

## ***Take Note! More Changes Coming for Employers in Ontario***

If you haven't already heard, big changes are coming for workplaces in Ontario and there is one more notable change to come.

*Bill 127, Stronger, Healthier Ontario Act (Budget Measures), 2017 ("Bill 127")* received Royal Assent in May 2017 and comes into effect January 1, 2018. This Bill includes amendments to Ontario's *Workplace Safety and Insurance Act* and one of the more notable amendments involves an employee's entitlement to compensation in the case of mental stress arising from the workplace.

More specifically, come January 1, 2018, workers in Ontario will be able to receive workers' compensation benefits for chronic mental stress stemming from work. Prior to these changes, employees became entitled to benefits only if mental stress resulted from an acute reaction to a sudden and unexpected event.

While other provinces, such as Saskatchewan and British Columbia, allow for compensation for a wide-range of job-related mental health issues, Ontario has tended to favour physical injuries as relevant workers' compensation claims.

It is important to note that these changes are not retroactive - benefits will only be provided to workers in relation to chronic mental stress suffered after January 1, 2018. In addition, the caveat of this new legislation is that the chronic mental stress cannot merely come from normal workplace changes or having been disciplined, terminated, etc.

Also of note is a recent lawsuit against the Workplace Safety and Insurance Board ("WSIB"), the Government of Ontario and others, arguing that the denial of chronic mental stress claims should be regarded as unconstitutional and is seeking to order the WSIB and WSIAT to reconsider past and future claims in this light. As stated above, as the law currently stands, employees are only eligible for compensation in mental illness claims that stem from a sudden or traumatic event and not for chronic mental stress that builds up over time.

Should the lawsuit succeed, chronic mental stress claims arising before January 1, 2018, may in fact, also be compensable.

# e2r® Alerts



Unlimited  
Legal  
HR  
Documents

If you have any questions, please do not hesitate to reach out to speak with an e2r® Advisor.

[e2rsolutions.com](https://www.e2rsolutions.com)

70 The Esplanade, Suite 401, Toronto, Ontario M5E 1R2

📞 416-867-3093 📠 416-867-1434 📞 1-866-327-7657

