

# Mental Stress Provisions Of WSIA Ruled Discriminatory



An Ontario *Workplace Safety and Insurance Act* provision limiting coverage for mental stress to a condition that is “an acute reaction to a sudden and unexpected event arising out of and in the course of employment” was found to infringe equality rights guaranteed under s. 15 of the Charter of Rights and Freedoms in *Decision No. 2157/09, 2014 ONWSIAT 938*. The Workplace Safety and Insurance Appeals Tribunal allowed an appeal from denial of a nurse’s claim arising from some 12 years of verbal abuse from a doctor with whom she worked. The Tribunal refused to apply the discriminatory provisions and ruled that the nurse was entitled to pursue her claim for compensation benefits as a result.

Article by Michael Torrance