

Changes discriminate against individuals with brain and psychiatric injuries, association says

CBC News · Posted: Apr 01, 2019



Small settlement cases are being moved out of court and will now be heard by the Civil Resolutions Tribunal.
(Gian-Paolo Mendoza/CBC)

The Trial Lawyers Association of B.C. is planning to take the provincial government to court over the new changes to ICBC's laws for people injured in road accidents

The association is concerned that the changes, which come into effect Monday, will restrict access to the courts and unfairly reduce compensation for those injured on the road.

They are launching a constitutional challenge for courts to determine whether the changes impede on human rights.

The new rules include a \$5,500 cap on pain and suffering payouts.

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Changes discriminatory, association says

In a statement, the association claims the new injury cap has the potential to discriminate against people with brain and psychiatric injuries by treating them differently.

They say due to the nature of those injuries, individuals often cannot recognize the extent of their needs and communicate them.

"I felt compelled to speak out as I do not believe this government has clearly understood or described the impacts of this legislation on the citizens of B.C.," former B.C. attorney general and premier Ujjal Dosanjh said in the statement.

"Especially those least able to advocate for themselves after an injury resulting from a road accident."

B.C. is the last province in Canada to introduce limits on pain and suffering compensation for minor injuries.

The government says the changes will help save ICBC more than \$1 billion.