
Policy

A worker is entitled to benefits for traumatic or chronic mental stress arising out of and in the course of the worker's employment.

A worker is not entitled to benefits for mental stress caused by decisions or actions of the worker's employer relating to the worker's employment, including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the employment.

NOTE

Additional guidelines apply to first responders and other designated workers who are claiming entitlement for posttraumatic stress disorder, see 15-03-13, Posttraumatic Stress Disorder in First Responders and Other Designated Workers.

Purpose

The purpose of this policy is to provide entitlement guidelines for claims for traumatic or chronic mental stress with accident dates on or after January 1, 2018.

Guidelines

Traumatic mental stress

A worker will generally be entitled to benefits for traumatic mental stress if the mental stress is caused by one or more traumatic events arising out of and in the course of the worker's employment. For more information see 15-02-02, Accident in the Course of Employment.

In order to consider entitlement for mental stress related to one or more traumatic events, the WSIB decision-maker must identify that one or more traumatic events occurred. A traumatic event may be a result of a criminal act or a horrific accident, and may involve actual or threatened death or serious harm against the worker, a co-worker, a worker's family member, or others. In most cases a traumatic event will be sudden and unexpected.

In all cases, the event(s) must arise out of and occur in the course of the employment, and be

- clearly and precisely identifiable, and
- objectively traumatic.

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This means that the event(s)

- can be established by the WSIB through information or knowledge of the event(s) provided by co-workers, supervisory staff, or others, and
- is/are generally accepted as being traumatic.

Traumatic events include, but are not limited to

- witnessing a fatality or a horrific accident
- witnessing or being the object of an armed robbery
- witnessing or being the object of a hostage-taking
- being the object of physical violence
- being the object of death threats
- being the object of threats of physical violence where the worker believes the threats are serious and harmful to self or others (e.g., bomb threats or confronted with a weapon)
- being the object of harassment that includes physical violence or threats of physical violence (e.g., the escalation of verbal abuse into traumatic physical abuse)
- being the object of harassment that includes being placed in a life-threatening or potentially life-threatening situation (e.g., tampering with safety equipment; causing the worker to do something dangerous).

The worker must have suffered or witnessed the work-related traumatic event(s) first hand, or heard the work-related traumatic event(s) first hand through direct contact with the traumatized individual(s), e.g., speaking with the victim(s) on the radio or telephone as the traumatic event(s) is/are occurring.

Cumulative effect

Due to the nature of their occupation, some workers, over a period of time, may be exposed to multiple traumatic events. If a worker experiences traumatic mental stress because of the most recent traumatic event, entitlement may be in order even if the worker may experience these traumatic events as part of the employment and was able to tolerate the past traumatic events. A final reaction to a series of traumatic events is considered to be the cumulative effect.

The WSIB recognizes that each traumatic event in a series of events may affect a worker psychologically. This is true even if the worker does not show the effects until the most recent event. As a result, entitlement may be accepted because of the cumulative effect, even if the last event is not the most traumatic.

In considering entitlement for the cumulative effect, decision-makers will rely on clinical and other information supporting that multiple traumatic events led to the worker's current psychological state. Also, there may be evidence showing that each

event had some effect or life disruption on the worker, even if the worker was not functionally impaired by the effect or life disruption.

Standard of proof and causation

In all cases, the WSIB decision-maker must be satisfied, on a balance of probabilities, that the traumatic event(s), or the cumulative effect of the series of traumatic events, caused, or significantly contributed to, the traumatic mental stress.

Chronic mental stress

A worker will generally be entitled to benefits for chronic mental stress if the mental stress is caused by a substantial work-related stressor, including workplace bullying or harassment, arising out of and in the course of the worker's employment. For more information see 15-02-02, Accident in the Course of Employment.

NOTE

The term "work-related stressor" is meant to include multiple work-related stressors, as well as a cumulative series of work-related stressors.

In order to consider entitlement for chronic mental stress, including workplace bullying or harassment, the WSIB decision-maker must be able to identify the events which are alleged to have caused the chronic mental stress.

This means that the events can be confirmed by the WSIB decision-maker through information or knowledge provided by co-workers, supervisory staff, or others.

Substantial work-related stressor

A work-related stressor will generally be considered substantial if it is excessive in intensity and/or duration in comparison to the normal pressures and tensions experienced by workers in similar circumstances.

However, a claim for chronic mental stress made by a worker employed in an occupation, or a category of jobs within an occupation, reasonably characterized by a high degree of routine stress should not be denied simply because all workers employed in that occupation, or category of jobs within that occupation, are normally exposed to a high level of stress. In some cases, therefore, a high level of routine stress, combined with significant duration, may qualify as a substantial work-related stressor.

Workplace bullying

Workplace bullying includes unreasonable or inappropriate behaviour directed towards a worker, or group of workers, that creates a risk to health and safety. Such behavior may be

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repeated over time or may manifest itself in a single incident. In addition, workplace bullying usually involves

- repeated incidents or a pattern of behaviour that is intended to be offensive or discriminatory towards a particular person or group of people, and
- a real or perceived power imbalance between the person(s) doing the bullying and the person(s) who is the victim of the bullying.

Workplace harassment

Workplace harassment occurs when a person or persons engage in a course of vexatious comment or conduct against a worker, in a workplace, that is known or ought reasonably to be known to be intimidating, humiliating or degrading. Workplace harassment includes workplace sexual harassment.

Workplace bullying or harassment is considered a substantial work-related stressor.

Interpersonal conflicts

Interpersonal conflicts between a worker and his or her supervisors, co-workers or customers are **not** generally considered a substantial work-related stressor unless the conflict results in behavior that is threatening or abusive, or unless the conflict generates conduct which amounts to workplace bullying or harassment.

Standard of proof and causation

In all cases, the WSIB decision-maker must be satisfied, on a balance of probabilities, that the substantial work-related stressor, including workplace bullying or harassment, caused or significantly contributed to the chronic mental stress.

Diagnostic requirements

Before any traumatic mental stress or chronic mental stress claim can be adjudicated, there must be a diagnosis in accordance with the Diagnostic and Statistical Manual of Mental Disorders (DSM) which may include, but is not limited to,

- acute stress disorder
- posttraumatic stress disorder
- adjustment disorder, or
- an anxiety or depressive disorder.

The WSIB will accept the claim for adjudication if an appropriate regulated health care professional provides the DSM diagnosis. However, the WSIB decision-maker may, at a later point, require an assessment by a psychiatrist or psychologist to confirm ongoing entitlement.

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For information on the effect (if any) of a pre-existing, non-work-related psychological condition on a claim for traumatic or chronic mental stress see 15-02-03, Pre-existing Conditions.

Employers' decisions or actions relating to employment

There is no entitlement for traumatic or chronic mental stress caused by an employer's decision or actions that are part of the employment function, such as

- terminations
- demotions
- transfers
- discipline
- changes in working hours, or
- changes in productivity expectations.

However, workers may be entitled to benefits for traumatic or chronic mental stress due to an employer's actions or decisions that are **not** part of the employment function, such as violence or threats of violence.

In the event that a worker is suffering traumatic or chronic mental stress which he or she is attributing to a combination of

- the employer's decisions or actions relating to employment, and to
- a work-related stressor(s) that does **not** involve the employer's decisions or actions relating to the employment,

entitlement to benefits for traumatic or chronic mental stress will generally be allowed as long as the work-related stressor(s) is a significant contributing cause of the traumatic or chronic mental stress, as the case may be.

Application date

This policy applies to all accidents on or after January 1, 2018.

Policy review schedule

This policy will be reviewed within five years of the application date.

Document history

This is a new document.

References**Legislative authority**

Workplace Safety and Insurance Act, 1997, as amended
Sections 2(1), 13

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