

# B.C. Tables Legislation to Amend the Workers Compensation Act



On July 14, 2020, the British Columbia government introduced Bill 23 – 2020: *Workers Compensation Amendment Act, 2020*. Bill 23 responds to recent independent reviews of the workers compensation system in British Columbia and was developed following consultation with employers, labour stakeholders, and representatives of Indigenous organizations. If passed, Bill 23 will expand support for injured workers and increase WorkSafeBC’s investigatory powers.

## **Expanded support for injured workers**

Bill 23 responds to concerns of inadequate support for injured workers by:

- increasing the maximum annual salary on which workers’ compensation benefits are based from \$87,100 to \$100,000;
- replacing the current process for calculating benefits with one that guarantees workers receive the highest disability payment possible;
- authorizing WorkSafeBC to provide preventative medical treatment before a claim is accepted;
- removing the statutory requirement that mental health claims be submitted within one year from the date of exposure to a workplace traumatic event or stressor; and
- simplifying the claim process for workers who contract COVID-19 at work.

## **Search and seizure power for WorkSafeBC officers**

Bill 23 will make it easier for WorkSafeBC officers investigating prevention matters to obtain search warrants. The bill would add a provision to the *Workers Compensation Act* allowing WorkSafeBC officers to apply for judicially-authorized warrants. These warrants will provide WorkSafeBC officers with wide powers including powers to search workplaces, seize records, materials or equipment, take samples and conduct tests, require that workplaces not be disturbed for a period of time, request the production of records, and question persons and require answers.

## **Streamline the process for laying an information**

Bill 23 will eliminate the need for WorkSafeBC to approve charges under the

*Workers Compensation Act* prior to sending the case to Crown Counsel. The current legislation requires both WorkSafeBC and Crown Counsel to independently approve charges, which critics have argued is duplicative and results in delays in charges being laid.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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