



The British Columbia Police Association is seeking amendments to Section 5.1 of the Workers Compensation ACT, that will better allow for treatment and fair and reasonable adjudication of claims for mental stress.

Background Analysis

Currently:

- Section 5.1 of the ACT provides that workers are entitled to compensation for mental stress that is the result of a "single, sudden and unexpected event".
- Police are at significantly greater risk of exposure to events leading to mental stress than in the working population generally.
- The very nature of the work of a police officer predisposes him or her to mental stress and the development of a chronic psychological injury comparatively to that of the general population.
- There are a significant number of claims for mental stress by police and other emergency workers that are denied by WorkSafe B.C.
- The length of the appeal process significantly exacerbates the worker's stress disorder and arguably compromises the effectiveness of treatment.
- WSBC equivalents in other jurisdictions, e.g. Ontario (Workplace Safety & Insurance Act), RCMP and Armed Forces, recognize and accept the cumulative effect of stress as a causative factor in the development of a variety of psychological injuries, including Post Traumatic Stress Disorder.

An Alternative Approach:

- Amend the claim criterion in Section 5.1 of the ACT, which essentially disallows emergency personnel from making any work-related injury claim for mental stress.
- Include mental stress as a "disease" in Schedule B of the ACT to address the 2002 amendment which limits compensation for psychological injuries to very restricted situations where the "single" event which causes the injury was "sudden," and "unexpected". (Police officers can be denied compensation for psychological injury because of a view that the traumatic events they experience in their line of work are not "unexpected").
- Recognize mental stress can occur as a result of accumulation of events. (Medical experts have expressly stated that cumulative psychological injury is just as common, if not more so, than injuries caused by a single event).

Costs vs. Benefits:

- The legal and health costs associated with lengthy appeals would be eliminated with Presumptive Coverage.
- Acknowledgment of the illness will lead to appropriate care being initiated sooner, healing beginning more quickly, and will result in a shorter period of time off work.
- Acknowledgment and validation of the illness coupled with earlier medical intervention will likely prevent deteriorating and long term health issues, and possibly prevent suicide and the costs associated with death benefits.
- There is a culture among police personnel that makes it difficult for them to ask for the help they need when suffering from mental stress. Presumptive coverage will foster a shift in the culture of the police, validating the illness and those who suffer from it, allowing for personnel to seek help more readily, thus improving the chances of quick healing and an earlier return to work.

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