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## 2017 OPERATING BUDGET BRIEFING NOTE

### Impact of Presumptive Illness

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#### Issue/Background:

- This briefing note responds to Budget Committee motion 28.1 #11 (a) adopted on December 20, 2016, requesting Toronto Police Service Board (TPSB) and the Chief, Toronto Police Service (TPS) to provide a briefing note on the impact of presumptive illness, if any on the Service's budget.
- On April 6, 2016, the Government of Ontario passed Bill 163, the Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), which amended the Workplace Safety & Insurance Act.
- This legislation creates a statutory presumption in favour of granting of workers' compensation benefits to first responders diagnosed with Posttraumatic Stress Disorder (PTSD). Now, when a first responder (as defined in the legislation) is diagnosed with PTSD by a psychiatrist or psychologist, "the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment, unless the contrary is shown".

#### Key Points:

- Under Bill 163, in most cases a first responder or other designated worker will have presumptive entitlement for PTSD if he or she was
  - employed as a first responder for at least one day on or after April 6, 2014,
  - diagnosed with PTSD by a psychologist or psychiatrist on or after April 6, 2014, and,
  - diagnosed according to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), published by the American Psychiatric Association.
- The new legislation also provides presumptive coverage for workers with pending claims which meet the criteria, and for claims which qualify in which the worker stopped working as a first responder in the two year period prior to April 6, 2016.
- Prior to the passage of Bill 163, it was incumbent upon the worker to demonstrate that their PTSD diagnosis came as a result of their employment, as opposed to any other traumatic life experience(s) which may have occurred.
- In 2012, Alberta became the first Canadian province to enact presumptive legislation focused on PTSD among first responders. According to the Alberta Workers' Compensation Board,

there were 75 claims received in the two years prior to the enactment of presumptive legislation, and 131 in the subsequent two years, with an associated cost increase from \$1.1 million to \$1.7 million.

- In Ontario, the Toronto Police Service (TPS) is categorized by the Workplace Safety & Insurance Board (WSIB) as a Schedule 2 Employer, meaning that all workers' compensation costs are paid by the TPS in addition to all administrative fees. According to the WSIB, it is anticipated that each injury year going forward will give rise to approximately 800 new PTSD claims for Schedule 2 employers in Ontario. In addition, the WSIB anticipates that approximately 1,600 new claims will be submitted in the province under the transition provisions.
- For the purpose of tracking and reporting, the TPS records Injured on Duty reports resulting from traumatic mental stress, PTSD, and other related occupational stress injuries under the category heading "Emotional/Psychological".
- At the time of writing, the TPS has recorded 456 total incidents in this category in 2016, with 54 of these incidents registered as claims with the WSIB due to lost time or the need for health care. In 2015, 392 such incidents were recorded, with 40 registered claims. Overall, the number of WSIB claims in the "Emotional/Psychological" category has increased by 43% between 2013 and 2016.
- The potential impact on workers' compensation costs to the TPS is not known at this time. However, it is anticipated that the enactment of this legislation will result in an increase in costs in 2017 and in subsequent years. The TPS will track, monitor and analyze the increases, so that it can better estimate the impact on 2018 and future years.

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