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3rd SESSION, 65th GENERAL ASSEMBLY
Province of Prince Edward Island
67 ELIZABETH II, 2018

(Bill No. 2)

An Act to Amend the Workers Compensation Act (No. 2)

Hon. Sonny (Stanley) Gallant
Minister of Workforce and Advanced Learning

GOVERNMENT BILL

Carol Mayne
Acting Queen's Printer
Charlottetown, Prince Edward Island

**Prince Edward Island
Legislative Assembly**

AMENDMENTS

ASSEMBLY / SESSION / YEAR 65th General / 3rd / 2018
BILL NUMBER: 2
PAGE No. 2 of 6 PAGES

TITLE: An Act to Amend the Workers Compensation Act (No. 2)

#	SECTION	AMENDMENT	DATE

NOTED:

CERTIFIED CORRECT:

COMMITTEE CLERK

CHAIR, IN COMMITTEE



AN ACT TO AMEND THE WORKERS COMPENSATION ACT (NO. 2)

BILL NO. 2

2018

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, trauma- and stressor-related disorders, including 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 as a trigger for trauma- and stressor-related disorders, including post-traumatic stress disorder; and
 - (b) diagnosed with a trauma- or stressor-related disorder, including post-traumatic stress disorder, in accordance with the DSM by a psychiatrist or psychologist.

Application

- (4.2) Subsection (4.1) applies to a worker who is diagnosed with a trauma- or stressor-related disorder, including 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, a trauma- or stressor-related disorder, including 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**” means the edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that is specified in the regulations;
 - (b) “**post-traumatic stress disorder**” means post-traumatic stress disorder as that condition is described in the DSM;

- (c) “**psychiatrist**” means a person authorized by law to practise psychiatry in the province or in another jurisdiction in Canada;
- (d) “**psychologist**” means a person authorized by law to practise as a psychologist in the province or in another jurisdiction in Canada.

2. Section 80 of the Act is amended by the addition of the following after clause (a):

- (a.1) specifying the edition of the Diagnostic and Statistical Manual of Mental Disorders to be used for the purposes of section 6;

3. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.



EXPLANATORY NOTES

SECTION 1 amends section 6 of the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1, to add new subsections (4.1) to (4.4) that

- add trauma- and stressor-related disorders, including post-traumatic stress disorder, as injuries that may be compensated under section 6 of the Act;
- Provide the definitions of key terms to be used in these amendments.

SECTION 2 amends section 80 of the Act to add a new clause (a.1) that authorizes the making of regulations to specify the edition of the DSM to be used for the purposes of section 6 of the Act.

SECTION 3 provides for the commencement of the Act.

(Bill No. 2)

**An Act to Amend the
Workers Compensation Act (No. 2)**

STAGE:	DATE:
<i>1st Reading:</i>	April 5, 2018
<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

Hon. Sonny (Stanley) Gallant
Minister of Workforce and Advanced Learning

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