

What We Heard:

Workers' Compensation Act Amendments to Provide the Benefit of Presumption for Post Traumatic Stress Disorder

Supports for psychological injuries in the workplace, including PTSD, are already covered under the *Workers' Compensation Act*.

But two challenges have arisen in relation to PTSD, especially as experienced by frontline and emergency response workers:

- It can be difficult to tell if a specific workplace incident caused the PTSD.
- Workers suffering from PTSD may be reluctant to make a claim because of the stigma attached to mental illnesses.

To help address these challenges, government proposed changes to the *Workers' Compensation Act* to ensure that those frontline and emergency response workers who are covered by the Workers' Compensation Board of Nova Scotia get the care they need when they need it.

Government consulted with stakeholders on these proposed changes. The consultations took place from July 21 to September 15, 2017, and engaged over 150 individuals from about 40 organizations through interviews, focus groups, and written submissions. This summary report presents findings from the consultation process.

FEEDBACK

Across the consultation sessions, we heard consistent support for the idea of improving access to treatment and services for frontline and emergency response workers with PTSD. We also heard about possible challenges that could arise from these changes – and potential solutions.

Positive impacts of the proposed changes

Almost all consultation participants identified potential positive impacts of the proposed changes:

- A quicker approval process for WCB claims could lead to improved access to care and treatment.
- A reduction in employee time off work/sick time due to undiagnosed mental illness or stress.
- A more streamlined claims process could mean reduced stress and trauma for those submitting a WCB claim.
- Increased attention to and awareness of PTSD would reduce the stigma associated with it.

Possible challenges identified

Participants identified possible challenges that could result from the proposed changes:

- Costs could be higher than projected.
- Access to registered psychologists and psychiatrists could be further constrained.
- The system is currently limited to access supports and service for treatment and return to work.
- The scope of workers with equal exposure is missing.
- The need for greater time to get a diagnosis; Time limits for eligibility are too constrained.

Potential solutions proposed

Participants proposed the following solutions to the challenges identified:

- Ensure that employers, employees, government, and the WCB have clarity in their roles with regard to supporting those suffering with PTSD.
- Create communications devices – such as websites or plain language documents – to help workers, family members, and employers navigate the process.
- Work together – government, employers, employees, and WCB – to identify what would enhance the return to work program for sufferers, such as quicker access to care, flexible treatment options, and alternative work placements.
- Strengthen and expand the mental health care system in Nova Scotia, increase efforts to prevent PTSD, and create supportive organizational cultures, especially within organizations that employ frontline and emergency response workers.

GOVERNMENT'S NEXT STEPS

The valuable information gathered through the consultations helped shape the new *Workers' Compensation Act* amendments being introduced in the House this fall.

The proposed legislation

- Establishes the nature and the scope of the presumption.
- Establishes an initial list of workers who may have access to the presumption called “frontline or emergency response workers.”
- Clarifies that a PTSD diagnosis is connected to a workplace incident.
- Establishes a PTSD diagnosis as a prerequisite to the presumption.

Frontline or emergency response workers are:

- Police, firefighters (paid and volunteer), paramedics, nurses, continuing care assistants, provincial and federal correctional officers, and emergency dispatchers.

The legislation will also create authority for regulations. Government and the WCB will spend the next year focusing on regulatory development to address some of the challenges raised during consultation. We will work with stakeholders as the details of the regulations unfold.

The regulations will ensure that

- The occupations listed under frontline or emergency response workers are well defined and adequately represented.
- Other occupations that may be exposed to similar traumatic events and are equally at risk can be added.
- Those given the authority to diagnose have the ability and expertise needed.
- Timelines for eligibility of presumption are clear.

Legislative amendments take effect one year from Royal Assent in fall 2018.