

**LEGISLATIVE ASSEMBLY
OF
YUKON**

First Session of the
Thirty-third Legislative Assembly

BILL NO. 106

Act to Amend the Workers' Compensation Act,
with Respect to Post-Traumatic Stress Disorder

First Reading:

Second Reading:

Committee of the Whole:

Third Reading:

Assented to:

AN ACT TO AMEND THE WORKERS' COMPENSATION ACT, WITH RESPECT TO POST TRAUMATIC STRESS DISORDER

The Commissioner of Yukon, by and with the advice and consent of the Legislative Assembly, enacts as follows

1. This Act amends the *Workers' Compensation Act*.

New presumption added for emergency response workers

2. The following section is added after section 17.2

“Presumption for emergency response workers

17.3(1) In this section

“emergency response worker” means a firefighter or paramedic or dispatcher; and includes part-time emergency response workers and volunteer emergency response workers.

“part-time emergency response worker” and “volunteer emergency response worker” mean a worker who is engaged in emergency response, respectively

(a) a part time emergency response worker, or

(b) a volunteer emergency response worker.

“post-traumatic stress disorder” means an anxiety disorder that develops after exposure to a traumatic event or experience with symptoms that may include flashbacks, nightmares and intense feelings of fear or horror;

Presumption re: post-traumatic stress disorder

(2) If an emergency response worker suffers from post-traumatic stress disorder, the disorder is presumed to be a work related injury that occurs due to the nature of the worker’s employment as an emergency response worker, unless there is evidence to the contrary.

Time of diagnosis

(3) The presumption in subsection (2) applies only to post-traumatic stress disorder diagnosed on or after the day the *Workers' Compensation Amendment Act (Post-Traumatic Stress Disorder)*, 2015, receives Assent.

Conditions and restrictions

(4) The presumption in subsection (2) is subject to any conditions and restrictions prescribed under clause 5(a).

Regulations

(5) The Commissioner in Executive Council may make regulations,

(a) prescribing conditions and restrictions relating to the presumption established by subsection (2), including but not limited to, conditions and restrictions related to nature of employment, length of employment, time during which the worker was employed or age of the worker;

(b) providing for such transitional matters as the Commissioner in Executive Council consider necessary or advisable in relation to this section and the regulations under this section.

Claims based on presumption

17.4(1) This section applies where the presumption established under section 17.3 applies to the post-traumatic stress disorder with which a worker is diagnosed.

New claims

(2) If the worker or his or her survivor never filed a claim in respect of the disorder, the worker or his or her survivor may file a claim with the Board, and the Board shall decide the claim in accordance with section 17.3 and the regulations under it, as that section and those regulations read at the time the Board makes its decision.

Refiled claims

(3) Subject to subsection (4), if the worker or his or her survivor made a claim in respect of the disorder and the claim was denied by the Board or by the Appeals Tribunal, the worker or his or her survivor may refile the claim with the Board, and the Board shall decide the claim in accordance with section 17.3 and the regulations under it, as that section and those regulations read at the time the Board makes its decision.

Time limits do not apply

(4) The time limits that would otherwise apply will not apply in respect of a claim that is refiled under subsection (3).

Pending appeal

(5) If a claim is pending appeal before the Appeals Tribunal, the Appeals Tribunal shall refer the claim back to the Board, and the Board shall decide the claim in accordance with section 17.3 and the regulations under it, as that section and those regulations read at the time the Board makes its decision.

Pending claim

(6) If a claim is pending before the Board, the Board shall decide the claim in accordance with section 17.3 and the regulations under it, as that section and those regulations read at the time the Board makes its decision.

3.**Commencement**

This Act comes into force on the day it receives Assent.

4.**Short Title**

The short title of this Act is the *Workers' Compensation Amendment Act (Post-Traumatic Stress Disorder), 2015*.