

# BILL

## No. 39

### An Act to amend *The Workers' Compensation Act, 2013*

(Assented to )

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

#### Short title

1 This Act may be cited as *The Workers' Compensation Amendment Act, 2016*.

#### SS 2013, c W-17.11 amended

2 *The Workers' Compensation Act, 2013* is amended in the manner set forth in this Act.

#### Section 2 amended

3 **Subsection 2(1) is amended:**

(a) **in clause (s) by striking out “*The Trade Union Act*” and substituting “Part VI of *The Saskatchewan Employment Act*”;**

(b) **by repealing clauses (bb) and (cc) and substituting the following:**

“(bb) **‘Occupational Health and Safety Division’** means:

(i) the director of occupational health and safety appointed pursuant to section 3-3 of *The Saskatchewan Employment Act*; and

(ii) the employees of the ministry presided over by the member of the Executive Council responsible for the administration of *The Saskatchewan Employment Act* to whom the director mentioned in subclause (i) has delegated any powers or responsibilities;

“(cc) **‘occupational health and safety program’** means an occupational health and safety program carried out pursuant to *The Saskatchewan Employment Act*”;

(c) **by adding the following clauses after clause (ff):**

“(ff.1) **‘psychiatrist’** means a psychiatrist as defined in *The Mental Health Services Act*;

“(ff.2) **‘psychologist’** means:

(i) an individual who is a member of the Saskatchewan College of Psychologists and who holds a licence to practise issued pursuant to *The Psychologists Act, 1997*; or

(ii) an individual who is practising as a psychologist outside Saskatchewan and who is recognized as a psychologist by the licensing body of the jurisdiction in which the person practises”; **and**

(d) **in the portion of clause (ii) preceding subclause (i) by adding “, unless otherwise specified,” after “means”.**

## WORKERS' COMPENSATION

**New section 28.1****4 The following section is added after section 28:****“Presumption of psychological injury****28.1(1)** In this section:

(a) **‘psychological injury’** means a psychological injury, including post-traumatic stress disorder, as described in the edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that is prescribed in the regulations;

(b) **‘worker’** means a person who works and:

(i) is exposed to a traumatic event; or

(ii) is in an occupation that is prescribed in the regulations.

(2) Unless the contrary is proven, if a worker or former worker is diagnosed with a psychological injury by a psychiatrist or psychologist, that injury is presumed to be an injury that arose out of and in the course of the worker’s employment”.

**Section 187 amended****5 The following clause is added after clause 187(1)(e):**

“(e.1) for the purposes of section 28.1:

(i) prescribing occupations; and

(ii) prescribing an edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association”.

**Coming into force**

**6** This Act comes into force on proclamation.