for PTSD be adjudicated after the presumption comes into effect?**

Chapter 10 of the Act has been amended to state that for front-line or emergency-response workers diagnosed with PTSD (as defined in Section 12A(1)(b)), their condition will be presumed to have arisen out of and in the course of employment in response to an individual traumatic event or to a series of such events. Front-line or emergency-response workers are defined in Section 12A(1)(a) as continuing-care assistants, correctional officers, emergency-response dispatchers, firefighters, nurses, paramedics, police officers or persons in an occupation prescribed by the regulations.

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<sup>25</sup>Bill 7, as introduced, is available online at [https://nslegislature.ca/legc/bills/63rd\\_1st/1st\\_read/b007.htm](https://nslegislature.ca/legc/bills/63rd_1st/1st_read/b007.htm).

<sup>26</sup>This policy can be found under the Entitlement Policies in the WCB's Policy Manual, which is available online at: <https://www.wcb.ns.ca/Portals/wcb/Policy Manual/Section 1/Section 1.3/1-3-9.pdf>.

<sup>27</sup>These events are defined as a direct personal experience of an event or directly witnessing an event that is sudden, frightening or shocking, having a specific time and place, and involving actual or threatened death or serious injury to oneself or others or threat to one's personal integrity.

The presumption set out in Section 12A requires that front-line or emergency-response workers be diagnosed with PTSD in accordance with the most recent edition of the DSM and that the diagnosis be made by a “prescribed diagnostician” (i.e., someone prescribed by regulation<sup>28</sup> who may diagnose a worker with PTSD for the purpose of the Act). The amendment sets out that the presumption applies if the worker is diagnosed while employed as a front-line or emergency-response worker, or within the period prescribed by regulation after ceasing employment as a front-line or emergency-response worker.

**When is a claim for psychological injury not compensable under the current policy?**

- If a worker develops a mental or physical condition caused by labour relations issues (e.g., changes in working conditions, termination, disciplinary action on the part of the employer, etc.)

**When will a claim for psychological injury be not compensable after the presumption comes into effect?**

- Section 12A(5) sets out that a worker will not be entitled to benefits for PTSD under the presumption if it is shown that the condition was caused by decisions or actions of the employer related to employment (e.g., change in working conditions, disciplinary action or termination).

**Links:**

[Workers' Compensation Act](#)

[Workers' Compensation Amendment Act](#)

[Policy Manual](#)

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<sup>28</sup>Regulations and policy pursuant to the amendments have not yet been made.

## New Brunswick

The Government of New Brunswick introduced legislation<sup>29</sup> in April 2016 to amend the *Workers' Compensation Act* (the "Act") to provide presumptive coverage for PTSD for emergency-response workers. The bill received Royal Assent on June 28, 2016 and the changes came into effect immediately.

### How is a compensable psychological injury defined?

Section 1 of the *Workers' Compensation Act* (the "Act") stipulates that stress that is "an acute reaction to a traumatic event" is included in its definition of accident (10). Therefore, provided that the accident arose out of and in the course of employment, compensation is payable under Section 7(1) of the Act. Section 7.1(1) of the Act and Policy 21-103 defines post-traumatic stress disorder as that condition "described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association" (10, 11).

### How is a claim for psychological injury adjudicated?

Section 7.1(2) of the Act states that, for emergency-response workers diagnosed with PTSD, their condition will be presumed to have arisen out of, and in the course of, employment in response to an individual traumatic event or a series of such events, unless the contrary is proven. Emergency-response workers are defined in Section 7.1(1) as a firefighters<sup>30</sup>, paramedics<sup>31</sup>, or police officers<sup>32</sup>. The presumption requires that emergency-response workers be diagnosed with PTSD in accordance with the most recent edition of the DSM and that the diagnosis be made by a psychiatrist<sup>33</sup> or a psychologist<sup>34</sup>. The presumption applies to workers:

- employed as emergency-response workers on or after June 28, 2016 and who have a PTSD diagnosis from a recognized health care provider, and
- employed as emergency-response workers when they submitted a claim and the diagnosis was made on or after June 28, 2016, or
- who ceased employment as an emergency-response worker on or after June 28, 2016 and are diagnosed with PTSD within 24 months of leaving the job.

Policy 21-103 sets out the principles guiding the adjudication of claims for traumatic mental stress by workers covered by the presumption, as well as from those who are not (i.e., claims that meet the definition of "accident" described above). These principles include:

- the condition must be an acute reaction to a sudden and unexpected traumatic event (i.e., when a person has been exposed to death, threatened death, actual or threatened serious injury, or actual or threatened sexual violence)
- the event(s) must have arisen out of and in the course of employment (i.e., the event(s) must have happened at a time, in a place, and out of an activity that is consistent with the worker's employment)
- the event(s) must not be caused by a decision of the employer relating to the management and monitoring of the worker's employment
- the condition must be a mental or physical condition described in the most recent DSM

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<sup>29</sup>Bill 39, as introduced, is available online at <http://www.gnb.ca/legis/bill/pdf/58/2/Bill-39.pdf>.

<sup>30</sup>As defined in the [Firefighters' Compensation Act](#)

<sup>31</sup>As defined in the [Act Respecting the Paramedic Association of New Brunswick](#)

<sup>32</sup>As defined in the [Police Act](#)

<sup>33</sup>As defined in the [Mental Health Act](#)

<sup>34</sup>As defined in the [Psychologists Act](#)

- the condition must be diagnosed by a psychologist or psychiatrist registered with the appropriate regulatory body

**When is a claim for psychological injury not compensable under the presumption?**

- The definition of “accident” in the *Act* excludes mental stress as a compensable condition except in situations where the condition is the result of an acute reaction to a traumatic event. Other mental health claims are adjudicated under Policy 21-100: Conditions for Entitlement – General Provisions.
- Policy 21-103 sets out that a worker will not be entitled to benefits if it is shown that the condition resulted from the gradual build-up of normal personal and work-related pressures over time or if it is shown that the condition was caused by decisions or actions of the employer related to the nature of employment (e.g., change in working conditions, disciplinary action or termination).

**Links:**

[Workers' Compensation Act](#)

[Policy Manual](#)

[Policy 21-103](#)

## Quebec

The Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) does not provide presumptive coverage of post-traumatic stress disorder (PTSD) or other psychological injuries.

### How is a compensable psychological injury defined?

Psychological injuries are not defined in the *Act Respecting Industrial Accidents and Occupational Diseases* (the "Act"). Under Division II (Compensation for Bodily Injury), Section 83 of the Act, workers who suffer an employment injury and who sustain permanent physical or mental impairment are entitled "to compensation for bodily injury which takes into account the anatomico-physiological deficit<sup>35</sup> and disfigurement resulting from the impairment and the suffering or loss of enjoyment of life resulting from the deficit or disfigurement" (12).

### How is a claim for psychological injury adjudicated?

Claims are adjudicated on the merits and justice of each case, using the adjudicative principles set out in policy (which is not available in English).

### When is a claim for psychological injury not compensable?

- A recent report in the mainstream media suggests that first responders may not be covered for PTSD experienced as a result of responding to an emergency call outside of their regular work hours (i.e., if they show up early for their shift)<sup>36</sup>.

### Links:

[Act respecting industrial accidents and occupational diseases](#)

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<sup>35</sup>Defined on the CNESST's website as degree of severity of the disability.

<sup>36</sup>See <http://www.cbc.ca/news/canada/montreal/quebec-paramedic-mother-died-cnesst-workers-compensation-denied-1.4198986>

## Ontario

The Government of Ontario introduced legislation<sup>37</sup> in February 2016 to amend the *Workplace Safety and Insurance Act* and the *Ministry of Labour Act* to provide presumptive coverage for PTSD for first responders and other workers. The bill received Royal Assent on April 6, 2016. A [private member's bill](#) was introduced in September 2017 to expand benefits to nurses, health care workers providing close assistance to first responders, and workers other than police officers who provide police services or support the work of persons who provide police services. Bill 151 passed second reading and was referred to the Standing Committee on Regulations and Private Bills. It's not clear whether it has been proclaimed into law<sup>38</sup>; however, the key informant indicated that new policy to support the amendment is expected at the end of June 2018. Note: the definitions provided below do not include the new or amended occupations.

### How is a compensable psychological injury defined under the presumption?

Section 14(1) of the *Workplace Safety and Insurance Act* (the "Act") defines post-traumatic stress disorder to mean "posttraumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), published by the American Psychiatric Association" (13).

### How is a claim for psychological injury adjudicated under the presumption?

Section 14(3) of the *Act* states that, for workers listed in Section 14(2), their PTSD will be presumed to have arisen out of and in the course of employment, unless the contrary is proven. The following categories of workers are listed under Section 14(2).

Firefighter (see Note 1)	(a) a firefighter as defined in subsection 1 (1) of the <a href="#">Fire Protection and Prevention Act, 1997</a> , or (b) a worker who, (i) is employed by a band council and assigned to undertake fire protection services on a reserve, or (ii) provides fire protection services on a reserve, either as a volunteer or for a nominal consideration, honorarium, training or activity allowance
Full-time firefighter	a worker who is a firefighter, is regularly employed on a salaried basis and is scheduled to work an average of 35 hours or more per week
Part-time firefighter	a worker who is a firefighter and is not a volunteer firefighter or full-time firefighter
Volunteer firefighter	(See Note 1)
Fire investigator (see Note 1)	(a) a worker to whom the Fire Marshal appointed under subsection 8(1) of the <a href="#">Fire Protection and Prevention Act, 1997</a> has delegated the duty to investigate the cause, origin and circumstances of a fire, (b) a worker who was an inspector appointed under subsection 2 (4) of the <i>Fire Marshals Act</i> before that Act was repealed by the <a href="#">Fire Protection and Prevention Act, 1997</a> , or (c) a worker who is employed by a band council and assigned to investigate the cause, origin and circumstances of a fire on a reserve;
Police officer (see Note 2)	a chief of police, any other police officer or a First Nations Constable, but does not include a person who is appointed as a police officer under the <a href="#">Interprovincial</a>

<sup>37</sup>Bill 163, as introduced, is available online at [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&BillID=3713&isCurrent=false&detailPage=bills\\_detail\\_the\\_bill](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=3713&isCurrent=false&detailPage=bills_detail_the_bill)

<sup>38</sup>The status of Bill 151 is available online at <https://www.ola.org/en/legislative-business/bills/parliament-41/session-2/bill-151/status-of-business>.

	<a href="#">Policing Act, 2009</a> , a special constable, a municipal law enforcement officer or an auxiliary member of a police force
Member of an emergency response team	a person who provides first aid or medical assistance in an emergency, either as a volunteer or for a nominal consideration, honorarium or training or activity allowance, and who is dispatched by a communications officer to provide the assistance, but does not include an emergency medical attendant, a firefighter, a paramedic or a police officer
Paramedic	has the same meaning as in subsection 1 (1) of the <a href="#">Ambulance Act</a> <i>a person employed by or a volunteer in an ambulance service who meets the qualifications for an emergency medical attendant as set out in the regulations, and who is authorized to perform one or more controlled medical acts under the authority of a base hospital medical director, but does not include a physician, nurse or other health care provider who attends on a call for an ambulance</i>
Emergency medical attendant	has the same meaning as in subsection 1 (1) of the <a href="#">Ambulance Act</a> <i>a person employed by or a volunteer in an ambulance service who meets the qualifications for an emergency medical attendant as set out in the regulations, but does not include a paramedic or a physician, nurse or other health care provider who attends on a call for an ambulance</i>
Ambulance service manager (see Note 3)	a worker employed in an ambulance service who manages or supervises one or more paramedics and whose duties include providing direct support to paramedics dispatched by a communications officer on a request for ambulance services
Worker in a correctional institution (See Note 4)	a correctional services officer, an operational manager, or a worker who is employed at a correctional institution to provide direct health care services by assessing, treating, monitoring, evaluating and administering medication to an inmate confined to a correctional institution
Worker in a place of secure custody or place of secure temporary detention (See Note 5)	a youth services worker, a youth services manager, or a worker who is employed at a place of secure custody or place of secure temporary detention to provide direct health care services by assessing, treating, monitoring, evaluating and administering medication to a young person in custody or detention at the place of secure custody or secure temporary detention
Worker involved in dispatch (See Note 3)	a communications officer, a worker whose duties include the dispatch of firefighters and police officers, or a worker who receives emergency calls that initiate the dispatch of ambulance services, firefighters and police officers

Notes:

1. The [Fire Protection and Prevention Act, 1997](#) defines “firefighter” as a fire chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter (which is defined as a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance) “band council” means a council of the band and “reserve” means a reserve – both as defined in subsection 2(1) of the [Indian Act \(Canada\)](#)
2. Definition to be amended on a day to be named by proclamation of the Lieutenant Governor.
3. “ambulance service” has the same meaning as in subsection 1(1) of the [Ambulance Act](#); “communications officer” means a communications officer for the purposes of the [Ambulance Act](#)
4. “correctional institution” means a correctional institution as defined in section 1 of the [Ministry of Correctional Services Act](#) or a similar institution operated for the custody of inmates; “correctional services officer” means a worker who is directly involved in the care, health, discipline, safety and custody of an inmate confined to a correctional institution, but does not include a bailiff, probation officer or parole officer; “operational manager” means a worker who directly supervises one or more correctional services officers;
5. “young person” has the same meaning as in subsection 2(1) of the [Child, Youth and Family Services Act, 2017](#); (“adolescent”); “youth services manager” means a worker who is employed in a management position at a



place of secure custody or secure temporary detention, and who directly supervises youth services workers, but does not include an administrator of a place of secure custody or secure temporary detention or a manager who only supervises educational, health-related or counselling services to young persons at the facility; “youth services worker” means a worker who is employed at a place of secure custody or secure temporary detention, and who directly supervises young persons who are in custody or detention at the place of secure custody or secure temporary detention, including supervising daily routines and programs, but does not include a worker who provides only educational, health-related or counselling services to young persons at the facility; “place of secure custody” and “place of secure temporary detention” have the same meaning as in subsection 2(1) of the [Child, Youth and Family Services Act, 2017](#)

Under Section 14(3) of the Act, the presumption applies to:

- workers employed as first responders or other designated workers for at least one day on or after April 6, 2014, and
- workers who have been diagnosed with PTSD by a psychiatrist<sup>39</sup> or psychologist<sup>40</sup> on or after April 6, 2014 and no later than 24 months after the day the worker ceased employment as a first responder if he/she ceased employment on or after April 6, 2016

Policy 15-03-13 outline the circumstances under which PTSD in first responders and other designated workers is presumed to be work-related (14). The policy sets out that the presumption is rebuttable (i.e., benefits are not payable if it is established that the employment was not a significant contributing factor in causing the first responder's PTSD) and lays out how the presumption applies to “transitional claims”. These include: pending claims for PTSD as of April 6, 2016; new claims for PTSD filed within 6 months of April 6, 2016; claims from first responders who ceased to be employed as a first responder between April 6, 2014 and April 6, 2016. The policy also clarifies that in certain circumstances (e.g., violence or threats of violence), first responders may be entitled to benefits for PTSD due to an employer's actions or decisions that are not part of the employment function.

#### **When is a claim for psychological injury not compensable under the presumption?**

- Policy 15-03-13 stipulates that a worker is not entitled to benefits if it is shown that the condition resulted from decisions or actions of the employer related to the nature of employment (e.g., change in working conditions, transfers, demotions, disciplinary action or termination).

#### **How are claims for psychological injury adjudicated if they are not covered by the presumption?**

- A worker will generally be entitled to benefits for traumatic mental stress if an appropriately diagnosed mental stress injury is caused by one or more traumatic events arising out of and in the course of the worker's employment. Policy 15-03-02 provides principles to aid in the adjudication of these claims (15).

#### **Links:**

[Workplace Safety and Insurance Act](#)

[Policy 15-03-13: Posttraumatic Stress Disorder in First Responders and Other Designated Workers](#)

[Policy 15-03-02: Traumatic Mental Stress](#)

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<sup>39</sup>As defined in subsection 1(1) of the [Mental Health Act](#) (i.e., a physician who holds a specialist's certificate in psychiatry issued by The Royal College of Physicians and Surgeons of Canada or equivalent qualification acceptable to the Minister).

<sup>40</sup>A member of the College of Psychologists of Ontario who holds a [certificate of registration](#) for a psychologist authorizing autonomous practice, or an individual who has a similar status in another province or territory of Canada. (The regulation governing registration is made pursuant to the [Psychology Act](#)).

## Manitoba

The Government of Manitoba introduced legislation<sup>41</sup> in June 2015 to amend the *Workers' Compensation Act* (the "Act") to provide presumptive coverage for PTSD for all workers covered by workers' compensation in Manitoba<sup>42</sup>. The bill received Royal Assent on June 30, 2015 and the changes came into force as of January 1, 2016.

### How is a compensable psychological injury defined?

Section 1(1) of the *Workers Compensation Act* (the "Act") defines "occupational disease" as a "disease arising out of and in the course of employment and resulting from causes and conditions ... (b.1) that trigger post-traumatic stress disorder;". Excluded under this definition is "stress, other than an acute reaction to a traumatic event" (16). Post-traumatic stress disorder is defined under the same section of the Act as "that condition is described in the Diagnostic and Statistical Manual of Mental Disorders" (which is, in turn, defined as the most recent edition of the manual).

### How is a claim for psychological injury adjudicated?

Section 4(5.8) of the Act provides that for workers diagnosed with PTSD, their condition will be presumed to be "an occupational disease the dominant cause of which is the employment, unless the contrary is proven". The presumption requires that workers be diagnosed with PTSD in accordance with the most recent edition of the DSM and that the diagnosis be made by a physician<sup>43</sup> or a psychologist<sup>44</sup>, as defined in Section 1(1). The presumption applies to workers diagnosed with PTSD on or after January 1, 2016.

Policy 44.05.30 sets out the principles guiding the adjudication of claims for psychological injuries, including how the presumption is applied (17). The principles governing the adjudication of claims for psychological injuries are the same as for claims for physical injuries. That is:

- the accident must have arisen out of and in the course of employment
- the worker has suffered an injury<sup>45</sup>, and
- the injury was caused by the accident

For claims involving PTSD, the policy notes that in the majority of cases, the event(s) triggering the condition will be "a chance event caused by a physical or natural cause, a wilful and intentional act by someone other than the worker, or a "traumatic event" as that term is used in the definition of occupational disease". The policy also sets out the following adjudicative principles:

- the WCB will consider whether there is an accident under any part of the definition
- if there is evidence that demonstrates on the balance of probabilities that the worker's employment is not the dominant cause<sup>46</sup> of the PTSD, the presumption will be rebutted.

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<sup>41</sup>Bill 35, as introduced, is available online at <https://web2.gov.mb.ca/bills/40-4/b035e.php>

<sup>42</sup>The percentage of the workforce covered in 2014 was 76.28%. (Source: [Association of Workers' Compensation Boards of Canada - Scope of Coverage](#))

<sup>43</sup>Defined as "a duly qualified medical practitioner who is lawfully and regularly engaged in the practice of his or her profession in any jurisdiction in Canada".

<sup>44</sup>Defined as "an individual registered as a psychologist under [The Psychologists Registration Act](#) or under equivalent legislation in another jurisdiction in Canada".

<sup>45</sup>The policy notes that for psychological injuries, other than PTSD, a specific diagnosis is not necessary in order for the injury to be compensable.

<sup>46</sup>[Policy 44.20](#) sets out guidelines for determining the dominant cause of an occupational disease: If the combined effect of the employment causes exceeds the combined effect of the non-employment causes, then the work will be deemed to be the dominant cause of the disease.

**When is a claim for psychological injury not compensable under the presumption or under policy?**

Policy 44.05.30 notes that employment related matters (such as disciplinary action, demotion, or transfer) are excluded from the definition of accident. The policy also identifies the following as non-compensable psychological injuries:

- injuries that occur as a result of burn-out or the daily pressures/stressors of work
- injuries that occur as a result of voluntary personal relationships or their breakdown

**Links:**

[Workers Compensation Act](#)

[Bill 35 - Workers Compensation Amendment Act](#)

[Policy 44.05.30: Adjudication of Psychological Injuries](#)

[Policy 44.20: Disease/General](#)

[Policies and Procedures Manual](#)

[Report on consultations: amending the Workers Compensation Act to provide presumptive coverage for PTSD](#)

## Saskatchewan

The Government of Saskatchewan introduced legislation<sup>47</sup> in October 2016 to amend the *Workers' Compensation Act* (the "Act") to provide presumptive coverage for PTSD for all workers covered by workers' compensation in Saskatchewan<sup>48</sup>. The bill received Royal Assent on November 30, 2016 and the changes came into effect on December 20, 2016.

### How is a compensable psychological injury defined?

Section 28.1(1) of the *Workers' Compensation Act* (the "Act") defines a psychological injury as "a psychological injury, including post-traumatic stress disorder, as described in the edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that is prescribed in the regulations" (2). The *Workers' Compensation Miscellaneous Regulations* specify that for the purposes of Section 28.1(1)(a) of the Act, the prescribed edition is the fifth edition (18).

### How is a claim for psychological injury adjudicated?

Section 28.1(2) of the Act states that for current and former workers diagnosed with a psychological injury, their condition will be presumed to be an injury arising out of and in the course of employment in response to an individual traumatic event or series of such events, unless the contrary is proven. A worker is defined in Section 28.1(1)(b) as a "person who works and is exposed to a traumatic event or is in an occupation that is prescribed in the regulations"<sup>49</sup>. The presumption requires that workers be diagnosed with a psychological injury in accordance with the edition of the DSM prescribed in the regulations and that the diagnosis be made by a psychiatrist<sup>50</sup> or a psychologist<sup>51</sup>.

Policy POL 02/2017 sets out the principles guiding the adjudication of claims for psychological injury (19). These principles include:

- the worker is, or the former worker was, exposed to a single or a series of traumatic event(s)<sup>52</sup>
- the event(s) arose out of and in the course of employment
- the event(s) caused the worker or former worker to suffer a psychological condition diagnosed in accordance with the DSM
- the condition is diagnosed by a psychologist or psychiatrist licensed to practice and make diagnoses

The presumption is rebutted if there is evidence demonstrating that the employment is not the predominant cause of the injury. If the evidence is evenly balanced between work and non-work causes, the presumption is not rebutted and the worker is entitled to benefits. Pre-existing psychological conditions do not exclude a worker from entitlement and the WCB will determine if the condition was

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<sup>47</sup>Bill 39 is available online at <http://www.publications.gov.sk.ca/freelaw/documents/english/FirstRead/2016/Bill-39.pdf>.

<sup>48</sup>The percentage of the workforce covered in 2013 was 73.33%. (Source: [Association of Workers Compensation Boards of Canada - Scope of Coverage](#)).

<sup>49</sup>Industries and occupations excluded from the Act are listed in Section 3 of *The Workers' Compensation Miscellaneous Regulations*.

<sup>50</sup>As defined in [The Mental Health Services Act](#).

<sup>51</sup>Defined as an individual who is a member of the [Saskatchewan College of Psychologists](#) and who holds a licence to practise issued pursuant to [The Psychologists Act, 1997](#); or an individual who is practising as a psychologist outside Saskatchewan and who is recognized as a psychologist by the licensing body of the jurisdiction in which the person practises.

<sup>52</sup>Defined by policy as including, but not limited to, direct exposure to actual or threatened death or serious injury; event(s) that are specific, sudden and generally accepted as being unusually shocking or horrific; workload or work-related incidents that are beyond what is generally accepted as the normal scope of maintaining employment).

aggravated or accelerated by a work-related injury<sup>53</sup>. The specific process followed in the adjudication of these claims is described in Procedure PRO 02/2017 (20).

**When is a claim for psychological injury not compensable under the presumption?**

- A claim is not compensable if the presumption is rebutted (i.e., if there is evidence demonstrating that the employment is not the predominant cause of the injury).
- Policy POL 02/2017 sets out that a worker will not be entitled to benefits if it is shown that the condition resulted from the daily pressures or stressors of work (i.e., those that are considered to be a normal part of employment). Normal employment expectations include, but are not limited to, changes in working conditions (e.g., transfers, restructuring, workload fluctuations), performance evaluations, disciplinary action, demotion, termination, or lay-offs.

**Links:**

[Workers' Compensation Act](#)

[The Workers' Compensation Miscellaneous Regulations](#)

[Bill 39: An Act to Amend the Workers' Compensation Act](#)

[Policy and Procedure Manual](#)

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<sup>53</sup>In this instance, the WCB will apply POL12/2017: Pre-Existing Conditions – Aggravation or Acceleration.

## Alberta

The Government of Alberta introduced legislation<sup>54</sup> in May 2012 to amend the *Workers' Compensation Act* (the "Act") to provide presumptive coverage for PTSD for first responders. The bill received Royal Assent on December 10, 2012 and the changes came into effect immediately. Between December 10, 2012 and April 1, 2018 inclusive, the presumption applied only to first responders and other designated workers as defined in the Act. The presumption has recently been expanded to include correctional officers and emergency dispatchers. This change became effective on April 1, 2018.

### How is a compensable psychological injury defined?

Section 24.2(1)(j) of the *Workers' Compensation Act* (the "Act") defines a psychological injury as "a psychological disorder or condition that meets the diagnostic criteria for a disease or condition that is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that is prescribed in the regulations"(21). PTSD is defined under Section 24.2(1)(i) to mean "Posttraumatic Stress Disorder as that condition is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association".

### How is a claim for psychological injury adjudicated?

Section 24.2(2) of the Act states that, for certain workers diagnosed with PTSD, their condition will be presumed to be an injury arising out of and occurred during the course of employment, unless the contrary is proven. The presumption covers first responders (who are defined in Section 24.2(1)(d) as firefighters<sup>55</sup>, paramedics<sup>56</sup>, peace officers<sup>57</sup>, police officers<sup>58</sup>, correctional officers<sup>59</sup>, emergency dispatchers<sup>60</sup> or any other class of worker prescribed by the regulations. The presumption requires that workers be diagnosed with a psychological injury in accordance with the edition of the DSM prescribed in the regulations and that the diagnosis be made by a physician<sup>61</sup> or a psychologist<sup>62</sup>. The presumption did not originally apply to correctional officers and emergency dispatchers.

Section 24.2(3) of the Act provides a rebuttable presumption for other workers who are or have been exposed to one or more traumatic events during the course of their employment and who are or have been diagnosed with a psychological injury by a physician or psychologist. Unless the contrary is proven, their psychological injuries shall be presumed to be an injury that arose out of and occurred during the course of employment. This presumption applies to accidents on or after April 1, 2018.

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<sup>54</sup>Bill 1 is available online at: [https://www.assembly.ab.ca/net/index.aspx?p=bills\\_status&selectbill=001&legl=28&session=1](https://www.assembly.ab.ca/net/index.aspx?p=bills_status&selectbill=001&legl=28&session=1).

<sup>55</sup>Defined under Section 24.1 of the [Workers' Compensation Act](#) as an employee, including an officer and a technician, employed by a municipality or Metis settlement and assigned exclusively to fire protection and fire prevention duties notwithstanding that those duties may include the performance of ambulance or rescue services.

<sup>56</sup>Defined to mean an individual who is a regulated member of the [Alberta College of Paramedics](#) under the [Health Professions Act](#) and who holds a practice permit issued under that Act

<sup>57</sup>Defined to mean an individual appointed as a peace officer under section 7 of the [Peace Officer Act](#) who is authorized by that appointment to use the title "Sheriff".

<sup>58</sup>Defined to mean an individual appointed as a police officer under section 5 or 36 of the [Police Act](#) or as a chief of police under section 36 of the [Police Act](#).

<sup>59</sup>Defined to mean a peace officer referred to in section 10 of the [Corrections Act](#)

<sup>60</sup>Defined as an emergency dispatcher for a first responder.

<sup>61</sup>Defined as an individual who is a regulated member of the [College of Physicians and Surgeons of Alberta](#) under the [Health Professions Act](#) authorized to use the title "physician" and who holds a practice permit that allows for unsupervised practice issued under that Act, or an individual who has a similar status under [similar legislation in Canada](#).

<sup>62</sup>Defined as an individual who is a regulated member of the [College of Alberta Psychologists](#) and who holds a practice permit issued under the Health Professions Act, or an individual who has a similar status under [similar legislation in Canada](#)

[Policy 03-01 Part II Application 6](#) sets out the principles guiding the adjudication of claims for psychological injury, including the two presumptions described above (22). These principles include:

- the worker is or was exposed to one or more traumatic event(s)<sup>63</sup>
- the event(s) arose out of and occurred in the course of employment<sup>64</sup>
- the event(s) caused the worker to suffer a psychological condition diagnosed in accordance with the DSM
- the condition is diagnosed by a licensed physician or psychologist

**When is a claim for psychological injury not compensable under the presumption?**

- Claims for mental stress are not compensable under the presumption but may be eligible for benefits under the policy.

**Links:**

[Workers' Compensation Act](#)

[Bill 1: Workers' compensation Amendment Act, 2012](#)

[Bill 1: Notice of Amendment](#)

[Policy 03-01 Part II Application 6: Psychiatric or Psychological Injury](#)

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<sup>63</sup>Defined in the policy as direct personal experience of an event or directly witnessing an event that, reasonably and objectively assess, is: sudden, frightening or shocking, having a specific time and place, and involving actual or threatened death or serious injury to oneself or others or threat to one's physical integrity (e.g., witnessing the death of a co-worker, providing first response to victims of severe physical trauma or fatalities).

<sup>64</sup>The WCB applies the "but for" test (i.e., that the work exposures were *necessary* for the accident and injury to occur – or, in other words, if not for the work exposures, the injury or disease would not have occurred). [Policy 02-01 Part II Application 7](#) sets out the adjudicative principles used to determine work-relatedness.

## British Columbia

The Government of British Columbia introduced legislation<sup>65</sup> on April 11, 2018 to amend the *Worker's Compensation Act* (the "Act") to provide presumptive coverage for PTSD for eligible occupations. As of April 17, 2018, the bill has passed [Third Reading](#). This change will come into force on the date of Royal Assent. These changes follow on [amendments](#) made in 2012 that set out the circumstances in which a worker is entitled to compensation for a mental disorder that did not result from an injury for which the worker is otherwise entitled to compensation.

### How is a compensable psychological injury defined under the presumption?

Once the changes come into effect, Section 5.1(1.1) of the *Workers' Compensation Act* (the "Act") will define a psychological injury as "a mental disorder that is recognized, in the most recent American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, at the time of the diagnosis of the mental disorder under subsection (1)(b) of this section, as a mental or physical condition that may arise from exposure to a traumatic event" (23).

### How is a claim for psychological injury adjudicated?

Once the changes come into effect, Section 5.1(1.1) of the Act will state that for eligible workers diagnosed with a recognized mental disorder, their condition will be presumed to be a reaction to traumatic event(s) arising out of and in the course of the worker's employment in that eligible occupation, unless the contrary is proved. Eligible occupations will be defined under Section 5.1(4) and will include: firefighters<sup>66</sup>, emergency medical assistants<sup>67</sup>, police officers<sup>68</sup>, correctional officers<sup>69</sup>, sheriffs<sup>70</sup> or any occupation prescribed by regulation of the Lieutenant Governor in Council. The presumption requires that workers be diagnosed with a mental disorder in accordance with the edition of the most recent DSM. The presumptive language does not explicitly require that the diagnosis be made by a psychiatrist<sup>71</sup> or a psychologist<sup>72</sup>, although under Section 5.1(2), the Board may require that a psychiatrist or a psychologist appointed by the Board review a diagnosis made for the purpose of the presumption and may consider that review in determining entitlement. Because the amendment to the Act has not yet received Royal Assent, consequential changes to policy and practice are forthcoming.

Claims by other workers who have experienced a reaction to one or more traumatic events arising out of and in the course of their employment and who have been diagnosed with a mental disorder by a physician or psychologist are adjudicated under the provisions of Section 5.1 of the Act. Policy Item C3-13.00 in [Chapter 3 of the Rehabilitation Services and Claims Manual](#) (RSCM) sets out the principles guiding the adjudication of these claims (24). These principles include:

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<sup>65</sup>Bill 9, as introduced, is available online at: <http://www.bclaws.ca/civix/document/id/bills/billscurrent/3rd41st:gov09-1>.

<sup>66</sup>Defined under Section 5.1(4) to mean a member of a fire brigade who is described in paragraph (c) of the definition of "worker" (Section 1 of the Act) or employed by the government of Canada and assigned primarily to fire suppression duties whether or not those duties include the performance of ambulance or rescue services.

<sup>67</sup>Defined to mean an emergency medical assistant as defined in section 1 of the [Emergency Health Services Act](#)

<sup>68</sup>Defined to mean an officer as defined in section 1 of the [Police Act](#)

<sup>69</sup>Defined to mean a correctional officer as defined by regulation of the Lieutenant Governor in Council.

<sup>70</sup>Defined as a person lawfully holding the office of sheriff or lawfully performing the duties of sheriff by way of delegation, substitution, temporary appointment or otherwise.

<sup>71</sup>Defined under Section 5.1(4) to mean 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.

<sup>72</sup>Defined under Section 5.1(4) to mean a person who is (a) a registrant of the college responsible for carrying out the objects of the [Health Professions Act](#) in respect of the health profession of psychology, or (b) entitled to practise as a psychologist under the laws of another province.



- the worker is or was exposed to one or more traumatic event(s)<sup>73</sup> or to one or more significant work-related stressors<sup>74</sup> (includes bullying or harassment)
- the event(s) arose out of and occurred in the course of employment<sup>75</sup>
- the event(s) caused the worker to suffer a mental or physical condition diagnosed in accordance with the most recent DSM
- the condition is diagnosed by a licensed physician or psychologist

Practice Directive #C3-3 provides additional guidance on adjudicating these claims (25).

**When is a claim for psychological injury not compensable?**

- Under Section 5.1(1)(c) of the *Act*, mental disorders caused by a decision of the worker's employer relating to the worker's employment are not compensable. Examples of such decisions include: a change in work or working conditions, disciplinary action, termination of employment, workload and deadlines, work evaluation and performance management, transfers, lay-offs, demotions, and reorganizations.

**Links:**

[Workers' Compensation Act](#)

[Bill 9 - Workers' Compensation Amendment Act, 2018](#)

[Rehabilitation Services and Claims Manual, Volume II, Chapter 3](#)

[Compensation Practice Directive: #C3-3 — Mental Disorder Claims](#)

[Discussion Paper - Bill 9: Mental Disorder Presumption](#)

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<sup>73</sup>Defined in the policy as an emotionally shocking event, which is generally unusual and distinct from the duties and interpersonal relations of a worker's employment. In most cases, the worker must have suffered or witnessed the traumatic event first hand. The reaction to the traumatic event or events is typically immediate and identifiable. In some situations, however, the reaction may be delayed. Practice Directive C-3 provides additional guidance on what is meant by a traumatic event.

<sup>74</sup>Under the policy, a work-related stressor is considered "significant" when it is excessive in intensity and/or duration from what is experienced in the normal pressures or tensions of a worker's employment.

<sup>75</sup>The Board is required to determine whether there is sufficient evidence of one or more traumatic events that are of causative significance in the mental disorder. Policy Item C3-14.00 in Chapter 3 of the RSCM sets out the adjudicative principles used to determine whether an injury arises out of and in the course of the worker's employment.

## Yukon

The Government of the Yukon introduced legislation<sup>76</sup> on October 4, 2017 to amend the *Workers' Compensation Act* (the "Act") to provide presumptive coverage for PTSD for emergency-response workers. The bill received Royal Assent on November 27, 2017 and the changes came into effect immediately.

### How is a compensable psychological injury defined?

Section 3(1) of the *Workers' Compensation Act* (the "Act") includes post-traumatic stress disorder in its definition of injury<sup>77</sup> (26). Section 17.3(1) defines "post-traumatic stress disorder" to mean "post-traumatic stress disorder as that condition is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association". Psychological injuries not covered by the presumption are defined in Policy EN-09 as "a diagnosis related to the mind and mental processes that has caused an individual to not function normally in his/her daily life and/or work" (27). The policy requires a diagnosis on the basis of the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

### How is a claim for psychological injury adjudicated?

Section 17 of the *Act* provides a rebuttable presumption that an injury is presumed to be work-related if it arises out of or in the course of a worker's employment. Section 17.3(2) states that for emergency response workers diagnosed with PTSD, their condition will be presumed to be a work-related injury unless the contrary is proven. Emergency response workers are defined in Section 17.3(1) as a firefighter<sup>78</sup>, paramedic<sup>79</sup>, or police officer<sup>80</sup>. The presumption requires that emergency response workers be diagnosed with PTSD in accordance with the most recent edition of the DSM and that the diagnosis be made by a psychiatrist<sup>81</sup> or a psychologist<sup>82</sup>. The presumption applies to diagnoses made at any time after the coming into force of the subsection.

The presumption does not apply to other workers diagnosed with a psychological injury after being exposed to one or more traumatic events. Policy EN-09 sets out the principles guiding the adjudication of these claims. These principles include:

- the condition must be an acute reaction<sup>83</sup> to a sudden and unexpected traumatic event (e.g.,

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<sup>76</sup>Bill 8, as introduced, is available online at [http://legassembly.gov.yk.ca/pdf/bill8\\_34.pdf](http://legassembly.gov.yk.ca/pdf/bill8_34.pdf)

<sup>77</sup>Psychological injury is also included under the definition of "occupational injury" in Section 1 of the [Occupational Health and Safety Act](#): "occupational injury" means an illness, disease, disablement or physical or psychological injury, arising out of and in the course of employment.

<sup>78</sup>Defined in Section 17.3(1) as "a worker who is a full-time firefighter, a part-time firefighter, or a volunteer firefighter, as defined in subsection 17.1(1)" Subsection 17.1(1) defines these terms as follows. "Full-time firefighter" means (a) a worker who is engaged in firefighting, fire inspection or fire investigation as a full-time member of a fire department or fire brigade, and (b) the fire marshal, and each deputy fire marshal, appointed under the [Fire Prevention Act](#). "Part-time firefighter" and "volunteer firefighter" mean a worker who is engaged in firefighting, fire inspection or fire investigation as, respectively (a) a part-time member of a fire department or fire brigade, or (b) a volunteer member of a fire department or fire brigade. "Wildland forest firefighter" means a worker who is engaged in fighting forest fires.

<sup>79</sup>Defined in Section 17.3(1) as "a worker who is trained to give emergency medical care to individuals who are seriously ill or severely injured with the aim of stabilizing them before transporting them to a medical facility".

<sup>80</sup>Defined in Section 17.3(1) as "a worker who is engaged in police work and is a member of a police force, and includes an auxiliary member of a police force referred to in paragraph 6(1)(e)".

<sup>81</sup>Defined in Section 17.3(1) as "a medical practitioner who holds a specialist's certificate in psychiatry issued by the [Royal College of Physicians and Surgeons of Canada](#)".

<sup>82</sup>Defined in Section 17.3(1) as "an individual who is licensed or registered to practice in a province as a psychologist".

<sup>83</sup>Defined as a significant or severe reaction.

witnessing a fatality or a horrific injury, being subjected to actual or threatened physical violence)

- there is objective and documented evidence that the event(s) arose out of and in the course of employment
- the event(s) must not be caused by a decision of the employer relating to the worker's employment
- the condition must be a negative physiological response described in 4<sup>th</sup> edition of the DSM
- the condition must be diagnosed by a clinical psychologist or psychiatrist

**When is a claim for psychological injury not compensable?**

- Policy EN-09 sets out that a worker will not be entitled to benefits for psychological disorders resulting from decisions or actions of the employer related to the nature of employment (includes but is not limited to: disciplinary action, termination, transfer, performance evaluation, allegations relating to harassment).

**Links:**

[Workers' Compensation Act](#)

[Bill 8: Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act \(2017\)](#)

[Summary of public consultation on PTSD presumption](#)

[Policy Manual](#)

[Policy EN-09: Adjudicating Psychological Disorders](#)

[Policy EN-01: Arising Out of and In the Course of Employment](#)

## Northwest Territories & Nunavut

The Workers' Safety and Compensation Commission (WSCC) of the Northwest Territories (NWT) and Nunavut does not provide presumptive coverage of post-traumatic stress disorder (PTSD) or other psychological conditions.

### How is a compensable psychological injury defined?

Neither psychological injury or PTSD are defined in the *Workers' Compensation Act* (the "Act") of either the NWT or Nunavut (28, 29). The WSCCs published policy defines psychiatric and psychological disorders, resulting from trauma, as having either an acute or chronic onset (30). Disorders resulting from an "acute reaction" include, but are not limited to, acute stress disorder, post-traumatic stress disorder, somatic symptom disorder, adjustment disorder, or an anxiety or depressive disorder. Under the policy, a diagnosis must be made according to the most current version of the *Diagnostic and Statistical Manual of Mental Disorders*, published by the American Psychiatric Association. The policy applies to all workers.

### How is a claim for psychological injury adjudicated?

Claims for PTSD and other disorders are adjudicated on their own merits, using the adjudicative principles set out in Policy 03.09: Psychiatric and Psychological Disorders. These principles include:

- The occurrence of one or more traumatic work-related incidents<sup>84</sup> (e.g., witnessing a fatality, witnessing or being the object of a horrific accident)
- The event(s) must arise out of and in the course of employment, and be supported by reasonable, objective and credible evidence
- The condition must be diagnosed in accordance with the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM),
- The condition must result from an acute reaction to a traumatic event or an acute reaction resulting from the cumulative effects of multiple work-related events
- The condition must be medically compatible with the circumstances of the incident

The policy does not explicitly require that the diagnosis be made by a psychologist or psychiatrist. Under the policy, "WSCC Claims Services staff may consult with the WSCC Medical Advisor, the worker's treating health care provider and any other necessary health care providers, to ensure that the reported work-related injury or disease is consistent with medical evidence and opinion. In the event that new relevant medical evidence is available, the injury or diagnosis must be compatible with the related incident or exposure."

### When is a claim for psychological injury not compensable?

- Section 12(b) of the *Act* excludes entitlement for mental stress arising out of labour relations between the worker and the employer, including mental stress caused by wrongful dismissal, unless the act or omission that caused the mental stress was made with intent to harm the worker
- Policy 03.09 clarifies that the circumstances giving rise to the claim cannot result from the usual pressures and tensions reasonably expected by the worker's occupation and duties (e.g., interpersonal relations and conflicts which do not constitute workplace harassment, mitigated health and safety concerns, union issues, routine labour relations actions taken by the employer

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<sup>84</sup>Defined in the policy as "an event generally recognized as being horrific, or having elements of actual or threatened violence or substantial harm to the worker or others".

including workload and deadlines, work evaluation, performance management (discipline), transfers, changes in job duties, lay-offs, demotions, terminations, and reorganizations, to which all workers may be subject from time to time)

- Under the policy, a worker is not entitled to compensation for a psychiatric or psychological disability that results from mental stress caused by a worker's relations with the WSCC during the entitlement, adjudication, or management of the worker's claim

**Links:**

[Workers' Compensation Act \(NWT\)](#)

[Workers' Compensation Act \(Nunavut\)](#)

[Policy Manual](#)

## Federal Government (Canada)

Compensation for federal workers is determined by the *Government Employees Compensation Act* (“GECA”). GECA provides compensation coverage to most federal government employees but does not cover members of the Canadian Armed Forces and regular members of the Royal Canadian Mounted Police (RCMP). Compensation coverage for members of the Canadian Armed Forces is provided under the *Canadian Forces Members and Veterans Re-establishment and Compensation Act* (the “Act”). Serving and retired, regular and civilian members of the RCMP receive compensation coverage through [Veterans Affairs Canada](#), which administers the disability pension and health benefit programs for a service-related injury or illness.

### How is a compensable psychological injury defined?

- **Federal workers covered by GECA:** Provincial workers’ compensation boards administer claims filed by workers covered by GECA, but as noted in some of the policy and practice documents reviewed for this scan, provincial legislation and policy is applicable only in so far as it is consistent with GECA. Therefore, provided that provincial presumptions do not conflict with the provisions of GECA, psychological injury claims for federal workers, except those in the Armed Forces or the RCMP, would be adjudicated using the principles described elsewhere in this report.
- **Members of the Canadian Armed Forces:** Neither the Act nor the regulations made pursuant to the Act explicitly define a psychological injury.
- **Regular members of the RCMP:** PTSD is included as a condition for which serving or retired members are eligible to receive disability benefits for. The definition provided on the Veterans Affairs Canada website is the same as in the 5<sup>th</sup> edition of the DSM.

### How is a claim for psychological injury adjudicated?

- **Federal workers covered by GECA:** Provincial workers’ compensation boards administer claims filed by workers covered by GECA, but as noted in some of the policy and practice documents reviewed for this scan, provincial legislation and policy is only applicable in so far as it is consistent with GECA. Therefore, provided that provincial presumptions do not conflict with the provisions of GECA, psychological injury claims for federal workers, except those in the Armed Forces or the RCMP, would be adjudicated using the principles described elsewhere in this report.
- **Members of the Canadian Armed Forces:** Section 44.1(1) of the Act provides that the Minister may pay on application a critical injury benefit to a member or veteran who establishes that they sustained one or more sustained one or more severe and traumatic injuries, or developed an acute disease, and that the injury or disease was service-related, and was the result of a sudden and single incident that occurred after March 31, 2006, and immediately caused a severe impairment and severe interference in their quality of life. Section 44.1(3) states that for the purposes of subsection (1), the Governor in Council may make regulations respecting the determination of what constitutes a sudden and single incident. Under Section 45(1), the Minister may pay a disability benefit to a member or a veteran who establishes that they are suffering from a disability resulting from a service-related injury or disease.
- **Regular members of the RCMP:** The Veterans Affairs Canada website states that to receive a disability benefit, a claimant must have a diagnosed medical condition or disability; and be able to show that the condition or disability is related to their service. In determining entitlement, Veterans Affairs considers causal and aggravating factors (i.e., the traumatic event(s) to which

the claimant has been exposed), the medical diagnosis, and common medical conditions that may result in whole or in part from PTSD and its treatment.

**When is a claim for psychological injury not compensable?**

- **Federal workers covered by GECA:** The same situations identified in the provincial summaries would be considered non-compensable.
- **Members of the Canadian Armed Forces:** Information was not available in the Act.
- **Regular members of the RCMP:** This information was not available on the website.

**Links:**

[Government Employees Compensation Act](#)

[Canadian Forces Members and Veterans Re-establishment and Compensation Act](#)

[Veterans Affairs Canada – PTSD Benefits \(Definition & Eligibility Requirements\)](#)

## **APPENDIX 2: PTSD AND PSYCHOLOGICAL INJURY PRESUMPTIONS**



Table 10: Statutory Provisions for PTSD Presumption, by Jurisdiction

Jurisdiction	Statutory Provision	Link to statute
BC	<p><b>Mental disorder</b></p> <p>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</p> <p>(a) either</p> <p>(i) is a reaction to one or more traumatic events arising out of and in the course of the worker's employment, or</p> <p>(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,</p> <p>(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</p> <p>(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.</p> <p>(1.1) If a worker who is or has been employed in an eligible occupation</p> <p>(a) is exposed to one or more traumatic events arising out of and in the course of the worker's employment in that eligible occupation, and</p> <p>(b) has a mental disorder that is recognized, in the most recent American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, at the time of the diagnosis of the mental disorder under subsection (1) (b) of this section, as a mental or physical condition that may arise from exposure to a traumatic event,</p> <p>the 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, unless the contrary is proved.</p> <p>(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.</p> <p>(3) Section 56 (1) applies to a psychiatrist or psychologist who makes a diagnosis referred to in this section.</p> <p>(4) In this section:</p> <p>"correctional officer" means a correctional officer as defined by regulation of the Lieutenant Governor in Council;</p> <p>"eligible occupation" means the occupation of correctional officer, emergency medical assistant, firefighter, police officer, sheriff or, without limitation, any other occupation prescribed by regulation of the Lieutenant Governor in Council;</p>	<p><a href="#">Workers Compensation Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p>"emergency medical assistant" means an emergency medical assistant as defined in section 1 of the <i>Emergency Health Services Act</i>;</p> <p>"firefighter" means a member of a fire brigade who is</p> <p>(a) described in paragraph (c) of the definition of "worker" or employed by the government of Canada, and</p> <p>(b) assigned primarily to fire suppression duties whether or not those duties include the performance of ambulance or rescue services;</p> <p>"police officer" means an officer as defined in section 1 of the <i>Police Act</i>;</p> <p>"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;</p> <p>"psychologist" means a person who is</p> <p>(a) a registrant of the college responsible for carrying out the objects of the <i>Health Professions Act</i> in respect of the health profession of psychology, or</p> <p>(b) entitled to practise as a psychologist under the laws of another province;</p> <p>"sheriff" means a person lawfully holding the office of sheriff or lawfully performing the duties of sheriff by way of delegation, substitution, temporary appointment or otherwise.</p>	
AB	<p><b>PTSD presumptions</b></p> <p>24.2(1) In this section,</p> <p>(a) "correctional officer" means a peace officer referred to in section 10 of the <i>Corrections Act</i>;</p> <p>(b) "emergency dispatcher" means an emergency dispatcher for a first responder;</p> <p>(c) "firefighter" means a full-time firefighter or part-time firefighter as defined in section 24.1;</p> <p>(d) "first responder" means a firefighter, paramedic, peace officer or police officer;</p> <p>(e) "paramedic" means an individual who is a regulated member of the Alberta College of Paramedics under the <i>Health Professions Act</i> and who holds a practice permit issued under that Act;</p> <p>(f) "peace officer" means an individual appointed as a peace officer under section 7 of the <i>Peace Officer Act</i> who is authorized by that appointment to use the title "Sheriff";</p> <p>(g) "physician" means an individual who is a regulated member of the College of Physicians and Surgeons of Alberta under the <i>Health Professions Act</i> authorized to use the title "physician" and who holds a practice permit that allows for unsupervised practice issued under that Act, or an individual who has a similar status under similar legislation in Canada;</p> <p>(h) "police officer" means an individual appointed as a police officer under section 5 or 36 of the <i>Police Act</i> or as a chief of police under section 36 of the <i>Police Act</i>;</p> <p>(i) "post-traumatic stress disorder" means Posttraumatic Stress Disorder as that condition is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;</p>	<p><a href="#">Workers' Compensation Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p>(j) “psychological injury” means any psychological disorder or condition that meets the diagnostic criteria for a disease or condition that is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;</p> <p>(k) “psychologist” means an individual who is a regulated member of the College of Alberta Psychologists and who holds a practice permit issued under the <i>Health Professions Act</i>, or an individual who has a similar status under similar legislation in Canada.</p> <p>(2) If a first responder, correctional officer, emergency dispatcher or any other class of worker prescribed by the regulations is or has been diagnosed with post-traumatic stress disorder by a physician or psychologist, the post-traumatic stress disorder shall be presumed, unless the contrary is proven, to be an injury that arose out of and occurred during the course of the worker’s employment.</p> <p>(3) If a worker</p> <p>(a) is or has been exposed to a traumatic event or events during the course of the worker’s employment, and</p> <p>(b) is or has been diagnosed with a psychological injury by a physician or psychologist, the psychological injury shall be presumed, unless the contrary is proven, to be an injury that arose out of and occurred during the course of the worker’s employment.</p> <p>(4) The Board shall</p> <p>(a) assist a worker who is diagnosed with a psychological injury in obtaining, or</p> <p>(b) provide to the worker treatment by culturally competent clinicians who are familiar with the research concerning treatment for psychological injuries.</p> <p>2012 c8 s2;2016 c9 s30;2017 c25 s17  <small>(NOTE: Section 24.2 applies with respect to accidents that occur on or after April 1, 2018. See SA 2017 c25 Sched. 2 s17(2).)</small></p>	
SK	<p><b>Presumption of psychological injury</b></p> <p>28.1(1) In this section:</p> <p>(a) “psychological injury” means a psychological injury, including post-traumatic stress disorder, as described in the edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that is prescribed in the regulations;</p> <p>(b) “worker” means a person who works and:</p> <p>(i) is exposed to a traumatic event; or</p> <p>(ii) is in an occupation that is prescribed in the regulations.</p> <p>(2) Unless the contrary is proven, if a worker or former worker is diagnosed with a psychological injury by a psychiatrist or psychologist, that injury is presumed to be an injury that arose out of and in the course of the worker’s employment.</p>	<p><a href="#">Workers' Compensation Act</a></p>
MB	<p><b>Presumption re post-traumatic stress disorder</b></p> <p>4(5.8) If a worker</p> <p>(a) is exposed to a traumatic event or events of a type specified in the <i>Diagnostic and Statistical Manual of Mental Disorders</i> as a trigger for post-traumatic stress disorder; and</p>	<p><a href="#">Workers' Compensation Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p>(b) is diagnosed with post-traumatic stress disorder by a physician or psychologist; the post-traumatic stress disorder must be presumed to be an occupational disease the dominant cause of which is the employment, unless the contrary is proven.</p> <p><b>Effective date of presumption re post-traumatic stress disorder</b>                      4(5.9) The presumption in subsection (5.8) applies to a worker who is diagnosed with post-traumatic stress disorder on or after the day that subsection comes into force.</p>	
ON	<p><b>Posttraumatic stress disorder, first responders and other workers</b></p> <p><b>Definitions</b>                      14 (1) In this section,                      “ambulance service” has the same meaning as in subsection 1 (1) of the <i>Ambulance Act</i>; (“service d’ambulance”)                      “ambulance service manager” means a worker employed in an ambulance service who manages or supervises one or more paramedics and whose duties include providing direct support to paramedics dispatched by a communications officer on a request for ambulance services; (“chef de service d’ambulance”)                      “band council” means a council of the band as defined in subsection 2 (1) of the <i>Indian Act</i> (Canada); (“conseil de bande”)                      “communications officer” means a communications officer for the purposes of the <i>Ambulance Act</i>; (“agent de répartition”)                      “correctional institution” means a correctional institution as defined in section 1 of the <i>Ministry of Correctional Services Act</i> or a similar institution operated for the custody of inmates; (“établissement correctionnel”)                      “correctional services officer” means a worker who is directly involved in the care, health, discipline, safety and custody of an inmate confined to a correctional institution, but does not include a bailiff, probation officer or parole officer; (“agent des services correctionnels”)                      “emergency medical attendant” has the same meaning as in subsection 1 (1) of the <i>Ambulance Act</i>; (“ambulancier”)                      “firefighter” means,                      (a) a firefighter as defined in subsection 1 (1) of the <i>Fire Protection and Prevention Act, 1997</i>, or                      (b) a worker who,                      (i) is employed by a band council and assigned to undertake fire protection services on a reserve, or                      (ii) provides fire protection services on a reserve, either as a volunteer or for a nominal consideration, honorarium, training or activity allowance; (“pompier”)</p>	<p><a href="#">Workplace Safety and Insurance Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p>“fire investigator” means,</p> <p>(a) a worker to whom the Fire Marshal appointed under subsection 8 (1) of the <i>Fire Protection and Prevention Act, 1997</i> has delegated the duty to investigate the cause, origin and circumstances of a fire,</p> <p>(b) a worker who was an inspector appointed under subsection 2 (4) of the <i>Fire Marshals Act</i> before that Act was repealed by the <i>Fire Protection and Prevention Act, 1997</i>, or</p> <p>(c) a worker who is employed by a band council and assigned to investigate the cause, origin and circumstances of a fire on a reserve; (“enquêteur sur les incendies”)</p> <p>“full-time firefighter” means a worker who is a firefighter, is regularly employed on a salaried basis and is scheduled to work an average of 35 hours or more per week; (“pompier à temps plein”)</p> <p>“member of an emergency response team” means a person who provides first aid or medical assistance in an emergency, either as a volunteer or for a nominal consideration, honorarium or training or activity allowance, and who is dispatched by a communications officer to provide the assistance, but does not include an emergency medical attendant, a firefighter, a paramedic or a police officer; (“membre d’une équipe d’intervention d’urgence”)</p> <p>“operational manager” means a worker who directly supervises one or more correctional services officers; (“chef des opérations”)</p> <p>“paramedic” has the same meaning as in subsection 1 (1) of the <i>Ambulance Act</i>; (“auxiliaire médical”)</p> <p>“part-time firefighter” means a worker who is a firefighter and is not a volunteer firefighter or full-time firefighter; (“pompier à temps partiel”)</p> <p>“place of secure custody” has the same meaning as in subsection 3 (1) of the <i>Child and Family Services Act</i>; (“lieu de garde en milieu fermé”)</p> <p style="padding-left: 40px;">Note: On April 30, 2018, the day named by proclamation of the Lieutenant Governor, the definition of “place of secure custody” in subsection 14 (1) of the Act is repealed and the following substituted: (See: 2017, c. 14, Sched. 4, s. 36)</p> <p>“place of secure custody” has the same meaning as in subsection 2 (1) of the <i>Child, Youth and Family Services Act, 2017</i>; (“lieu de garde en milieu fermé”)</p> <p>“place of secure temporary detention” has the same meaning as in subsection 3 (1) of the <i>Child and Family Services Act</i>; (“lieu de détention provisoire en milieu fermé”)</p> <p style="padding-left: 40px;">Note: On April 30, 2018, the day named by proclamation of the Lieutenant Governor, the definition of “place of secure temporary detention” in subsection 14 (1) of the Act is repealed and the following substituted: (See: 2017, c. 14, Sched. 4, s. 36)</p> <p>“place of secure temporary detention” has the same meaning as in subsection 2 (1) of the <i>Child, Youth and Family Services Act, 2017</i>; (“lieu de détention provisoire en milieu fermé”)</p>	

Jurisdiction	Statutory Provision	Link to statute
	<p>“police officer” means a chief of police, any other police officer or a First Nations Constable, but does not include a person who is appointed as a police officer under the <i>Interprovincial Policing Act, 2009</i>, a special constable, a municipal law enforcement officer or an auxiliary member of a police force; (“agent de police”)</p> <p>Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “police officer” in subsection 14 (1) of the Act is amended by striking out “First Nations Constable” and substituting “First Nation Officer” and by striking out “police force” at the end and substituting “police service”. (See: 2018, c. 3, Sched. 5, s. 68 (2))</p> <p>“posttraumatic stress disorder” means, subject to subsection (15), posttraumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), published by the American Psychiatric Association; (“état de stress post-traumatique”)</p> <p>“psychiatrist” has the same meaning as in subsection 1 (1) of the <i>Mental Health Act</i>; (“psychiatre”)</p> <p>“psychologist” means a member of the College of Psychologists of Ontario who holds a certificate of registration for a psychologist authorizing autonomous practice, or an individual who has a similar status in another province or territory of Canada; (“psychologue”)</p> <p>“reserve” means a reserve as defined in subsection 2 (1) of the <i>Indian Act (Canada)</i>; (“réserve”)</p> <p>“worker in a correctional institution” means a correctional services officer, an operational manager, or a worker who is employed at a correctional institution to provide direct health care services by assessing, treating, monitoring, evaluating and administering medication to an inmate confined to a correctional institution; (“travailleur d’un établissement correctionnel”)</p> <p>“worker in a place of secure custody or place of secure temporary detention” means a youth services worker, a youth services manager, or a worker who is employed at a place of secure custody or place of secure temporary detention to provide direct health care services by assessing, treating, monitoring, evaluating and administering medication to a young person in custody or detention at the place of secure custody or secure temporary detention; (“travailleur d’un lieu de garde en milieu fermé ou d’un lieu de détention provisoire en milieu fermé”)</p> <p>“worker involved in dispatch” means a communications officer, a worker whose duties include the dispatch of firefighters and police officers, or a worker who receives emergency calls that initiate the dispatch of ambulance services, firefighters and police officers; (“travailleur s’occupant de répartition”)</p> <p>“young person” has the same meaning as in subsection 3 (1) of the <i>Child and Family Services Act</i>; (“adolescent”)</p> <p>Note: On April 30, 2018, the day named by proclamation of the Lieutenant Governor, the definition of “young person” in subsection 14 (1) of the Act is repealed and the following substituted: (See: 2017, c. 14, Sched. 4, s. 36)</p>	

Jurisdiction	Statutory Provision	Link to statute
	<p>“young person” has the same meaning as in subsection 2 (1) of the <i>Child, Youth and Family Services Act, 2017</i>; (“adolescent”)</p> <p>“youth services manager” means a worker who is employed in a management position at a place of secure custody or secure temporary detention, and who directly supervises youth services workers, but does not include an administrator of a place of secure custody or secure temporary detention or a manager who only supervises educational, health-related or counselling services to young persons at the facility; (“chef des services aux jeunes”)</p> <p>“youth services worker” means a worker who is employed at a place of secure custody or secure temporary detention, and who directly supervises young persons who are in custody or detention at the place of secure custody or secure temporary detention, including supervising daily routines and programs, but does not include a worker who provides only educational, health-related or counselling services to young persons at the facility. (“travailleur des services aux jeunes”) 2016, c. 4, s. 2.</p> <p><b>Application</b></p> <p>(2) This section applies with respect to the following workers:</p> <ol style="list-style-type: none"> <li>1. Full-time firefighters.</li> <li>2. Part-time firefighters.</li> <li>3. Volunteer firefighters.</li> <li>4. Fire investigators.</li> <li>5. Police officers.</li> <li>6. Members of an emergency response team.</li> <li>7. Paramedics.</li> <li>8. Emergency medical attendants.</li> <li>9. Ambulance service managers.</li> <li>10. Workers in a correctional institution.</li> <li>11. Workers in a place of secure custody or place of secure temporary detention.</li> <li>12. Workers involved in dispatch. 2016, c. 4, s. 2.</li> </ol> <p><b>Entitlement to benefits</b></p> <p>(3) Subject to subsection (7), a worker is entitled to benefits under the insurance plan for posttraumatic stress disorder arising out of and in the course of the worker’s employment if,</p> <ol style="list-style-type: none"> <li>(a) the worker is a worker listed in subsection (2) or was a listed worker for at least one day on or after transition day;</li> <li>(b) the worker is or was diagnosed with posttraumatic stress disorder by a psychiatrist or psychologist; and</li> <li>(c) for a worker who,             <ol style="list-style-type: none"> <li>(i) is a listed worker at the time of filing a claim, the diagnosis is made on or after transition day,</li> </ol> </li> </ol>	

Jurisdiction	Statutory Provision	Link to statute
	<p>(ii) ceases to be a listed worker on or after the day on which section 2 of the Supporting Ontario’s First Responders Act (<i>Posttraumatic Stress Disorder</i>), 2016 comes into force, the diagnosis is made on or after transition day but no later than 24 months after the day on which the worker ceases to be a listed worker, or</p> <p>(iii) ceased to be a listed worker after transition day but before the day on which section 2 of the Supporting Ontario’s First Responders Act (<i>Posttraumatic Stress Disorder</i>), 2016 comes into force, the diagnosis is made on or after transition day but no later than 24 months after the day on which section 2 of the Supporting Ontario’s First Responders Act (<i>Posttraumatic Stress Disorder</i>), 2016 comes into force. 2016, c. 4, s. 2.</p> <p><b>Interpretation</b></p> <p>(4) In subsection (3), “transition day” means the day that is 24 months before the day on which section 2 of the Supporting Ontario’s First Responders Act (<i>Posttraumatic Stress Disorder</i>), 2016 comes into force. 2016, c. 4, s. 2.</p> <p><b>Same</b></p> <p>(5) The worker is entitled to benefits under the insurance plan as if the posttraumatic stress disorder were a personal injury. 2016, c. 4, s. 2.</p> <p><b>Presumption re: course of employment</b></p> <p>(6) For the purposes of subsection (3), the posttraumatic stress disorder is presumed to have arisen out of and in the course of the worker’s employment, unless the contrary is shown. 2016, c. 4, s. 2.</p> <p><b>No entitlement, employer’s decisions or actions</b></p> <p>(7) A worker is not entitled to benefits under the insurance plan for posttraumatic stress disorder if it is shown that the worker’s posttraumatic stress disorder was caused by decisions or actions 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. 2016, c. 4, s. 2; 2017, c. 8, Sched. 33, s. 2.</p> <p><b>s. 13 entitlement</b></p> <p>(8) Nothing in this section affects entitlement to benefits under section 13 for posttraumatic stress disorder that meets the requirements of that section. 2016, c. 4, s. 2.</p> <p><b>No refiling of claims</b></p> <p>(9) If a worker filed a claim in respect of posttraumatic stress disorder and the claim was denied by the Board or by the Appeals Tribunal, the worker may not refile the claim under this section. 2016, c. 4, s. 2.</p>	



<p><b>Time limits</b></p> <p>(10) The time limits in subsections 22 (1) and (2) do not apply in respect of a claim made under this section that is made with respect to posttraumatic stress disorder that was diagnosed before section 2 of the <i>Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016</i> comes into force. 2016, c. 4, s. 2.</p> <p><b>Same</b></p> <p>(11) A claim made under this section that is made with respect to posttraumatic stress disorder that was diagnosed before section 2 of the <i>Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016</i> comes into force must be filed within six months after the day on which section 2 of the <i>Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016</i> comes into force. 2016, c. 4, s. 2.</p> <p><b>Pending claim</b></p> <p>(12) If a worker listed in subsection (2) has filed a claim for entitlement for posttraumatic stress disorder and the claim is pending before the Board on the day section 2 of the <i>Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016</i> comes into force, the Board shall decide the claim in accordance with this section as though the requirement in clauses (3) (a) and (c) were satisfied. 2016, c. 4, s. 2.</p> <p><b>Same</b></p> <p>(13) For the purposes of subsection (12), a claim is pending on the day section 2 of the <i>Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016</i> comes into force if any of the following conditions are met:</p> <ol style="list-style-type: none"><li>1. The Board had not yet made a decision by that day.</li><li>2. There was, on that day, a right to file a notice of objection in respect of the claim under section 120 and a notice of objection is filed, on or after that day, in accordance with that section.</li><li>3. There was, on that day, a right of appeal in respect of the claim under section 125 and a notice of appeal is filed, on or after that day, in accordance with that section. 2016, c. 4, s. 2.</li></ol> <p><b>Pending appeal</b></p> <p>(14) If a worker listed in subsection (2) has filed a claim for entitlement for posttraumatic stress disorder and the claim is pending before the Appeals Tribunal on the day section 2 of the <i>Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016</i> comes into force, the Appeals Tribunal shall refer the claim back to the Board and the Board shall decide the claim in accordance with this section as though the requirement in clauses (3) (a) and (c) were satisfied. 2016, c. 4, s. 2.</p> <p><b>Transition, prior diagnosis</b></p> <p>(15) For the purposes of pending claims and appeals, and of new claims made under this section within six months after the day section 2 of the <i>Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016</i> comes into force, posttraumatic stress disorder includes posttraumatic stress disorder, as described in the</p>	
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Jurisdiction	Statutory Provision	Link to statute
	Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), published by the American Psychiatric Association. 2016, c. 4, s. 2.	
NB	<p><u>7.1(1)</u> The following definitions apply in this section.</p> <p>“emergency response worker” means a firefighter, a paramedic or a police officer.(intervenant d’urgence)</p> <p>“firefighter” means a firefighter as defined in the Firefighters’ Compensation Act. (pompier)</p> <p>“paramedic” means a person whose name is entered in the register kept pursuant to paragraph 10(1)(a) of An Act Respecting the Paramedic Association of New Brunswick.(travailleur paramédical)</p> <p>“police officer” means a police officer as defined in the Police Act.(agent de police)</p> <p>“post-traumatic stress disorder” means post-traumatic stress disorder as that condition is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.(état de stress post-traumatique)</p> <p>“psychiatrist” means a psychiatrist as defined in the Mental Health Act.(psychiatre)</p> <p>“psychologist” means an individual who is a member of the College of Psychologists of New Brunswick and holds a licence issued under The College of Psychologists Act or an individual who is practising as a psychologist outside New Brunswick who is recognized as a psychologist by the licensing body of the jurisdiction in which that person practises. (psychologue)</p> <p><u>7.1(2)</u> Subject to this section, if an emergency response worker is diagnosed with post-traumatic stress disorder by a psychiatrist or psychologist, it shall be presumed, unless the contrary is shown, that the post-traumatic stress disorder arose out of and in the course of the worker’s employment in response to a traumatic event or a series of traumatic events to which the worker was exposed in carrying out the worker’s duties as an emergency response worker.</p> <p><u>7.1(3)</u> A worker is entitled to be paid compensation under this Act if</p> <p>(a) the worker</p> <p>(i) is an emergency response worker or was an emergency response worker on or after the day this section comes into force, and</p> <p>(ii) is or was diagnosed with post-traumatic stress disorder by a psychiatrist or psychologist; and</p> <p>(b) for the worker who</p> <p>(i) is an emergency response worker at the time the worker claims compensation under this Act, the diagnosis of post-traumatic stress disorder was made by a psychiatrist or psychologist on or after the day this section comes into force, or</p> <p>(ii) ceases to be an emergency response worker on or after a day this section comes into force, the diagnosis of post-traumatic stress disorder was made by a psychiatrist or psychologist no later than 24 months after the day on which the worker ceases to be an emergency response worker.</p>	<p><a href="#">Workers' Compensation Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p>7.1(4) An emergency response worker who is entitled to benefits under this Act for post-traumatic stress disorder is entitled to receive treatment by a psychiatrist or psychologist who is familiar with the research concerning treatment for post-traumatic stress disorder.</p>	
NS	<p>12A(1) In this Section,</p> <ul style="list-style-type: none"> <li>(a) “front-line or emergency-response worker” means a continuing-care assistant, correctional officer, emergency-response dispatcher, firefighter, nurse, paramedic, police officer or person in an occupation prescribed by the regulations;</li> <li>(b) “post-traumatic stress disorder” means posttraumatic stress disorder as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;</li> <li>(c) “prescribed diagnostician” means a person prescribed by the regulations who may diagnose a worker with post-traumatic stress disorder for the purpose of this Section.</li> </ul> <p>(2) Subject to subsections (3) to (5), where a front-line or emergency- response worker is diagnosed with post-traumatic stress disorder by a prescribed diagnostician, the post-traumatic stress disorder is, unless the contrary is shown, presumed to have arisen out of and in the course of the worker’s employment in response to a traumatic event or a series of traumatic events to which the worker was exposed in carrying out the worker’s duties as a front-line or emergency-response worker.</p> <p>(3) The presumption created by subsection (2) applies on and after the date prescribed by the regulations, which date may be before, on or after the date on which subsection (2) comes into force.</p> <p>(4) The presumption created by subsection (2) applies if the worker is diagnosed</p> <ul style="list-style-type: none"> <li>(a) while the worker is employed as a front-line or emergency- response worker; or</li> <li>(b) within the period prescribed by the regulations following the worker ceasing to be employed as a front-line or emergency-response worker.</li> </ul> <p>(5) A worker is not entitled to benefits under this Act for post- traumatic stress disorder if it is shown that the worker’s post-traumatic stressdisorder was caused by a decision or action of the worker’s employer relating to the worker’s employment, including a decision to</p> <ul style="list-style-type: none"> <li>(a) change the work to be performed or the working conditions;</li> <li>(b) discipline the worker; or</li> <li>(c) terminate the worker’s employment.</li> </ul> <p>(6) Subject to the regulations, the Board shall assist a front-line or emergency-response worker who is entitled to benefits for post-traumatic stress disorder under this Act in obtaining treatment from a culturally competent clinician who is familiar with the research concerning treatment for post-traumatic stress disorder.</p> <p>(7) Where a worker has filed a claim in respect of post-traumatic stress disorder before the coming into force of this Section and the claim has been denied, the worker may re-file the claim under this Section unless prohibited from doing so by the regulations.</p>	<p><a href="#">Workers Compensation Amendment Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p>(8) The Governor in Council may make regulations</p> <ul style="list-style-type: none"> <li>(a) prescribing occupations for the purpose of the definition of front-line or emergency-response worker;</li> <li>(b) prescribing persons as prescribed diagnosticians;</li> <li>(c) prescribing the date on and after which the presumption created by subsection (2) applies, which prescribed date may be before, on or after the date on which subsection (2) comes into force;</li> <li>(d) prescribing the period following the worker ceasing to be employed as a front-line or emergency-response worker within which a diagnosis of post-traumatic stress disorder must be made for the presumption created by subsection (2) to apply;</li> <li>(e) respecting the obligation of the Board to assist a front-line or emergency-response worker under subsection (6);</li> <li>(f) respecting the circumstances in which a worker is prohibited from re-filing a claim under subsection (7);</li> <li>(g) defining “continuing-care assistant”, “correctional officer”, “emergency-response dispatcher”, “firefighter”, “nurse”, “paramedic”, “police officer” and any other word or expression used but not defined in this Section;</li> <li>(h) respecting any matter the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Section.</li> </ul> <p>(9) The exercise by the Governor in Council of the authority contained in subsection (8) is regulations within the meaning of the <i>Regulations Act</i>.</p>	
PEI	<p><b>Presumption, trauma-and stressor-related disorders</b></p> <p>6(4.1) Subject to subsection (4.2), it shall be presumed that personal injury by accident arising out of and in the course of employment has been caused to a worker, unless the contrary is shown, where the worker is</p> <ul style="list-style-type: none"> <li>(a) exposed in the course of employment to a traumatic event or events of a type specified in the DSM as a trigger for trauma-and stressor-related disorders, including post-traumatic stress disorder; and</li> <li>(b) diagnosed with trauma-and stressor-related disorders, including post-traumatic stress disorder, in accordance with the DSM by a psychiatrist or psychologist.</li> </ul> <p><b>Application</b></p> <p>(4.2) Subsection (4.1) applies to a worker who is diagnosed with trauma-and stressor-related disorders, including post-traumatic stress disorder, on or after the date that subsection comes into force.</p> <p><b>Acute reaction to a traumatic event</b></p> <p>(4.3) For greater certainty, trauma-and stressor-related disorders, including post-traumatic stress disorder, are considered an acute reaction to a traumatic event for the purpose of subsection 1(1.1).</p>	<p><a href="#">Workers Compensation Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p><b>Definitions</b></p> <p>(4.4) In this section,</p> <p>(a) “DSM” means the edition specified in the regulations of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;</p> <p>(b) “post-traumatic stress disorder” means post-traumatic stress disorder as that condition is described in the DSM;</p> <p>(c) “psychiatrist” means a person authorized by law to practise psychiatry in the province or in another jurisdiction in Canada;</p> <p>(d) “psychologist” means a person authorized by law to practise as a psychologist in the province or in another jurisdiction in Canada.</p>	
YK	<p>17.1(1) In this section</p> <p>“firefighter” means a worker who is a full-time firefighter or is included in this definition by another provision of this Act, but does not include a worker who exclusively fights forest fires; « pompier »</p> <p>“full-time firefighter” means</p> <p>(a) a worker who is engaged in firefighting, fire inspection or fire investigation as a full-time member of a fire department or fire brigade, and</p> <p>(b) the fire marshal, and each deputy fire marshal, appointed under the Fire Prevention Act; « pompier à temps plein »</p> <p>“part-time firefighter” and “volunteer firefighter” mean a worker who is engaged in firefighting, fire inspection or fire investigation as, respectively</p> <p>(a) a part-time member of a fire department or fire brigade, or</p> <p>(b) a volunteer member of a fire department or fire brigade; « pompier à temps partiel »</p> <p>“wildland forest firefighter” means a worker who is engaged in fighting forest fires. « <i>pompier forestier</i> »</p> <p><b>Presumption respecting post-traumatic stress disorder for emergency response workers</b></p> <p>17.3(1) In this section</p> <p>“emergency response worker” means a firefighter, a paramedic, or a police officer;</p> <p>“firefighter” means a worker who is a full-time firefighter, a part-time firefighter, or a volunteer firefighter, as defined in subsection 17.1(1);</p> <p>“paramedic” means a worker who is trained to give emergency medical care to individuals who are seriously ill or severely injured with the aim of stabilizing them before transporting them to a medical facility;</p> <p>“police officer” means a worker who is engaged in police work and is a member of a police force, and includes an auxiliary member of a police force referred to in paragraph 6(1)(e);</p>	<p><a href="#">Workers' Compensation Act</a></p>

Jurisdiction	Statutory Provision	Link to statute
	<p>“post -traumatic stress disorder” means post - traumatic stress disorder as that condition is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;</p> <p>“psychiatrist” means a medical practitioner who holds a specialist’s certificate in psychiatry issued by the Royal College of Physicians and Surgeons of Canada;</p> <p>“psychologist” means an individual who is licensed or registered to practice in a province as a psychologist.</p> <p>(2) If, at any time after the coming into force of this subsection, a person who is or has been an emergency response worker is diagnosed with post- traumatic stress disorder by a psychologist or a psychiatrist, the post - traumatic stress disorder is presumed to be a work - related injury unless the contrary is shown.</p>	

**APPENDIX 3: COMPARATIVE TABLES OF DEFINED TERMS**

Table 11: Interjurisdictional comparison of how "psychologist" is defined in the Act

BC	AB	SK	MB	ON	NB	PEI	YK
a person who is (a) a registrant of the college responsible for carrying out the objects of the <i>Health Professions Act</i> in respect of the health profession of psychology, or (b) entitled to practise as a psychologist under the laws of another province	an individual who is a regulated member of the College of Alberta Psychologists and who holds a practice permit issued under the <i>Health Professions Act</i> , or an individual who has a similar status under similar legislation in Canada	(i) an individual who is a member of the Saskatchewan College of Psychologists and who holds a licence to practise issued pursuant to <i>The Psychologists Act, 1997</i> ; or (ii) an individual who is practising as a psychologist outside Saskatchewan and who is recognized as a psychologist by the licensing body of the jurisdiction in which the person practises;	an individual registered as a psychologist under <i>The Psychologists Registration Act</i> or under equivalent legislation in another jurisdiction in Canada	a member of the College of Psychologists of Ontario who holds a certificate of registration for a psychologist authorizing autonomous practice, or an individual who has a similar status in another province or territory of Canada	an individual who is a member of the College of Psychologists of New Brunswick and holds a licence issued under <i>The College of Psychologists Act</i> or an individual who is practising as a psychologist outside New Brunswick who is recognized as a psychologist by the licensing body of the jurisdiction in which that person practises	a person authorized by law to practise as a psychologist in the province or in another jurisdiction in Canada	an individual who is licensed or registered to practice in a province as a psychologist

Table 12: Interjurisdictional comparison of how "psychiatrist" is defined in the Act

BC	SK	ON	NB	PEI	YK
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	a psychiatrist as defined in <i>The Mental Health Services Act</i>	has the same meaning as in subsection 1 (1) of the <i>Mental Health Act</i>	psychiatrist as defined in the <i>Mental Health Act</i>	a person authorized by law to practise psychiatry in the province or in another jurisdiction in Canada	a medical practitioner who holds a specialist's certificate in psychiatry issued by the Royal College of Physicians and Surgeons of Canada



Table 13: Interjurisdictional comparison of how "physician" is defined in the Act

AB	MB
an individual who is a regulated member of the College of Physicians and Surgeons of Alberta under the <i>Health Professions Act</i> authorized to use the title "physician" and who holds a practice permit that allows for unsupervised practice issued under that Act, or an individual who has a similar status under similar legislation in Canada	a duly qualified medical practitioner who is lawfully and regularly engaged in the practice of his or her profession in any jurisdiction in Canada

Table 14: Interjurisdictional comparison of how "emergency worker" & "first responder" are defined in the Act

BC	AB	ON	NB	NS	YK
	"first responder" means a firefighter, paramedic, peace officer or police officer	Member of an emergency response team: a person who provides first aid or medical assistance in an emergency, either as a volunteer or for a nominal consideration, honorarium or training or activity allowance, and who is dispatched by a communications officer to provide the assistance, but does not include an emergency medical attendant, a firefighter, a paramedic or a police officer;	"emergency response worker" means a firefighter, a paramedic or a police officer	"front-line or emergency-response worker" means a continuing-care assistant, correctional officer, emergency-response dispatcher, firefighter, nurse, paramedic, police officer or person in an occupation prescribed by the regulations;	"emergency response worker" means a firefighter, a paramedic, or a police officer

Table 15: Interjurisdictional comparison of how "firefighter" is defined in the Act

<b>Firefighter</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
a member of a fire brigade who is (a) described in paragraph (c) of the definition of "worker" or employed by the government of Canada, and (b) assigned primarily to fire suppression duties whether or not those duties include the performance of ambulance or rescue services;	a full-time firefighter or part-time firefighter as defined in section 24.1	(a) a firefighter as defined in subsection 1 (1) of the <i>Fire Protection and Prevention Act, 1997</i> , or (b) a worker who, (i) is employed by a band council and assigned to undertake fire protection services on a reserve, or (ii) provides fire protection services on a reserve, either as a volunteer or for a nominal consideration, honorarium, training or activity allowance;	a firefighter as defined in the <i>Firefighters' Compensation Act</i>	not defined in the Act	a worker who is a full-time firefighter or is included in this definition by another provision of this Act, but does not include a worker who exclusively fights forest fires  means a worker who is a full-time firefighter, a part-time firefighter, or a volunteer firefighter, as defined in subsection 17.1(1)
<b>Full-time firefighter</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
		a worker who is a firefighter, is regularly employed on a salaried basis and is scheduled to work an average of 35 hours or more per week			(a) a worker who is engaged in firefighting, fire inspection or fire investigation as a full-time member of a fire department or fire brigade, and (b) the fire marshal, and each deputy fire marshal, appointed under the <i>Fire Prevention Act</i> ;

Table 15: Interjurisdictional comparison of how "firefighter" is defined in the Act (continued)

Part-time Firefighter					
BC	AB	ON	NB	NS	YK
		a worker who is a firefighter and is not a volunteer firefighter or full-time firefighter			a worker who is engaged in firefighting, fire inspection or fire investigation as a part-time member of a fire department or fire brigade
Volunteer firefighter					
BC	AB	ON	NB	NS	YK
					a worker who is engaged in firefighting, fire inspection or fire investigation as a volunteer member of a fire department or fire brigade;
Fire investigator					
BC	AB	ON	NB	NS	YK
		(a) a worker to whom the Fire Marshal appointed under subsection 8 (1) of the <i>Fire Protection and Prevention Act, 1997</i> has delegated the duty to investigate the cause, origin and circumstances of a fire, (b) a worker who was an inspector appointed under subsection 2 (4) of the <i>Fire Marshals Act</i> before that Act was repealed by the <i>Fire Protection and Prevention Act, 1997</i> , or (c) a worker who is employed by a band council and assigned to investigate the cause, origin and circumstances of a fire on a reserve;			

Table 16: Interjurisdictional comparison of how “police officer” is defined in the Act

<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
an officer as defined in section 1 of the <i>Police Act</i>	an individual appointed as a police officer under section 5 or 36 of the <i>Police Act</i> or as a chief of police under section 36 of the <i>Police Act</i>	a chief of police, any other police officer or a First Nations Constable, but does not include a person who is appointed as a police officer under the <i>Interprovincial Policing Act, 2009</i> , a special constable, a municipal law enforcement officer or an auxiliary member of a police force;	a police officer as defined in the <i>Police Act</i>	not defined in the <i>Act</i>	a worker who is engaged in police work and is a member of a police force, and includes an auxiliary member of a police force referred to in paragraph 6(1)(e)

Table 17: Interjurisdictional comparison of how "paramedic" & equivalent occupations are defined in the Act

<b>Paramedic</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
	an individual who is a regulated member of the Alberta College of Paramedics under the <i>Health Professions Act</i> and who holds a practice permit issued under that Act	has the same meaning as in subsection 1 (1) of the <i>Ambulance Act</i>	a person whose name is entered in the register kept pursuant to paragraph 10(1)(a) of <i>An Act Respecting the Paramedic Association of New Brunswick</i> .	not defined in the Act	means a worker who is trained to give emergency medical care to individuals who are seriously ill or severely injured with the aim of stabilizing them before transporting them to a medical facility
<b>Emergency medical assistant</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
emergency medical assistant as defined in section 1 of the <i>Emergency Health Services Act</i> ;					
<b>Emergency medical attendant</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
		has the same meaning as in subsection 1 (1) of the <i>Ambulance Act</i> ;			
<b>Ambulance service manager</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
		a worker employed in an ambulance service who manages or supervises one or more paramedics and whose duties include providing direct support to paramedics dispatched by a communications officer on a request for ambulance services;			

Table 18: Interjurisdictional comparison of how “correctional officers” & “peace officers” are defined in the Act

<b>Worker in a correctional institution (e.g., correctional officers)</b>					
<b>BC</b>	<b>AB</b>	<b>ON<sup>85</sup></b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
a correctional officer as defined by regulation of the Lieutenant Governor in Council	a peace officer referred to in section 10 of the <i>Corrections Act</i>	<p>“correctional services officer” means a worker who is directly involved in the care, health, discipline, safety and custody of an inmate confined to a correctional institution, but does not include a bailiff, probation officer or parole officer</p> <p>“worker in a correctional institution” means a correctional services officer, an operational manager, or a worker who is employed at a correctional institution to provide direct health care services by assessing, treating, monitoring, evaluating and administering medication to an inmate confined to a correctional institution</p>		not defined in the Act	

<sup>85</sup>Bill 151 repeals the definition of “correctional services officer” and replaces it with the following: “correctional services officer” means a worker who is directly involved in the care, health, discipline, safety and custody of an inmate confined to a correctional institution, and includes a bailiff, probation officer or parole officer;

Table 15 (continued): Interjurisdictional comparison of how "correctional officers" and "peace officers" are defined in the Act

<b>Worker in a place of secure custody or secure temporary detention.</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
		<p>"worker in a place of secure custody or place of secure temporary detention" means a youth services worker, a youth services manager, or a worker who is employed at a place of secure custody or place of secure temporary detention to provide direct health care services by assessing, treating, monitoring, evaluating and administering medication to a young person in custody or detention at the place of secure custody or secure temporary detention</p> <p>"youth services manager" means a worker who is employed in a management position at a place of secure custody or secure temporary detention, and who directly supervises youth services workers, but does not include an administrator of a place of secure custody or secure temporary detention or a manager who only supervises educational, health-related or counselling services to young persons at the facility;</p>			

		<p>“youth services worker” means a worker who is employed at a place of secure custody or secure temporary detention, and who directly supervises young persons who are in custody or detention at the place of secure custody or secure temporary detention, including supervising daily routines and programs, but does not include a worker who provides only educational, health-related or counselling services to young persons at the facility.</p>			
<b>Peace officer (e.g., Sheriff)</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
a person lawfully holding the office of sheriff or lawfully performing the duties of sheriff by way of delegation, substitution, temporary appointment or otherwise.	an individual appointed as a peace officer under section 7 of the <i>Peace Officer Act</i> who is authorized by that appointment to use the title “Sheriff”				



Table 19: Interjurisdictional comparison of how other eligible occupational are defined in the Act

<b>Worker involved in emergency dispatch</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
	an emergency dispatcher for a first responder	<p>“communications officer” a communications officer for the purposes of the <i>Ambulance Act</i>;</p> <p>“worker involved in dispatch” means a communications officer, a worker whose duties include the dispatch of firefighters and police officers, or a worker who receives emergency calls that initiate the dispatch of ambulance services, firefighters and police officers;</p>		not defined in the <i>Act</i>	
<b>Nurse</b>					
<b>BC</b>	<b>AB</b>	<b>ON<sup>86</sup></b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
		means a member of the College of Nurses of Ontario		not defined in the <i>Act</i>	
<b>Continuing care assistant</b>					
<b>BC</b>	<b>AB</b>	<b>ON</b>	<b>NB</b>	<b>NS</b>	<b>YK</b>
				not defined in the <i>Act</i>	

<sup>86</sup>Defined in Bill 151.

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**APPENDIX 5: KEY INFORMANTS CONSULTED**

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