

ILEC 2006

Post Traumatic Stress Syndrome Presumption in Worker's Compensation Legislation Canada



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The Canadian Police Association (CPA) is examining provincial worker's compensation legislation and appeals jurisprudence to determine if we can assist our member organizations to amend their legislation and have post traumatic stress disorder presumed or deemed to be a disease. If PTSD is deemed a disease, a police officer would merely need to establish a diagnosis of PTSD and he/she would, by virtue of their occupation, immediately qualify for benefits and the employer would have no opportunity for rebuttal. The same would occur with a presumption; however the employer would have an opportunity to appeal the acceptance of the claim by presenting evidence that rebuts the presumption of work-relatedness.

As you can appreciate, we would prefer PTSD be deemed a disease. This would end the practice of the police officer having to establish the condition was a result of their employment. This would end lengthy, costly tribunals and appeals and spare the officer the anguish of making the case.

We are in the early stages of this project. We would act as the catalyst to assist our provincial associations with a focused lobby of their respective legislatures. We do not need to establish PTSD as a legitimate illness or condition. Cause and affect is widely recognized. This is merely a move to update worker's compensation schemes to the reality of policing and PTSD.

This initiative is based on a similar and very successful campaign by the International Association of Fire Fighters (IAFF) to have certain types of cancers and heart disease deemed as diseases in provincial worker's compensation legislation, by way of presumptive law. They have accomplished the objective in several American states and most of our provinces. The province of Ontario, our largest population, is a notable exception. Legislators only went so far as to develop policy providing that length of exposure increases the likelihood of work-relatedness in firefighters, of brain and lymphatic cancers.

We are confident we can be successful on the PTSD issue and make worker's compensation benefits more readily available our members.

If you have similar legislation or policy in your country, we would be pleased if you could share that with the CPA. Any relevant material you think might help the cause will be appreciated.