

WORKPLACE/OCCUPATIONAL STRESS

WORKPLACE/OCCUPATIONAL STRESS		Section of Act	Policy (if any)
AB	<p>Under s. 24(1) of the Alberta <i>Workers' Compensation Act</i>, the Board may pay compensation to a worker who suffers "personal injury" due to a workplace accident, unless the injury is attributable primarily to the worker's own wilful misconduct and the injury is not serious. The term "accident" is defined in s.1(1)(a) of the Act as a wilful or intentional act done to the worker by another, a chance event occasioned by a physical or natural cause, a disablement, or a disabling or potentially disabling condition caused by an occupational disease.¹ The Board policy manual expressly states that the term "personal injury" includes physical, psychological, and psychiatric disabilities.²</p> <p>The Board's policy on "psychiatric or psychological disability" allows compensation for mental injuries if they arise from any of the following:</p> <ul style="list-style-type: none"> • organic brain damage • an emotional reaction to a work-related physical disability • an emotional reaction to the treatment process • an emotional reaction in response to a single traumatic work-related incident experienced by the worker that is sudden, as well as frightening or shocking, and has a specific time and place (for example, victim or witness to a robbery or hostage-taking incident, witnessing the death or severe injury of a co-worker, a natural disaster) • an emotional reaction to: <ol style="list-style-type: none"> a) an accumulation of a number of worker-related stressors over time, b) a significant work-related stressor that has lasted for a long time, or c) both a) and b) together <p>when the following criteria are met.</p> <ul style="list-style-type: none"> ▫ there is a confirmed psychological or psychiatric diagnosis as described in the DSM-IV ▫ the work-related events or stressors are the predominant cause of the injury ▫ the work-related events are excessive or unusual in comparison to the normal pressures and tensions* experienced by the average worker in a similar occupation; and ▫ there is objective confirmation of the events³ <p>*Normal pressures and tensions include, amongst other things, the duties reasonably expected by the nature of the worker's occupation, interpersonal relations and conflicts, and routine labour actions taken by the employer to which all workers may be subject from time to time.</p> <p>In addition, under Policy 03-01, Part II, Application 4 Question 2, there is a presumptive relationship between significant and acute psychological stress and cardiac conditions. Therefore, for this particular mental-physical type of claim the Board policy presumes it was caused by stress if such stress was significant and acute.</p> <p>The WCB may provide treatment for a psychological condition which is not related to the worker's employment injury if it is of the opinion that treatment could accelerate recovery, or that therapy would lessen any handicap associated with a compensable accident. An offer of treatment for an unrelated condition is entirely at the WCB's discretion and does not imply any acceptance of responsibility for the underlying cause.</p> <p>If a work-related injury meets the conditions described above and aggravates a pre-existing psychological condition the WCB pays compensation only for the disability directly attributable to the workplace aggravation.⁴</p>	<p>Workers' Compensation Act (s. 1, 24)</p>	<p>03-01/II/6</p>

1 *Workers' Compensation Act*, RSA 2000, c.W-15.

2 [Alberta WCB Policies & Information Manual](#), Policy 03-01 Part I, I.0.

3 [Alberta WCB Policies & Information Manual](#), Policy 03-01, Part II, Application 6.

4 [Alberta WCB Policies & Information Manual](#), Policy 03-02, Part I.

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BC	<p>Under s. 5(1) of the British Columbia <i>Workers Compensation Act</i>, the Board has jurisdiction to compensate workers for any "personal injury" which arises out of and in the course of employment.</p> <p>Section 5.1 provides:</p> <p>(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</p> <p>(a) is an acute reaction to a sudden and unexpected traumatic event arising out of and in the course of the worker's employment,</p> <p>(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</p> <p>(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."</p> <p>(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.</p> <p>(3) Section 56 (1) applies to a physician or psychologist who makes a diagnosis referred to in this section.</p> <p>(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 <i>Health Professions Act</i> or a person who is entitled to practice as a psychologist under the laws of another province.</p> <p><i>Rehabilitation Services & Claims Manual</i>, Vol. II, policy item C-13.00, Mental Stress provides that a worker's entitlement under section 5.1 of the Act is distinct from a worker's entitlement under section 5(1) for psychological impairment that is a compensable consequence of an injury or an occupational disease.</p> <p>In certain situations, a single incident may result in the Board accepting a worker's claim for compensation for a physical injury under sections 5(1) (see Item C3-22.30, Compensable Consequences – Psychological Impairment), and mental stress that is not a compensable consequence of the physical injury, under section 5.1.</p> <p>"Mental stress" is intended to describe conditions such as post-traumatic stress disorder or other associated disorders. Mental stress does not include "chronic stress", which refers to a psychological impairment or condition caused by mental stressors acting over time. Workers who develop mental stress over the course of time due to general workplace conditions, including workload, are not entitled to compensation.</p>	<p>Workers Compensation Act (s. 5, 5.1)</p>	<p>Rehabilitation Services & Claims Manual, Vol. II, policy items C3-13.00, Mental Stress, and C3-22.30 Compensable Consequences – Psychological Impairment</p>
MB	<p>Subsection 4(1) of <i>The Workers Compensation Act</i> states that "[w]here, in any industry within the scope of this Part, personal injury by accident arising out of and in the course of the employment is caused to a worker, compensation as provided by this Part shall be paid by the board out of the accident fund." Under the definition in subsection 1(1) of the Act, "accident" means "a chance event occasioned by a physical or natural cause" which results in injury to a worker. This definition includes the wilful and intentional acts of others, any event which arises out of and in the course of employment, thing that is done and the doing of which arises out of and in the course of employment, and an occupational disease.</p> <p>In January 1992, major legislation amending the Act came into effect. One of the amendments passed explicitly prevents compensation for stress, other than an acute reaction to a traumatic event.⁵ In addition, the new legislation clarified that compensation is not paid for stress arising out of personnel actions like promotions, transfers, demotions lay-offs or terminations. These changes were brought about by modifying the definitions of occupational disease and accident, respectively.</p>	<p>Workers Compensation Act (s. 1(1), 1(1.1), 4)</p>	<p>Policy 44.20, Disease/General</p>

5 Under section 1(1) of the Manitoba *Workers Compensation Act*, "occupational disease" specifically "does not include ... stress, other than an acute reaction to a traumatic event.

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	<p>The term "acute reaction to a traumatic event" is defined in policy 44.20 of the WCB's policy manual.⁶ An acute reaction is a reaction that creates a condition in the worker that is clearly discrete from the condition previous to the event. The traumatic event is an identifiable physical or psychological occurrence which occurs in an identifiable time frame that is normally of brief duration and is capable of causing serious physical or psychological harm consistent with the acute reaction.</p> <p>Even though the term "accident" is defined in the singular, as a matter of statutory interpretation, this would also include the plural. However, it would appear that the worker would have to be able to identify a series of specific events or incidents in order to succeed in obtaining compensation for a psychological condition which developed gradually. There must be an identifiable "chance event" or "events" in order to meet the definition of an accident. If the claimant could show a series of events which caused him or her to develop a stress disorder, then the WCB may adjudicate this type of chronic stress claim as an accident.</p> <p>Under Policy 44.20.60, Psychological Conditions, the WCB may provide compensation for physical-mental disorders. Examples of these types of disorders include:</p> <ol style="list-style-type: none"> organic brain damage from a compensable traumatic head injury; psychosis resulting from exposure to harmful chemicals at the worksite; and psychosis resulting from the use of drugs used in the treatment of a compensable injury. <p>Under this policy, the WCB may provide compensation for mental-mental claims which arise as a direct result of a serious compensable life threatening injury or event. An accident is considered serious when a worker's life is threatened or he or she was directly involved in a life threatening incident or event.</p>		
NB	<p>The definition of "accident" in New Brunswick's <i>Workers' Compensation Act</i> includes reference to and stress:</p> <p>... An accident includes a wilful and intentional act, not being the act of a worker, and also includes a chance event occasioned by a physical or natural cause, as well as a disablement caused by an occupational disease and any other disablement arising out of and in the course of employment, but does not include the disablement of mental stress or a disablement caused by mental stress other than as an acute reaction to a traumatic event.</p> <p>As in all cases, the injury must arise out of and in the course of employment. WorkSafeNB applies an objective four-part test to determine if a claim for mental stress is compensable. To be compensable, the mental stress must:</p> <ul style="list-style-type: none"> Be an acute reaction to a sudden and unexpected traumatic event; The traumatic event must have arisen out of and in the course of the worker's employment; Not be caused by a decision of the worker's employer relating to the management and monitoring of the worker's employment; and Be a mental or physical condition that is describe in the most recent American Psychiatric Association's Diagnostics and Statistical Manual of Mental Disorders at the time of diagnosis. 	Workers' Compensation Act (s. 1)	<p>Policy No. 21-100, Conditions for Entitlement – General Principles</p> <p>Policy No. 21-103 Conditions for Entitlement - Stress</p>
NL	<p>Under s. 43(1) of the Commission's <i>Workplace Health, Safety and Compensation Act</i>, compensation is payable "to a worker who suffers personal injury arising out of and in the course of employment, unless the injury is attributable to the serious and wilful misconduct of the worker." However, s. 43(2) of the Act states that the Commission will be liable to pay compensation notwithstanding the worker's misconduct if he or she is seriously and permanently disabled by a work related injury.</p> <p>The term "injury" is defined in s. 2(1)(o) of the Act to include: (i) "an injury as a result of a chance event occasioned by a physical or natural cause", (ii) "an injury as a result of a wilful and intentional act, not being the act of the worker", (iii) "disablement", (iv) "industrial disease", or (v) "death as a result of injury" arising out of and in the course of employment and includes a recurrence of an injury and an aggravation of a pre-existing condition but</p>	Workplace Health, Safety and Compensation Act (s. 2, 19, 26, 43)	<p>WHSCC - Policies and procedures:</p> <ul style="list-style-type: none"> EN-06 - Mental Health Adjustment Following Physical Injury; EN-18 -

6 Manitoba WCB, Policy Manual, Policy 44.20, *Disease/General*.

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<p>does not include stress other than stress that is an acute reaction to a sudden and unexpected traumatic event. Section 2(2) states: "Notwithstanding paragraph (1)(o), stress that may be the result of an employer's decision or action relating to the employment of a worker 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 does not constitute an injury."</p> <p>The term "industrial disease" is defined under s. 2(1)(m) of the Act as a disease enumerated in the regulations, or "another disease peculiar to or characteristic of a particular industrial process, trade or occupation."⁷</p> <p>Under s. 19(1) of the Act, the Commission has exclusive jurisdiction to determine whether an injury has arisen out of and in the course of employment, the existence and degree of disability, and whether a particular disease is peculiar to, or characteristic of, a particular industrial process, trade or occupation to which the Act applies. Section 26(1) of the Act gives the Review Commissioner jurisdiction to decide whether the Commission in making a decision has acted in accordance with the Act, regulations and established policy.⁸</p> <p>The Commission and its Review body have broad jurisdiction to accept or consider any type of work related claim. This would necessarily include claims of a psychological nature. Any injury which could come under the broad heading of a "disablement" or any disease which is "peculiar to" or "characteristic of" a trade, occupation, or industrial process is compensable under the Act if it arose out of employment. The Commission has developed policy directives in the area of physical-mental impairment and mental-physical impairment in relation to cardiac claims. Policy EN-06 of the Client Services Policy Manual, titled 'Mental Health Adjustments Following Physical Injury' documents the Commission's policy.</p> <p>Effective June 1, 2001, the Commission's policy on physical-mental claims promotes early intervention of mental health treatment where there are difficulties that result from serious physical injuries or the onset of an industrial disease. However, for injuries that are not life threatening, mental health treatment and compensation benefits will be limited to a three month period. If, after three months, a worker requires continuing mental health care in order to complete his or her return to work program or medical rehabilitation the Commission will cover periodic professional services only where the worker is participating in his or her return to work program or medical rehabilitation. Once the return to work programming or medical rehabilitation is completed, the Commission shall not provide coverage for mental health care. If a worker does not engage in return to work programming or prescribed medical treatments after three months of support, compensation entitlement under this policy will end. A Permanent Functional Impairment (P.F.I.) rating is not warranted for this circumstance because the Commission accepts the condition on a temporary basis only. All claims are decided based on the individual circumstances of the case.</p> <p>Mental-mental type claims are addressed under the Board's Mental Stress policy (Client Services Policy Manual, EN-18) introduced in June 1999. A legislative amendment under section 2(o) which took effect in January 1999 redefined "injury" so that stress other than stress that is an acute reaction to a sudden and unexpected traumatic event was excluded from coverage. Furthermore, section 2(2) was added which further clarifies that notwithstanding paragraph (1)(o) (i.e. definition of "injury"), stress that may be the result of an employer's decision or action relating to the employment of a worker 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 does not constitute an injury.</p> <p>The legislation now makes a clear distinction between stress which is acceptable, and stress that may be the result of an employer's decision or action relating to the employment of a worker, which does not constitute an injury.</p> <p>Board policy on mental stress provides further adjudicative guidance by defining key terms such as "acute reaction" and "traumatic event". Although the merits and justice of each case must be considered, generally mental stress which develops as a result of a traumatic event is considered an acute reaction, even though the reaction may be delayed for days, or even weeks. Delayed acute reaction is not the same as a gradual onset of mental stress which is generally not compensable.</p>		Mental Stress

7 *Workplace Health, Safety and Compensation Act*, RSNL 1990, c. W-11.

8 *Ibid.*, s.26(1).

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	<p>A sudden and unexpected traumatic event is one which is considered uncommon with respect to inherent risks of the occupation and is usually horrific, or has elements of actual or potential violence. Examples of traumatic events include but are not limited to: witnessing a fatality, being the victim of an armed robbery or hostage-taking incident, being subjected to physical violence (see also Policy EN-06 Psychological Conditions Associated with Physical Injuries), being subjected to death threats where there is reason to believe the threat is serious.</p> <p>Both these qualifiers (acute reaction and a sudden unexpected traumatic event) must be present before the condition is considered compensable. Claims arising from events that are not considered traumatic, but are traumatic to an individual because of a pre-existing psychological condition are not covered.</p> <p>A diagnosis under the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) is not a requirement for initial adjudication, although the mental stress must be confirmed by the treating physician. This allows acceptance of claims promptly where an obvious traumatic incident is confirmed and the medical evidence is consistent with an acute reaction. Where the disability becomes long term, a diagnosis under the DSM-IV may be necessary to substantiate continuing entitlement. All claims are decided based on the individual circumstances of the case.</p>		
NT/NU	<p>Under Section 10 of the <i>Workers' Compensation Act</i>, workers may be entitled to compensation benefits for a personal injury or disease suffered by the worker arising out of and during the course of employment. A "disease" is defined as an unhealthy condition of the body or mind.</p> <p>Policy 03.09 – Psychiatric and Psychological Disability – outlines how the WCB will accept and compensate for claims for psychiatric and psychological disability. A worker may experience an event or series of events which leads to mental stress and psychiatric or psychological disability. The event must satisfy criteria of work-relatedness, trauma and objective verification. To be compensable, the psychiatric or psychological disability must result from physical or emotional reactions to workplace trauma and be diagnosed by a psychiatrist or psychologist according to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), published by the American Psychiatric Association.</p> <p>Diagnoses may include, but are not limited to:</p> <ul style="list-style-type: none"> • Acute stress disorder • Post traumatic stress disorder • Adjustment disorder • An anxiety or depressive disorder <p>To be compensated, a claimant must be diagnosed by a psychiatrist or psychologist with a disorder that leads to a disability and results from one or more of the following:</p> <ul style="list-style-type: none"> • A work-related head injury, exposure to toxic chemicals or gases, anoxia or any other work-related injury, disease or condition causally connected to organic brain damage. This also includes mental disorders resulting from medication used to treat a work-related injury. • An emotional reaction to a work-related physical disability. • An emotional reaction to a treatment process. • An emotional reaction in response to a sudden, single, traumatic, work-related incident that is frightening or shocking to the worker, and has a specific time and place. • An emotional reaction to an accumulation of a number of work-related traumatic events over time. <p>Work-related traumatic events do not include the usual pressures and tensions reasonably expected by the nature of the worker's occupation and duties.</p> <p>S. 12(b) of the <i>Workers' Compensation Act</i> states that no person is entitled to compensation for mental stress arising out of labour relations between the worker and employer, including mental stress caused by wrongful dismissal, unless the act or omission was made with intent to harm the worker.</p>	<p>Workers' Compensation Act (s. 1(1), 10, 12)</p>	<p>Policy 03.09 – Psychiatric and Psychological Disability</p>

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NS	<p>Changes to the Nova Scotia <i>Workers' Compensation Act</i>, which came into force on February 1, 1996, provide a definition of "accident" in Section 2(a), as follows:</p> <p>"accident" includes ...</p> <p style="padding-left: 40px;">(iii) disablement, including occupational disease, arising out of and in the course of employment,</p> <p>but does not include stress other than an acute reaction to a traumatic event.</p> <p>This legislation virtually eliminates any mental-mental claims unless they are an acute reaction to a traumatic event.</p> <p>On September 3, 1999 the Board of Directors approved Policy 1.3.5 "Criteria for psychiatric condition: Occupational Stress." The Policy provides the following criteria:</p> <ul style="list-style-type: none"> • An emotional reaction following an industrial injury is usually nothing more than a "startle reaction", or a short period of anxiety or depression which subsides very quickly. • This initial emotional reaction, although minor in most cases can, however, increase depending on several factors. Every worker reacts differently to stressful situations, according to his or her individual personality. Factors include: <ul style="list-style-type: none"> a) the severity of the injury; b) whether or not the accident was of a frightening nature; and c) the prior emotional stability of the worker. • The reaction to the injury may be aggravated as a result of prolonged medical treatment. Other factors, such as extended disablement and/or severe functional limitations, may also increase the emotional reaction to the point that the worker's ability to carry out the activities of daily life is affected. • The emotional reaction is generally a temporary condition and the worker is left with no permanent psychiatric impairment. In considering cases of permanent impairment, for claims purposes, a clear causal relationship must be established between the injury and the emotional reaction (i.e. the injury must be shown to be a significant contributing factor). <p>Chronic stress claims for non-traumatic workplace events are precluded under the definition of "accident" in the legislation.</p>	<p>Workers' Compensation Act (s. 2)</p>	<p>Policy 1.3.6 Compensability of Stress as an Injury Arising Out of and In the Course of employment – Government Employees Compensation Act (GECA)</p> <p>Policy 1.3.5 Criteria for Psychiatric Conditions: Occupational Stress</p>
ON	<p>Under s. 13(1) of the Ontario <i>Workplace Safety and Insurance Act</i>, the Board has jurisdiction to award compensation to any worker who suffers a personal injury by accident arising out of and in the course of employment. The word "accident" encompasses the wilful and intentional acts of others, chance events, or any "disablement" which arises out of and in the course of employment. If the worker can demonstrate that his or her accident arose out of the employment, then pursuant to s. 13(2) of the Act, "it is presumed to have occurred in the course of the employment unless the contrary is shown." If the weight of the evidence presented is equally balanced, then the Board is required to decide in favor of the claimant, under s. 119(2) and s. 124(2) of the Act.</p> <p>By exception, mental stress claims are specifically excluded from these insured injuries in s. 13(4). According to s. 13(5), only when the mental stress is an acute reaction to a sudden or unexpected traumatic event can the provision of benefits under the insurance plan be considered. Even so, the acute reaction cannot be in relation to stress caused by employment decisions such as a change in work requirements, working conditions, discipline or termination of employment.</p> <p>The Board does have a policy on "psychotraumatic disorders", or physical-mental claims. The policy indicates that a worker is entitled to benefits when disability/impairment results from a work-related personal injury by accident. Disability/impairment includes both physical and emotional disability/impairment.</p>	<p>Workplace Safety and Insurance Act (s. 13)</p>	<p>15-03-02 Traumatic Mental Stress</p> <p>15-04-02 Psychotraumatic Disability</p>

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	<p>Psychotraumatic conditions include any psychological impairment, which arises within five years from the date of the worker's physical injury, or five years from the date of his or her last surgery for it. A worker may be entitled to compensation for this type of disability if he or she develops an organic brain disorder due to a head injury or exposure to toxic chemicals, or suffers from emotional problems due to the severity of the initial physical injury, or the nature of the treatment process. In most cases the Board considers psychotraumatic disability to be a temporary condition.</p>		
PE	<p>Section 6 of the <i>Workers' Compensation Act</i> states, "[w]here, in any industry within the scope of this Part, personal injury by accident arising out of and in the course of employment is caused to a worker, the Board shall pay compensation as provided by this Part out of the Accident Fund." Under section 1(1)(a), "accident" means a chance event occasioned by a physical or natural cause and includes: "a wilful and intentional act that is not the act of the worker", any "event arising out of, and in the course of employment", or "thing that is done and the doing of which arises out of, and in the course of, employment, and "an occupational disease" the result of which is an injury to a worker. The definition of "occupational disease" does not include "an ordinary disease of life". Subsection 1(1.1) provides that the definition of accident does not include stress other than an acute reaction to a traumatic event.</p> <p>The Board has a policy POL-01, "Psychological Or Psychiatric Conditions" which includes mental stress.</p>	<p>Workers Compensation Act (s. 1, 6)</p>	<p>POL-71 Arising out of and in the Course of Employment</p> <p>POL-01 Psychological or Psychiatric Conditions</p>
QC	<p>The CSST does not have any particular policy about this type of industrial injury. Files are processed according to the facts reported and the balance of evidence.</p> <p>As a general rule, there needs to be objective facts and not only the worker's or employer's subjective perception of the facts. The situation must go beyond the normal activities of the occupation, outside the normal, predictable connection between the employer and the employee.</p> <p>Claims based on chronic stress may be analyzed according to the factual and medical evidence presented by the worker. This evidence needs to be assessed to determine whether it is an industrial accident, or more rarely, an occupational disease under the <i>Act respecting industrial accidents and occupational diseases</i> (ARIAOD).</p> <p>A psychological or psychiatric diagnosis is not considered an injury, the presumption of law of industrial injury provided in section 28 of the ARIAOD, does not apply</p> <p>Section 2 of the ARIAOD defines 'an employment injury. as an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation. An 'industrial accident' is defined as a sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his work and resulting in an employment injury to him. An 'occupational disease' is defined as a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work.</p> <p>The worker must prove the occurrence of a sudden, unforeseen event arising out or in the course of his work and show a link between the event and the disease. Psychological injuries must be linked to a precise event or series of events occurring over a relatively long period of time and corresponding to the definition of the expression 'sudden, unforeseen event'.</p> <p>Some claims for stress associated with tasks to be carried out and the work organization may be admitted when situations such as work overload, work under pressure, a climate of tension or the reassignment of tasks exceed the normal scope of the work. When such situations occur within the context of an administrative reorganization, the claims are generally dismissed unless those changes alter the workload in an important way. In such cases, the combination of objective facts constitutes the sudden, unforeseen event when</p>	<p>Act Respecting Industrial Accidents and Occupational Diseases (s. 2)</p>	

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	<p>those facts are considered as a whole.</p> <p>Psychological diseases are not included in the list of occupational diseases in schedule I of the ARIAD, therefore the presumption of occupational disease does not apply. Nevertheless, a psychological injury may be accepted as an occupational disease if the worker can show that the disease is characteristic of his work or that it is directly related to the risks peculiar to that work.</p> <p>Some claims based on allegations of harassment may be accepted when the psychic injury is related to the improper or discriminatory conduct of a superior or colleagues. It often is the case of a series of events that may be minor if considered in isolation, but that are repeated over a longish period of time often in a context of escalation and become significant by their superimposition. Such series of events must be traumatic enough to be the cause of the psychic injury.</p> <p>Finally, claims concerning the employer's management rights to manage personnel, hire employees, give (unfavorable) evaluations, rebuke employees, take disciplinary measures are considered usual, common work events and are generally rejected.</p>		
SK	<p>The Saskatchewan Workers' Compensation Board has broad jurisdiction to compensate for all types of work injuries. Section 28 of its governing legislation states, "[w]here, in an industry, a worker suffers an injury, he is entitled to compensation which shall be paid by the board out of the fund". Section 29 of the Act adds that, "[w]here an injury to a worker arises out of his employment, it is presumed that it occurred in the course of his employment and where the injury occurred in the course of his employment it is presumed that it arose out of his employment." Section 2(k) of the Act defines the term "injury" in a very broad manner. It includes the results of the wilful and intentional acts of others, the results of a chance event occasioned by a physical or natural cause, or "any disablement" which arises out of and in the course of employment.⁹</p> <p>In accordance with this mandate, the Saskatchewan WCB has developed a clearly defined policy in relation to psychological or stress-related disorders that arise out of employment. Policy POL 01/2009 bases the adjudication of all psychological injury claims on the cause of the injury being reported: acute cause criteria or chronic cause criteria. The policy details what events would trigger or cause psychological conditions while taking into account the merits and justice of each claim.</p> <p>Generally, for acute cause claims to be accepted there must be a specific, dramatic or sudden event which the worker personally witnessed and/or was involved in; the event will be unexpected for the type of employment concerned and generally accepted to be traumatic (shocking, horrific, involving risk of harm to self or others); and, the onset of the effect is often immediate or close in time to the event. In cases of acute cause claims with delayed onset (not immediate or close in time to the event) of injury, a DSM IV diagnosis will be required and the worker will be referred for a complete Mental Health Assessment. Acute cause type claims are adjudicated in the same manner as claims with physical injury from specific events; that being, the WCB determines if an injury occurred and whether it arose out of and in the course of employment.</p> <p>For chronic cause claims, it will be determined if the work-related events were excessive or unusual in comparison to the normal pressures and tensions experienced by the average worker in the same or similar occupation or work environment. For chronic cause claims to be accepted, workers must be employed in jobs involving events, or a series of events, considered traumatic to the general population. Non-traumatic chronic cause psychological claims may also be accepted that have arisen due to work relations, work load, or interpersonal conflicts. All chronic psychological injury claims generally will require a confirmed Mental Health Assessment including a DSM IV diagnosis by a doctoral psychologist or psychiatrist.</p>	<p>Workers' Compensation Act, 1979 (s. 28, 29)</p>	<p>POL & PRO 01/2009 – Injuries – Psychological</p> <p>POL 11/2003 & PRO 13/2007 – Injuries - Occupational Disease</p> <p>POL & PRO 23/2010 – PFI - General</p>

9 *Workers' Compensation Act, SS 1979, c.W-17.1.*

Source: Association of Workers' Compensation Boards of Canada – 2011

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WORKPLACE/OCCUPATIONAL STRESS		Section of Act	Policy (if any)
YT	<p>The preamble to the Yukon <i>Workers' Compensation Act</i> states that an objective of the legislation is to "ensure that the workers' compensation system continues to meet the changing needs of workers and more adequately reflects the true costs, in both human and economic terms, of injuries arising out of the workplace". The Board was given responsibility for Occupational Health and Safety in 1992, in order to further the goals of encouraging safe workplace practices and minimizing injuries.</p> <p>Under s. 4(1) of the Act, "a worker who suffers a work related injury is entitled to compensation unless the injury is attributable to conduct deliberately undertaken for the purpose of receiving compensation." The term "injury" is defined in s. 3 of the Act as "a work related incapacity as determined by the board, including post-traumatic stress, a permanent impairment, or a worker's death." The definition departs from the traditional dichotomy of "accidents" and occupational or industrial "diseases" in favour of the general meaning encompassed by the term "injury". Under s. 105 of the Act the Board has exclusive jurisdiction to decide all matters pertaining to whether or not a worker's injury was work related, and the degree and duration of an injury.</p> <p>Given the broad mandate and jurisdiction of the Board, and the definition of an injury contained in the Act, the Board has the power to provide compensation for all work-related physical or psychological injuries. The Yukon has developed a policy, Adjudicating Psychological Disorders, that includes direction on dealing with Post-traumatic stress disorders.</p>	Workers' Compensation Act (s.3, 4, 105)	EN-09, Adjudicating Psychological Disorders

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