

## Saskatchewan Workers' Compensation Board Frequently Asked Questions – Psychological Injuries

### **Does *The Workers' Compensation Act, 2013* (the Act) and its provisions respecting psychological injuries apply only to workers who are first responders?**

No. The Act covers all workers in Saskatchewan in any covered occupation.

### **Does the WCB only accept cases of PTSD?**

No. The WCB system covers a variety psychological injuries that are shown to have occurred at work, including PTSD.

### **What is considered to be a psychological injury?**

The Act defines a psychological injury as a “psychological injury, including post-traumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders.”

### **What is the Diagnostic and Statistical Manual of Mental Disorders (DSM-5)?**

The DSM-5 is an acronym for the Diagnostic and Statistical Manual of Mental Disorders, which is a handbook used by health care professionals to diagnose and evaluate mental disorders. The DSM-5 is published by the American Psychiatric Association and is used throughout the Canadian health care system.

### **Are psychological injuries to be treated like other kinds of occupational diseases, in that the WCB has to assume that a psychological injury happened at work?**

In 2016, changes were made the Act to allow for the presumption of psychological injuries in certain circumstances. Section 28.1 of the Act outlines that if a worker incurs a psychological injury because of traumatic events that took place at work, the WCB will assume, unless otherwise shown, that the injury is work related.

What this means is that if a worker is diagnosed with a psychological injury following exposure to a traumatic event at work, the WCB will presume the diagnosis is a work-related injury unless the contrary can be proven.

### **What does “unless the contrary can be proven” mean?**

The presumption that a worker's psychological injury may be work related is “rebuttable,” meaning that the worker will be given the benefit of the doubt that the injury is work related unless there is evidence that disproves or outweighs (rebut) the presumption. This may require WCB staff to review additional information to ensure there is a reasonable cause and effect relationship between diagnosis and the work event.

### **When would the presumption not apply?**

Typically, the presumption may be rebutted if there is evidence that the traumatic event(s) did not arise out of the course of employment (i.e. the incident was not work related); the worker was not directly involved or did not witness the traumatic event; and/or the worker's psychological condition can be related to other non-work events.

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### **What does the WCB consider to be a traumatic event?**

A traumatic event can be a single or a series of work-related incidents that the worker either directly experienced or witnessed and their exposure to the incident(s) resulted in a psychological injury. A traumatic event(s) can include, but is not limited to:

- Direct exposure to an actual threat of death or serious injury to the worker and/or to others.
- A specific incident or series of incidents that would be considered by the average person as shocking or horrific.

Examples can include events such as:

- Suicide, sudden death, shootings, robbery, hostage taking, actual and threat of sexual or physical violence and/or serious incidents.
- Workload or work-related interpersonal incidents that are excessive and unusual in comparison to the pressures and tensions experienced in the normal course of employment.
- Threats of baseless job action and/or unusual and excessive workload.

### **Are there a certain number of traumatic incidents that I have to be exposed to before the WCB will consider my claim?**

No. A traumatic work event can involve a single incident (acute) or series of incidents (cumulative). The importance is placed not on the number of incidents, but on the impact of the incident(s) on the individual worker.

### **Does the WCB always require a DSM diagnosis before they will accept a claim?**

No. In situations where a worker was exposed to a single event and began to experience symptoms soon after the event, a DSM diagnosis may not be required if the causal relationship between the worker's employment and the injury is evident and undeniable (e.g., experiencing a robbery while working, witnessing the death of a co-worker, etc.).

### **If my injury did not occur right away, but came about after many years of exposure, will the WCB still consider my case?**

There is no right or wrong reaction to traumatic events. Everyone will experience trauma differently. The WCB will consider your case based on your individual circumstances.

A traumatic event can be acute (a single event) or cumulative (a series of incidents that occur over time). For workers who, because of the nature of their jobs, are exposed to multiple events over the course of their employment, the presumptions will be considered even if the worker was able to tolerate past traumatic events. For example, a correctional worker exposed to a series of critical incidents while working in a correctional centre who develops a psychological injury as a result of the cumulative impact of those events.

### **How long will it take to decide if my claim is accepted?**

It depends on the complexity of your claim and the availability of information. For example, in cases where there is an obvious and undeniable connection between the traumatic event and the worker's injury, the decisions regarding the acceptance of the claim are made fairly quickly.

Typically, the WCB process is fairly streamlined and decisions are made within a matter of days, but for more complex cases the process may take longer. The process begins with the reporting of an

injury. Once an injury is reported to the WCB, the worker will be contacted by WCB staff to discuss the claim, the process, the timelines and possible next steps.

### **What information does the WCB need to decide my claim?**

Typically, the WCB will gather information that will help clarify the diagnosis and confirm the injury is work related. Information needed can include, but is not restricted to, medical assessments including mental health assessments, information from the employer, job descriptions or statements from co-workers. If the WCB needs additional information, WCB staff will inform you of what information they need and explain why the information is needed.

### **What is the purpose of a mental health assessment?**

Mental health assessments fulfil several functions in managing your WCB claim. First, the assessment confirms the diagnosis of a psychological injury. Second, the assessment can recommend needed treatment. Finally, an assessment can help to identify any restrictions that should be taken into consideration when contemplating return to work.

### **I have recently been diagnosed with a work-related psychological injury, but also have a pre-existing psychological condition. Will my pre-existing condition affect my current claim?**

The existence of a pre-existing psychological condition does not negate your ability to receive WCB benefits for a work-related psychological injury.

### **I filed a WCB claim for a psychological injury and I'm already working with a psychologist. Do I now have to switch to a WCB accredited provider?**

Not necessarily. The Saskatchewan WCB acknowledges that requiring a worker to change providers may create negative barriers to recover and/or trigger negative emotions if/when the worker has to re-communicate their story.

If you have started treatment with a non-WCB accredited psychologist, the WCB will support this arrangement. However, if return-to-work has not progressed within the first eight weeks, you may be required to move to a WCB accredited psychologist. This will be arranged in consultation with your current provider.

However, where a WCB claim has been registered, even if not yet adjudicated, the WCB can arrange an appointment promptly, eliminating the need for workers or employers to call multiple treatment offices. The WCB may also arrange for a Mental Health Program, which may involve a WCB approved psychologist. Mental Health Programs include counselling, team-based therapy, exercise therapy, exposure therapy and return-to-work (RTW) supports. These WCB referrals may prevent moving to a different provider, at a later date, if a more comprehensive program is needed. The WCB encourages early reporting of work injury claims so the adjudication process can begin and so the WCB can help with medical appointments such as the above.

### **Are the Saskatchewan WCB accredited psychologists posted online?**

Yes. A list of the WCB's [accredited psychologists](#) are posted on the Saskatchewan WCB website.