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3rd SESSION, 65th GENERAL ASSEMBLY
Province of Prince Edward Island
66 ELIZABETH II, 2017

BILL NO. 102

An Act to Amend the Workers Compensation Act

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PRIVATE MEMBER'S BILL

Michael D. Fagan
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Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

ASSEMBLY / SESSION / YEAR
65th General / 3rd / 2017

AMENDMENTS

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TITLE: An Act to Amend the Workers Compensation Act

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NOTED:

_____ **COMMITTEE CLERK**

CERTIFIED CORRECT:

_____ **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE WORKERS COMPENSATION ACT

BILL NO. 102

2017

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **Section 6 of the *Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1*, is amended by the addition of the following after subsection (4):**

Presumption, post-traumatic stress disorder

- (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
- (a) exposed in the course of employment to a traumatic event or events of a type specified in the DSM-5 as a trigger for post-traumatic stress disorder; and
 - (b) diagnosed with post-traumatic stress disorder in accordance with the DSM-5 by a physician or psychologist.

Application

- (4.2) Subsection (4.1) applies to a worker who is diagnosed with post-traumatic stress disorder on or after the date that subsection comes into force.

Acute reaction to a traumatic event

- (4.3) For greater certainty, post-traumatic stress disorder is considered an acute reaction to a traumatic event for the purpose of subsection 1(1.1).

Definitions

- (4.4) In this section,
- (a) “**DSM-5**” means the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association;
 - (b) “**physician**” means a person authorized by law to practise as a physician or medical practitioner in the province or in another jurisdiction in Canada;
 - (c) “**post-traumatic stress disorder**” means post-traumatic stress disorder as that condition is described in the DSM-5;
 - (d) “**psychologist**” means a person authorized by law to practise as a psychologist in the province or in another jurisdiction in Canada.

EXPLANATORY NOTES

SECTION 1 adds new provisions to section 6 of the Act, setting out a presumption that a worker who has been exposed in the course of employment to a traumatic event or events and diagnosed with post-traumatic stress disorder by a physician or psychologist in accordance with the DSM-5, has suffered a personal injury by accident arising out of and in the course of employment. This presumption applies to a worker who is diagnosed with PTSD after the subsection setting out the presumption comes into force. It also provides that, for greater certainty, PTSD is considered an acute reaction to a traumatic event for the purpose of subsection 1(1.1) of the Act and thus is not excluded from “accident”. It also defines terms used in these new provisions.



BILL NO. 102

An Act to Amend the Workers Compensation Act

| <i>STAGE:</i> | <i>DATE:</i> |
|------------------------------|-------------------|
| <i>1st Reading:</i> | November 30, 2017 |
| <i>2nd Reading:</i> | |
| <i>To Committee:</i> | |
| <i>Reported:</i> | |
| <i>3rd Reading and Pass:</i> | |
| <i>Assent:</i> | |

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Francis (Buck) Watts, Speaker

Charles H. MacKay, Clerk

Jamie Fox
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PRIVATE MEMBER'S BILL

2017
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