

Changes to WorkSafeBC

Effective August 14, 2020

Please forward this on to your HR person. The big issue is around COVID-19 illness at work. Thanks to the Employers Forum for encapsulating this notice (BC Ag Council is a member)

On Friday, August 14, [Bill 23](#) received royal assent. The new legislation, which introduces changes to the *Workers Compensation Act* (the Act), contains 34 provisions that include housekeeping amendments and changes relating to compensation, assessment, and occupational health and safety matters.

Those changes include the following, effective immediately:

- Preventative health care may be provided on pending claims, if medical evidence supports that without such services or supplies, the worker is at risk of a significant deterioration in health.
- An explicit reference to mental disorders has been added to section 151(3) of the Act in order to distinguish mental disorders from personal injuries for the purpose of the one-year time limit for filing a compensation claim.
- WorkSafeBC is able to reconsider a decision after 75 days have elapsed, if the decision contains an obvious error or omission.
- The 90-day waiting period regarding the effective date of the presumption relating to infections caused by communicable viral pathogens, including COVID-19, has been removed. (WorkSafeBC's Board of Directors approved the addition of the presumption to Schedule 1 of the Act at its July 22 meeting).
- WorkSafeBC can demand that a third party who is indebted (or is likely to become indebted) to an employer that owes an amount to WorkSafeBC pays all or part of that debt directly to WorkSafeBC.
- Directors of a corporation at the time a debt to WorkSafeBC is accrued are now jointly and severally liable with that corporation for the debt.
- The court may issue search and seizure warrants to WorkSafeBC where there are reasonable grounds to believe an offence against the Act has been or is being committed.
- The laying of an information in respect of an offence no longer requires approval of the Board. (The laying of an information is what allows a prosecution to commence.)

As of Jan. 1, 2021, the following three provisions will take effect:

- The maximum insurable earnings threshold and maximum wage rate will increase to \$100,000 (from \$87,100) for 2021.
- Permanent partial disability benefits will be based on the higher of a loss of earnings or loss of function calculation.
- Retirement age for a worker may be determined after a worker has reached age 63.

For further information please see the Ministry of Labour's [news release](#).