

POLICY NUMBER: POL-01

**Chapter:
CLAIMS**

**Subject:
PSYCHOLOGICAL OR PSYCHIATRIC CONDITION**

**Effective Date:
April 1, 1993**

**Last Updated On:
September 12, 2016**

PURPOSE STATEMENT:

The purpose of this policy is to describe how the Workers Compensation Board determines whether a psychological or psychiatric condition is compensable.

REFERENCE:

Workers Compensation Act R.S.P.E.I.1988, Cap. W-7.1, Sections 1(1) (1.1), 6(1), 18.

DEFINITIONS:

In this policy:

“Accident” means a chance event occasioned by a physical or natural cause that causes personal injury to a worker. This 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. Stress is included only when it is an acute reaction to a traumatic event arising out of and in the course of employment.

“Acute reaction” means a significant or severe reaction by a worker resulting in the diagnosis of a psychological or psychiatric condition. “Acute” does not necessarily mean immediately after an event. Rather, acute refers to the significance or severity of the reaction, whenever it

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occurs.

“Personal injury” means a diagnosed physiological or psychological injury or condition caused by an accident arising out of and in the course of employment.

“Traumatic event” means:

- a) an unexpected and emotionally shocking event; or,
- b) the cumulative effect of a series of events that in any other occupation would be considered traumatic.

POLICY:

1. The *Workers Compensation Act* excludes stress as a compensable condition other than as a result of an acute reaction to a traumatic event. Stress is a term that is commonly used to describe an individual’s non-specific physical and psychological response to the events or changes that occur in life.
2. Stress is not an accepted medical diagnostic term. Stress in its negative form (distress) may result in a diagnosable psychological or psychiatric condition, which may be compensable if the condition meets the criteria for entitlement as laid out in this policy.

Criteria for Entitlement:

3. A worker may be entitled to compensation benefits for a psychological or psychiatric condition where it is established that there has been;
 - an accident;
 - the accident caused personal injury; and
 - the injury arose out of and in the course of employment.
4. The condition must be diagnosed by a psychologist or psychiatrist according to the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association and must result from one of the following:
 - an acute reaction to a traumatic event;
 - organic brain damage resulting from a compensable head injury, exposure to toxic chemicals or gases, anoxia, or other work-related injury, disease or

- condition;
- an acute reaction resulting from the use of medication, approved by the Workers Compensation Board to treat a compensable injury;
- an acute reaction in response to a compensable injury, disease, condition or disability;
- an acute reaction resulting from the cumulative effects of multiple work-related events which;
 - a) individually, may not be emotionally shocking and unexpected in comparison to the work-related events or stressors experienced by a worker in the same or similar occupation,
 - b) the worker was able to tolerate before, and,
 - c) in any other occupation, would be considered traumatic.

Traumatic Events:

5. Traumatic events are typically emotionally shocking and unexpected in comparison to the work-related events or stressors experienced by a worker in the same or similar occupation.
6. Traumatic events involve intense fear, helplessness or horror as a result of one or more of the following:
 - The worker has experienced threatened death or actual or threatened serious physical injury to self;
 - The worker has witnessed or has direct personal experience with an event that involved threatened or actual death or serious injury to others; or
 - The worker has experienced a significant threat to psychological integrity of self or others.
7. Traumatic events may include, but are not limited to:
 - witnessing a fatality;
 - witnessing or being the object of a serious accident;
 - witnessing or being the object of an armed robbery;
 - witnessing or being the object of a hostage taking;
 - being the object of harmful physical violence;
 - being the object of death threats;
 - being the object of threats of physical violence where the objective evidence

- supports that the threats are serious (e.g., bomb threats or being confronted with a weapon)
- being the object of harassment that includes being placed in a life threatening or potentially life threatening situation (e.g., stalking, tampering with safety equipment, causing the worker to do something dangerous); or
 - a natural disaster.
8. Traumatic event(s) must be arising out of and in the course of employment and be supported by reasonable, objective and credible evidence.

Cumulative Effects:

9. A worker, over a period of time, may be exposed to work-related events that, individually, may not be emotionally shocking and unexpected in the worker's occupation.

Due to the nature of the worker's occupation (e.g., emergency service workers), an individual event may not be considered to be traumatic in itself.

The cumulative effect is the acute reaction to a series of events that in any other occupation would be considered traumatic. (e.g., a first responder who develops Post-Traumatic Stress Disorder as a result of frequent exposure to horrific accidents)

10. For a psychological or psychiatric condition to be compensable for cumulative effects:
- the criteria for entitlement must be met;
 - the events must be identifiable; and
 - the events must be the dominant cause of the diagnosed condition.

In determining entitlement, the workers subjective statements and response to the events are considered and the Workers Compensation Board will also verify events through information and knowledge available through other sources such as co-workers, supervisors or third party witnesses.

11. The date of accident for a psychological or psychiatric condition determined to be caused by cumulative effects is outlined in Workers Compensation Board policy, POL-90, "Time Frame Limitations for Claims Filing and Invoicing."

Non-compensable Events:

12. A worker is not entitled to benefits for a psychological or psychiatric condition that results from stressors that are considered to be a part of every workplace and may be associated with necessary and unavoidable aspects of doing business, such as:
- Usual work pressures or an employer's employment decisions or reasonable actions, for example:
 - a) interpersonal relationships and conflicts;
 - b) health and safety concerns;
 - c) decisions to change work being performed;
 - d) decisions to change working conditions;
 - e) decisions to discipline or terminate the worker's employment; or
 - f) routine workforce management actions made by the employer including work evaluation, performance management, transfers, lay off, demotions and reorganizations.

 - Ongoing personal circumstances or regular workplace duties.

However, this does not undermine the obligation of employers to protect the physical and psychological health and safety of workers by implementing measures to promote and maintain a healthy and safe workplace.

HISTORY:

September 12, 2016 - Non-substantive changes to reference Workers Compensation Board policy, POL-90, "Time Frame Limitations for Claims Filing and Invoicing."

April 28, 2016 - This policy was amended to broaden the definition of traumatic event and the criteria under which psychological and psychiatric conditions are compensable. The changes recognize the unique circumstances inherent to occupations that may have a higher exposure to traumatic events.

September 25, 2008 - The policy was updated as a result of the 60 month policy review process. As a result of the review, the name was changed from "Psychological Conditions" to "Psychological Or Psychiatric Condition".

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January 24, 2002 - Replaces Policy and Practice “Psychological Conditions” dated April 1, 1993.

Board of Directors Approval Date: April 1, 1993