

HILL V. WCB

Decision Summary

Court	B.C. Supreme Court
Citation	2007 BCSC 1187
Result	Judicial Review Dismissed
Judge	Mr. Justice Butler
Date of Judgment	August 3, 2007
WCAT Decision(s) Reviewed	WCAT-2006-02587

Keywords:

Mental Stress - Section 5.1 of the Workers Compensation Act – Post traumatic stress disorder - Acute reaction to a sudden and unexpected traumatic event - Item #13.30 of Rehabilitation Services and Claims Manual, Volume II - Standard of review - Patent unreasonableness

The Court considered whether the Workers' Compensation Appeal Tribunal (WCAT) decision was patently unreasonable when it interpreted the mental stress policy of the Workers' Compensation Board, operating as WorkSafeBC (Board) as involving an objective test to determine whether an event was traumatic.

The Petitioner was a bus driver involved in a fare dispute with a passenger. The passenger subsequently stepped off the bus and threatened him. Transit security was present at the time and the passenger was charged. After the threatening incident, the Petitioner did not feel he could safely operate a bus. Following the incident the Petitioner's family physician and treating psychiatrist diagnosed him with post traumatic stress disorder (PTSD). The Petitioner argued that over the course of his career he had been the object a number of violent and threatening acts, resulting in an accumulation of trauma that made him particularly sensitive to stress.

WCAT found that the threatening incident was not a "sudden and unexpected traumatic event" and that the Petitioner was not entitled to compensation for mental stress under section 5.1 of the *Workers Compensation Act*. The WCAT panel concluded that the Petitioner's heightened sensitivity to trauma should not be a factor in determining whether an incident was traumatic for the purposes of compensation. The WCAT panel concluded that both general recognition of an event as traumatic and likelihood it would lead to a DSM disorder in "any person" is necessary in order for the condition to be compensable.

The Court dismissed the Petitioner's application for judicial review, finding that neither item #13.30, nor WCAT's interpretation or WCAT's application of item #13.30 was patently unreasonable.