

Mental Stress:

What it is and what WCB does with it

STRESS AND TENSION are normal reactions to events that threaten us. Such threats can come from accidents, financial troubles and problems on the job or with family. *Workers Compensation Act* in British Columbia addresses Mental Stress under section 5.1. It states:

Mental stress

- 5.1** (1) Subject to subsection (2), a worker is entitled to compensation for mental stress that does not result from an injury for which the worker is otherwise entitled to compensation, only if the mental stress
- (a) is **an acute reaction** to a sudden and unexpected traumatic event arising out of and in the course of the worker's employment,
 - (b) is diagnosed by a physician or a psychologist as a mental or physical condition that is described in the most recent American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders at the time of the diagnosis, and
 - (c) is not caused by a decision 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 worker's employment.
- (2) The Board may require that a physician or psychologist appointed by the Board review a diagnosis made for the purposes of subsection (1) (b) and may consider that review in determining whether a worker is entitled to compensation for mental stress.
- (3) Section 56 (1) applies to a physician or psychologist who makes a diagnosis referred to in this section.
- (4) In this section, "psychologist" means a person who is registered as a member of the College of Psychologists of British Columbia established under section 15 (1) of the Health Professions Act or a person who is entitled to practise as a psychologist under the laws of another province.

WorkSafeBC defines an '**acute reaction**' as coming to crisis quickly. The reaction is typically, but not necessarily, immediate. Examples of acute reactions include severe emotional shock, helplessness or fear and may be the result of seeing someone die or threatened with death, seeing someone seriously injured, seeing a personal assault or other violent crime, or a threat of serious physical harm to yourself.

WorkSafeBC defines a '**traumatic event**' as a severely emotionally disturbing event. It can include any of the following: a horrific accident; an armed robbery; a hostage-taking; an actual or threatened physical violence; an actual or threatened sexual assault; or a death threat.

NOTE: Changes in your employment circumstances including general workplace conditions, workload issues, discipline or dismissal are not considered traumatic events. ■

Mental Stress FAQ's

Can I claim benefits for a psychological condition? WorkSafeBC will accept certain claims for psychological conditions. These claims are treated like other claims for personal injury or occupational disease. Most psychological conditions accepted by WorkSafeBC result from a work injury or from a work-related occupational disease.

What should I do to start a claim for a psychological condition? If you have a psychological condition as a result of a work injury or disease, ask your doctor and psychologist or psychiatrist to send their reports to WorkSafeBC. Ask WorkSafeBC to decide if the psychological condition will be accepted as part of your claim.

If I did not suffer a physical injury, can I still claim benefits for a psychological condition? If you did not suffer a personal injury or occupational disease, WorkSafeBC may accept a claim for mental stress. The mental stress must be an acute reaction to a sudden and unexpected traumatic event arising out of and in the course of your employment. You should see your family doctor, report the problem and its cause to your employer, file an Application for Compensation with WorkSafeBC, ask your doctor to send you to a psychologist or psychiatrist for diagnosis and treatment, and ask your doctor and psychologist or psychiatrist to send their reports to WorkSafeBC.

How can I prove to WorkSafeBC that I have mental stress as a result of a traumatic event? You need a diagnosis of a psychological condition or disorder such as Post-Traumatic Stress Disorder. The diagnosis should come from the Diagnostic and Statistical Manual of Mental Disorders (4th edition) or DSM IV. All psychiatrists or psychologists are familiar with this manual. Your doctor, psychiatrist or psychologist must relate the psychological diagnosis to the traumatic event.

You may need support from co-workers, supervisory staff or other witnesses, confirming that the traumatic event occurred. WorkSafeBC must agree that the traumatic event was related to your workplace and work duties.

Is my information confidential? WorkSafeBC may only use this information for the purpose of

your claim. However, your employer has the right to request a review or appeal a decision about a psychological condition. Once a review or appeal is started, the employer has the right to full disclosure of the information in your WorkSafeBC file.

Can I claim benefits for mental stress caused by harassment? Harassment is defined as words or actions usually repeated or persistent that: annoy, alarm, or cause substantial distress to a person. Sexual harassment consists of words or actions that are sexual in nature. In most cases you would not be entitled to compensation if you developed mental stress as a result of harassment. However, if the words or actions occur in such a way as to be considered a "sudden and unexpected traumatic event" and result in an acute reaction, WorkSafeBC may accept your claim for mental stress.

What benefits will I receive if my claim for a psychological condition is accepted? WorkSafeBC may provide critical incident intervention or health care benefits to cover the cost of medical and psychological treatment. WorkSafeBC may also pay temporary wage loss benefits if you have provided medical and psychological evidence that you are unable to work because of your condition. You may receive help finding suitable work if your psychological condition requires you to change jobs. If you have a permanent psychological disability because of your work-related injury, WorkSafeBC will consider a permanent disability award.

What do I do if my condition recurs or worsens after WorkSafeBC has closed my claim? If your condition recurs or worsens, WorkSafeBC may re-open your claim. WorkSafeBC may provide health care, temporary disability benefits, vocational assistance benefits or reassess your permanent disability award.

What if I disagree with a WorkSafeBC decision? If you do not agree with WorkSafeBC's decision, you have the right to request a review. You must request a review within 90 days. If you disagree with the Review Division decision you have 30 days to file an appeal to the Workers' Compensation Appeal Tribunal.

This information provided by CUPE BC's Occupational Health and Safety Committee. (December 2008)