

Psychological Injuries in the Workplace

WCB presentation for Align

February 2023

wcb Workers' Compensation Board - Alberta

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Objectives

- Review common work-related psychological diagnoses
- Understanding WCB policy & adjudication
- Fostering return to work
- Take away document

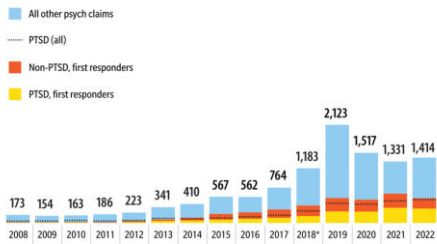
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WCB key features

- No-fault coverage
- Protection from lawsuit
- Exclusive jurisdiction, legislatively based and guided
- Commitment to fair decisions in consideration of all the relevant facts
- Workers and employers have the right to have decisions reviewed and to seek appeal for a decision

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Psychological Claim Volume



* First responders include correction officers from 2018 onwards

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Understanding Psychological Injuries



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What is a psychological injury?

- Includes a range of **cognitive, emotional and behavioral symptoms that interfere with a worker's life** and can significantly affect their daily living.
- It differs from a distressing emotional reaction to an upsetting incident(s). Rather, it involves **persistent and sustained disturbances outside of the sufferer's control** in:
 - thought,
 - mood,
 - behaviours, and
 - interactions with others.

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What is a psychological injury?

Some of the more common diagnoses we see on claims include:

- Depression
- Anxiety disorder
- Adjustment disorder
- Acute stress disorder
- Post Traumatic Stress Disorder (PTSD)
- Job stress is commonly used to describe physical and emotional symptoms which arise in response to work situations but it is not in itself a disorder or a psychological injury.

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Early intervention

- What are your next steps when you recognize the worker is having mental health struggles?
- What if they disclose personal issues that are not related to work?
- What if there are interpersonal issues at work?
- When do you need to report into WCB?
 - Is the work contributing?

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The Adjudicative Process



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When is a psychological injury compensable?

As with other types of injuries, a psychological injury must meet the following **two conditions**:

1. It must arise out of employment and be caused by an employment hazard.
2. It must occur in the course of employment when it happens at a time and place consistent with the obligations and responsibilities of that employment.

Important to note: WCB provides no fault coverage

Policy 02-01, Part I: Work Relatedness 10

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When is a psychological injury compensable?

There is a confirmed **Diagnostic Statistical Manual of Mental Disorders (DSM) diagnosis** and is resulting from:

- Organic brain damage – head injury, exposure to chemicals or gases
- An extreme emotional reaction to a work-related physical injury
- An extreme emotional reaction to a work-related treatment process
- Traumatic onset psychological injury or stress
- Chronic onset psychological injury or stress

Policy 03-01, Part II, Application 6, Question #1 11

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Standard of Causation

Emotional reaction to a physical injury or treatment process and traumatic onset claims:

- WCB uses the ‘but for’ test – If not for the work exposures, the injury would not have happened.

Chronic onset claims:

- ‘Predominant cause’ – occupational exposures are the prevailing, strongest, chief or main cause of the injury.

Policy 02-01, Part II, Application 7 12

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Traumatic Onset

Traumatic incident(s) is defined as a direct personal experience of an event or directly witnessing an event that, reasonably and objectively assessed, is:

- Sudden/unexpected,
- frightening or shocking,
- having a specific time and place, **and**
- involves an actual or threatened death, or serious injury to oneself or others, or a threat to one's physical integrity.

Policy 03-01, Part II, Application 6, Question #5

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Traumatic onset (continued)

- Interpersonal relations between a worker and coworkers, management, or customers may be traumatic when they result in behaviours that are **aggressive, threatening, or abusive**.
- These must also meet the criteria on the previous slide.

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No two cases are alike

- **Trauma occurs within the person**, so each case is unique.
- Some may develop a traumatic reaction while others do not, even from the same event.
- **Strongly influenced by:**
 - Perception of control.
 - The ability (or lack of ability) to defend or escape the situation.
 - The ability (or lack of ability) to help others.

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Chronic onset

Chronic onset psychological injury is compensable when it is an extreme emotional reaction to:

- an accumulation, over time, of a number of verifiable work-related stressors that do not fit the definition of traumatic event,
- a significant work-related stressor that has lasted for a long time and does not fit the definition of traumatic event, or
- bullying or harassment, defined as a repeated incident of objectionable or unwelcome conduct, comment, bullying or action intended to intimidate, offend, degrade or humiliate a particular person or group,

and when all the criteria outlined in the next slide are met.



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Chronic onset (continued)

Eligible for compensation only when **all** of the following criteria are met:

- there is a confirmed psychological or psychiatric diagnosis as described in the DSM,
- 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 events.

Policy 03-01 Part II, Application 6, Question #7



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Normal work pressures

- Hiring and firing employees
- Performance evaluations/corrective actions
- Staff assignments, transfers or restructure
- Promotions, demotions and lay-offs
- Periodic workload fluctuations or assignment changes
- Timeline pressures
- Work environment, including health and safety and union issues

Policy 03-01, Part II, Application 6, Question #8



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Scenario #1 – Witnessing Violence

- Sam visits a family in their home and witnesses the father physically assault the mom while he is there.
- You meet with Sam to discuss the incident.
 - Sam advises that he has been under a lot of stress lately.
 - He tells you that between work pressures and some health issues, he might need to talk to someone professionally.
 - Sam submits a claim to WCB that afternoon.

Based on the policies we have discussed, would this be an acceptable claim with WCB?

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Scenario #2 – Youth Concern

- You have a conference call with all employees to discuss a well-known youth who harmed themselves at the group home last night.
- Crystal calls you after this meeting to tell you she is afraid to come into work for her night shift.
- You advise her of your employee assistance program and tell her that she can contact them if she needs to talk to someone.
- She tells you that she has an appointment to see her doctor in a few hours and that she would call you after this appointment to let you know if she can come in for her shift.
- Crystal's physician submits a medical report to WCB which creates a claim for her. The diagnosis is acute stress disorder resulting from an incident at the group home she works at.

Based on the policies we have discussed, would this be an acceptable claim with WCB?

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Scenario #3 – Job stress

- Manny works as an on-call employee.
- He calls you one morning and tells you that he is really stressed out as he has been working more than usual. He feels overworked and tired. He requests a few days off to recharge.
- You talk to him about how he is doing and advise him of the resources available to him if he wishes to use them (i.e. massage, EFAP, etc.). You remind him he has committed to some shifts this week and due to staffing pressures and increased referrals you really need him to see those through. You anticipate he can take time off on the next schedule when some other staff are returning.
- Manny submits a claim to WCB stating that he is burned out and cannot continue to work.

Based on the policies we have discussed, would this be an acceptable claim with WCB?

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Building a Safe & Supportive Return to Work



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Once an injury is accepted

- We collaborate with the worker, their employer (including the union, if involved) and treatment provider(s) to formulate a care plan.
- As soon as appropriate, modified duties are negotiated. This will include pre-negotiation.
- If a worker is unable to return to their pre-accident employment or employer, re-employment services may be offered to help the worker find a new career.

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How do you support your worker?

- Find out what will help your employee feel supported.
- Avoid discussing your perspective of the claim with your employee or employee's co-workers.
- Support treatment programming that involves exposure therapy, when appropriate.
- Contact the assigned WCB adjudicator or case manager to receive regular updates.

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Recovery

- Evidence supports that when an injury does occur, a combination of psychological counselling and complimentary modalities is most effective.
- The best outcomes involve managed, sensitive and supportive re-integration back into the workplace.
- In addition to rehabilitation programs, outcomes are supported by having a **strong network of support in the workplace**, and the ability to facilitate exposure therapy (when appropriate).

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Preparing for a return to work

- Prepare a pre-negotiation offer*
- Participate in all return to work planning discussions with WCB to focus on return to modified employment
- Offer work with modified hours and/or duties
- Prepare co-workers for the employee's return to work
- Follow-up with your employee after they return to work
- Have a contingency plan

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Suitable modified work

The following conditions must be met:

- ✓ The work accommodates the worker's compensable medical restrictions so the worker can perform the duties safely.
- ✓ The work contributes to the worker's physical and vocational rehabilitation by keeping the worker active and involved in the workplace.
- ✓ The work promotes the gradual restoration to the worker's pre-accident level of employment.
- ✓ The work must be a meaningful and productive part of the employer's operations.
- ✓ The work does not create financial hardship for the worker.

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Policy 04-05, Part II, Application 4, Question #3

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Psychological Injury Modified Duty Considerations

- Change in work tasks
- Change in work location
- Change in leadership/co-workers
- Change in hours/days of work
- Remove specific items/objects/equipment
- Any combination of the above

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Scenario #1 – Bullying and Harassment

- Worker is employed at a group home.
- Worker’s claim is accepted for anxiety and depression after she reported a co-worker in the home for constantly belittling her in front of clients.
- Her work restrictions include not being able to work with that co-worker and no working with clients.

What sort of modified duties could you provide to this worker?

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Scenario #2 – Physical & Psychological Injury

- Your worker was involved in a motor vehicle accident while driving to a client’s house. As a result of their injuries three of the fingers on his left hand were amputated, and he was diagnosed with an adjustment disorder.
- His work restrictions include no driving and no use of the injured arm.

What sort of modified duties could you provide to this worker?

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Psychological treatment pathways

- Community Treatment/EAP
- Comprehensive Psychological Assessments (CPA)
- Psychiatric Independent Medical Exam (IME)
- Traumatic Psychological Injury (TPI) Program
- Cumulative Psychological Injury (CPI) Program

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TPI and CPI programs

TPI programs are offered at three levels, depending on the needs of that worker:

- Level One – Stand Alone Psychology
- Level Two – Psychology and Occupational Therapy
- Level Three – Interdisciplinary

CPI Programs are offered at two levels

- CPI Standard
- CPI Complex

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Other Resources



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WCB Employer Seminars

We offer a number of free seminars for our account holders:

- Employer Information
- Return to Work
- Action Planning
- Appeals
- Psychological Injuries in the Workplace

Mini-Sessions:

- Training on the Job (TOJ)
- Fit for Work Dashboard

wcb.ab.ca/resources/for-employers/seminars-and-workshops/

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Resources

OHS
<https://www.alberta.ca/occupational-health-safety.aspx>

Mental Health Commission of Canada
<https://www.mentalhealthcommission.ca>

Canadian Mental Health Association
<https://cmha.ca/>

Workplace Strategies for Mental Health
<https://www.workplacestrategiesformentalhealth.com>

AskJan
<https://askjan.org/>

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Resources



Preventing psychological hazards in the workplace

Addressing psychological hazards leads to a positive return on investment.
When employees feel better, organizations enjoy better morale, staff retention and productivity.



Learn more by visiting alberta.ca/PreventionInitiative

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Best Practices Summary

- Be aware of early signs and ask open ended questions.
- Keep lines of communication open and ensure your workers know the resources available to them.
- Address interpersonal issues between staff early.
- Ensure your workers know you have modified duties and you will support them during recovery.

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Thank you

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