



BILL NO. 7

Government Bill

*1st Session, 63rd General Assembly
Nova Scotia
66 Elizabeth II, 2017*

An Act to Amend Chapter 10 of the Acts of 1994-95, the Workers' Compensation Act

CHAPTER 16
ACTS OF 2017

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
OCTOBER 26, 2017**

The Honourable Labi Kousoulis
Minister responsible for Part I of the Workers' Compensation Act

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 10
of the Acts of 1994-95,
the Workers' Compensation Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act*, is amended by striking out "pneumoconiosis" in the last line of clause (v) and in the first line of clause (x) and substituting in each case "pneumoconiosis".

2 Clause 6(1)(c) of Chapter 10 is amended by striking out "*College*" in the second line and substituting "*Colleges*".

3 Chapter 10 is further amended by adding immediately after Section 12 the following Section:

12A (1) In this Section,

(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;

(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;

(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.

(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.

(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.

(4) The presumption created by subsection (2) applies if the worker is diagnosed

(a) while the worker is employed as a front-line or emergency-response worker; or

(b) within the period prescribed by the regulations following the worker ceasing to be employed as a front-line or emergency-response worker.

(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 stress disorder was caused by a decision or action of the worker's employer relating to the worker's employment, including a decision to

- (a) change the work to be performed or the working conditions;
- (b) discipline the worker; or
- (c) terminate the worker's employment.

(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.

(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.

(8) The Governor in Council may make regulations

- (a) prescribing occupations for the purpose of the definition of front-line or emergency-response worker;
- (b) prescribing persons as prescribed diagnosticians;
- (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;
- (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;
- (e) respecting the obligation of the Board to assist a front-line or emergency-response worker under subsection (6);
- (f) respecting the circumstances in which a worker is prohibited from re-filing a claim under subsection (7);
- (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;
- (h) respecting any matter the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Section.

(9) The exercise by the Governor in Council of the authority contained in subsection (8) is regulations within the meaning of the *Regulations Act*.

4 Clause 13(1)(a) of Chapter 10 is amended by striking out “pneumoconiosis” in the second and third lines and substituting “pneumoconiosis”.

5 (1) Clause 14(1)(b) of Chapter 10 is amended by striking out “pneumoconiosis” in the third line and substituting “pneumoconiosis”.

(2) Subsection 14(4) of Chapter 10 is amended by striking out “pneumonocosis” in the fifth line and substituting “pneumoconiosis”.

6 (1) Section 83 of Chapter 10 is amended by adding immediately after subsection (2) the following subsection:

(2A) In the case of post-traumatic stress disorder as defined in Section 12A, the Board shall not pay compensation except where

(a) the worker has given the employer notice of the injury as soon as practicable after the worker is diagnosed with post-traumatic stress disorder; and

(b) the worker’s claim for compensation is made within the period prescribed by the regulations after the worker is diagnosed with post-traumatic stress disorder in accordance with Section 12A and the regulations made under that Section.

(2) Section 83 of Chapter 10 is further amended by adding immediately after subsection (4) the following subsection:

(4A) The notice required pursuant to clause (2A)(a) shall contain the particulars set out in subsection (3) and is to be given to the employer who last employed the worker in the employment causing the post-traumatic stress disorder.

(3) Subsection 83(6) of Chapter 10 is amended by

(a) striking out “or” at the end of clause (a);

(b) striking out the comma at the end of clause (b) and substituting “; or”; and

(c) adding immediately after clause (b) the following clause:

(c) the date when the worker is diagnosed with post-traumatic stress disorder,

(4) Section 83 of Chapter 10 is further amended by adding immediately after subsection (6) the following subsections:

(7) The Governor in Council may make regulations prescribing the period for the purpose of clause (2A)(b).

(8) A regulation made under subsection (7) may be of general application or may apply in respect of a worker on the basis of when the worker is diagnosed with post-traumatic stress disorder in accordance with Section 12A and the regulations made under that Section, and there may be different regulations in respect of workers diagnosed at different times.

(9) The exercise by the Governor in Council of the authority contained in subsection (7) is regulations within the meaning of the *Regulations Act*.

7 Clause 89(1)(b) of Chapter 10 is amended by striking out “sub-class” in the first line and substituting “subclass”.

8 Subsection 124(4) of Chapter 10 is amended by striking out “ratably” in the second line and substituting “rateably”.

9 Clause 143(4)(b) of Chapter 10 is amended by striking out “set off” in the second line and substituting “set-off”.

10 Subsection 160(1) of Chapter 10, as amended by Chapter 1 of the Acts of 1999, is further amended by striking out “April 1st” in the third line and substituting “June 30th”.

11 The heading immediately before Section 185 is repealed and “DECISION-MAKING” substituted.

12 This Act comes into force one year after the day on which it receives Royal Assent.
