



BILL NO. 332

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
2 Charles III, 2023*

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

CHAPTER 23
ACTS OF 2023

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 9, 2023**

The Honourable Jill Balser
Minister of Labour, Skills and Immigration

*Halifax, Nova Scotia
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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 1994-94, *the Workers' Compensation Act*, as amended by Chapter 16 of the Acts of 2017 and Chapter 40 of the Acts of 2019, is further amended by

- (a) striking out the comma at the end of subclause (a)(iii) and substituting a semicolon;
- (b) striking out “but does not include stress other than an acute reaction to a traumatic event;” in the ninth and tenth lines of clause (a); and
- (c) adding “, Skills and Immigration” immediately after “Labour” in clause (t).

2 Chapter 10 is further amended by adding immediately after Section 10I the following Section:

10J (1) Subject to subsection (2), a worker is entitled to compensation under this Part for gradual onset or traumatic mental stress if the stress

- (a) arises out of and in the course of the worker's employment; and
- (b) notwithstanding subsection 10(5), is wholly or predominantly caused by one or more significant work-related stressors or a cumulative series of significant work-related stressors.

(2) A worker is not entitled to compensation for gradual onset or traumatic mental stress if it is shown that the stress was caused by

- (a) one or more interpersonal conflicts arising out of and in the course of employment, unless the interpersonal conflict constitutes workplace harassment or bullying; or
- (b) a decision or action of the worker's employer relating to the worker's employment, including a decision to
 - (i) change the work to be performed or the working conditions of the worker,
 - (ii) discipline the worker, or
 - (iii) terminate the worker's employment.

(3) Where, before September 1, 2024,

- (a) a worker filed a claim in respect of gradual onset or traumatic mental stress and the claim was denied by the Board; and
- (b) the claim was either not appealed to the Appeals Tribunal or it was appealed and denied by the Appeals Tribunal,

the worker may not re-file the claim under this Section.

(4) Subject to the notice requirements set out in Section 83, where a worker files a claim for gradual onset or traumatic mental stress on or after September 1, 2024, the Board shall decide the claim in accordance with subsections (1) and (2), regardless of the date on which the stress first occurred.

(5) Subject to the notice requirements set out in Section 83, where a worker files a claim for gradual onset or traumatic mental stress and the claim is pending before the Board on September 1, 2024, the Board shall decide the claim in accordance with subsections (1) and (2).

(6) Where a worker has an appeal pending before the Appeals Tribunal on September 1, 2024, respecting a claim for gradual onset or traumatic mental stress, the Appeals Tribunal shall refer the claim back to the Board to be decided in accordance with subsections (1) and (2).

(7) For the purpose of subsections (5) and (6), “pending” means

(a) in the case of a claim before the Board, the Board has not made a final decision in respect of the claim before September 1, 2024; and

(b) in the case of an appeal before the Appeals Tribunal, the Appeals Tribunal has not made a final decision in respect of the appeal before September 1, 2024.

(8) Subject to subsection 243(1), where, on or after September 1, 2024, a worker files with the Appeals Tribunal a notice of appeal of a final decision of the Board made before September 1, 2024, respecting a claim for gradual onset or traumatic mental stress,

(a) the Appeals Tribunal shall refer the claim back to the Board; and

(b) the Board shall decide the claim in accordance with subsections (1) and (2).

(9) Nothing in this Section affects the right of a worker to compensation under Section 12A for post-traumatic stress disorder that meets the requirements of that Section.

3 Section 12A of Chapter 10, as enacted by Chapter 16 of the Acts of 2017, is amended by adding immediately after subsection (7) the following subsection:

(7A) Nothing in this Section affects the right of a worker to compensation under Section 10J for gradual onset or traumatic mental stress that meets the requirements of that Section.

4 Clause 60(1)(a) of Chapter 10 is amended by

(a) adding “or cremation” immediately after “burial” in the first line;

(b) striking out “four thousand dollars, or a larger amount prescribed by the Board by regulation” in the second, third and fourth lines and substituting “fifteen thousand dollars, adjusted pursuant to subsection 70(2A)”.

5 (1) Section 70 of Chapter 10 is amended by adding immediately after subsection (2) the following subsection:

(2A) As of the first day of January in each year, commencing January 1, 2025, the Board shall adjust the maximum amount of compensation payable pursuant to clause 60(1)(a) for the necessary expenses of the burial or cremation of a worker who dies as a result of an injury, by applying the indexing factor determined pursuant to subsection (1) to the maximum amount of compensation payable for the preceding year.

(2) Clause 70(3)(a) of Chapter 10 is amended by adding “or (2A)” immediately after “(2)” in the third line.

6 (1) Subsection 165(1) of Chapter 10 is amended by adding “, Skills and Immigration” immediately after “Labour” in the second line.

(2) Subsection 165(2) of Chapter 10 is amended by adding “, Skills and Immigration” immediately after “Labour” in the third line.

7 Subsection 171(4) of Chapter 10 is amended by adding “and Housing” immediately after “Affairs” in the fourth line.

8 Clauses 1(a) and (b) and Sections 2 to 5 have effect on and after September 1, 2024.
