

Decision Summary

Court	B.C. Supreme Court
Citation	2006 BCSC 1947
Result	Judicial Review Allowed
Judge	Mr. Justice Wong
Date of Judgment	October 10, 2006
WCAT Decision(s) Reviewed	WCAT-2005-03861

Keywords:

Mental stress - Section 5.1 of the Workers Compensation Act – Post traumatic stress disorder (PTSD) - Acute reaction to a sudden and unexpected traumatic event – Item #13.30 of Rehabilitation Services and Claims Manual, Volume II (RSCM II)

At issue before the Court was whether the mental stress provisions in section 5.1 of the *Workers Compensation Act* (Act) were constitutional and whether the Workers' Compensation Appeal Tribunal (WCAT) decision denying compensation for mental stress was patently unreasonable.

There was an accident at the Petitioner's workplace, a generating plant, in which a natural gas pipe burst, causing a stream of natural gas to vent into the atmosphere. The employer evacuated the Petitioner with other employees away from the gas line location and emergency response teams closed off the line about an hour after the venting began. The Petitioner worked voluntary overtime on the same day of the accident. The Petitioner applied for compensation to the Workers' Compensation Board, operating as WorkSafeBC (Board), for stress and depression resulting from the accident, among other work incidents. The Board denied the Petitioner's claim for mental stress. He appealed to WCAT. WCAT upheld the Board's decision, finding that the Petitioner's mental stress claim did not meet the requirements set out under section 5.1 of the Act and item #13.30 of the RSCM II.

The Court allowed the judicial review and remitted the matter back to WCAT for rehearing, on the basis that the reasons were "internally inconsistent".