

Frequently asked questions

Mental disorder claims

This document answers some frequently asked questions about psychological injury claims. The *Workers Compensation Act* calls these *mental disorder claims*.

Overview

In what circumstances will a mental disorder be covered by WorkSafeBC?

A mental disorder may be covered in either of the following circumstances:

- If it is a reaction to one or more traumatic events arising out of and in the course of employment, or
- If it is predominantly caused by a significant work-related stressor, or a cumulative series of significant work-related stressors, arising out of and in the course of employment

In addition, for compensation to be provided, the mental disorder must be diagnosed by a psychiatrist or psychologist.

For workers in certain occupations who have been exposed to one or more traumatic events in their work and have been diagnosed with a mental disorder as a reaction to that trauma, the mental disorder is presumed to be caused by employment. This is called the *mental disorder presumption*.

Which occupations are eligible for the mental disorder presumption?

The eligible occupations are community-integration specialist, coroner, correctional officer, emergency medical assistant, emergency response dispatcher, firefighter, harm-reduction worker, health care assistant, nurse, parole officer, police officer,

probation officer, respiratory therapist, shelter worker, sheriff, social worker, transition house worker, victim service worker, and withdrawal management worker.

In what circumstances will a mental disorder not be covered by WorkSafeBC?

The law and related policy state that the mental disorder cannot be caused by an employer's decision relating to employment. If a mental disorder is caused by any of the following decisions or actions, it will not be eligible for compensation coverage:

- A change in work or working conditions
- Discipline
- Termination of employment
- Workload and deadlines
- Work evaluation
- Performance management
- Transfers, layoffs, demotions, and reorganizations

How is a claim for a mental disorder established and investigated?

First, both the employer and the worker must **report the claim** as they would any other type of claim. Then, once the claim is established, we will assign it to a senior adjudicator, who will take a detailed history, contact the employer as required, obtain all relevant medical reports,

and conduct or initiate any investigations required to establish the facts.

If investigation is required to support a claim decision, the employer will be expected to respond to requests for information quickly. The employer's participation in a claim investigation is separate from their requirement to conduct an incident investigation.

If the evidence supports the worker's claim that the worker has been exposed to either a traumatic event or significant work-related stressor(s), the senior adjudicator will require or arrange a diagnostic assessment by a psychologist or psychiatrist to determine if the worker has a diagnosable mental disorder.

Once there is enough information to determine whether the worker is eligible for compensation, a decision will be made. The senior adjudicator will then call the worker to tell them the decision and also send a letter explaining the reasons for the decision to both the worker and the employer. If the claim is accepted, WorkSafeBC may provide benefits such as wage-loss compensation and health care treatment.

What is a claim number, and how can I get more information about the claim?

When a claim is started, it's assigned a claim number. The worker, employer, and treating physician are all given the claim number. Workers can use that number to go online and **check the status** of their claim to see whether it's been accepted. They can also phone WorkSafeBC to check the status of a claim.

If the claim has been started, the worker will also receive a Personal Access number and

instructions on how to **view claim information online**, such as the following information:

- Whether a payment has been made to them
- The amount of the payment
- The date the cheque was mailed
- WorkSafeBC correspondence
- Return-to-work dates

For security and privacy reasons, workers should never give their Personal Access number to anyone.

Note: Employers and physicians will not be able to access the worker's personal information or wage-loss payment information. If they need additional information in order to respond to claim-related requests, employers and physicians should speak to the case manager.

At WorkSafeBC, who will be managing mental disorder claims?

WorkSafeBC has specialized staff who will manage all mental disorder claims, including:

- Senior adjudicators who make decisions on whether the claim can be accepted and initial wage-loss compensation
- Case managers who make decisions on ongoing wage-loss compensation and health care treatment and who facilitate recovery and return-to-work planning
- Vocational rehabilitation consultants who support return-to-work programs
- Psychologists, medical advisors, and mental health specialists who have community mental health expertise and provide clinical support
- Service coordinators who support the case manager

Benefits

What type of benefits does WorkSafeBC provide for a mental disorder claim?

If the claim is accepted, the type and duration of benefits will depend on the medical and psychological evidence and the nature of the mental disorder. They may include the following:

- Support for returning to work
- Wage-loss benefits
- Health care benefits, including treatment by a doctor, psychologist, or psychiatrist; a mental health program; or prescription drugs related to the disorder

Additional claims information for workers

What should I do if I think a traumatic event or significant stressor at work has caused me to have a mental disorder?

- Seek treatment. And be sure to tell your doctor, psychologist, or other treatment provider that you believe the mental disorder is work-related.
- Report it to WorkSafeBC's **Teleclaim Contact Centre** as soon as possible by calling 1.888.967.5377. A representative will take basic information and forward your claim to a senior adjudicator, who will contact you for more information.
- Report it to your employer immediately. And be sure to keep in touch with your employer; even if you're unable to perform your regular duties, your employer may be able to offer you alternative duties at your workplace.

Note: It's against the law for an employer to tell you not to report an injury, disease, or disorder to WorkSafeBC.

Will I have to get a psychological assessment before you accept the claim?

Yes. Before accepting a claim, WorkSafeBC will require or arrange a diagnostic assessment by a psychologist or psychiatrist.

What should I do if I believe I have a mental disorder caused by bullying or harassment at work?

- Report it to your employer.
- To find out what you can do to help prevent bullying and harassment in the workplace, call our Prevention Information Line (1.888.621.7233) or check out the **worker fact sheet**.
- Seek treatment and file a claim, as explained on page 1.

How does the claims process differ for mental health claims specifically related to bullying or harassment?

The claims process is essentially the same for all mental disorders. However, when a claim for a mental disorder is related to bullying or harassment, we often need to conduct a significant investigation before making a final decision on the claim.

What if I move during the course of my claim?

If your name or address changes over the course of a claim, please complete and submit a **Change of Name, Address, or Contact Information (Form 25W112)** to WorkSafeBC.

Additional claims information for employers

One of my workers has reported a work-related mental disorder. What should I do?

If a worker reports a work-related mental disorder to you or your representative and requires time off or treatment as a result, you must do the following:

- Report the mental disorder to WorkSafeBC within three business days of the worker first reporting it to you — or within three business days of when you or your representative became aware of it. You can either submit an online **Incident and Injury Report (Form 7)** or complete and send the **Employer's Report of Injury or Occupational Disease** to WorkSafeBC.
- If the worker misses work as a result of the injury or mental disorder, please ensure that the worker calls our **Teleclaim** line (1.888.967.5377) as soon as possible to report it to WorkSafeBC.
- If the mental disorder is related to a serious injury or worker fatality, you must report it (along with the serious injury or fatality) immediately. Call our Prevention Information Line at 1.888.621.7233.

The failure to report an injury, or coercing a worker not to report an injury, is an offence under the *Workers Compensation Act* and can result in fines.

What if the worker says the work-related mental disorder was caused by bullying and harassment? Do I need to do anything differently than I would for any other claim?

- First, ensure that any unacceptable behaviours toward the worker are stopped immediately. Then, try to re-establish a safe and welcoming atmosphere so the worker can return to work safely and promptly.
- To find out what you can and must do to prevent bullying and harassment in the workplace, call our Prevention Information Line (1.888.621.7233) or check out the **Employer fact sheet**.
- Consider whether alternative duties are available for the worker.
- Follow the process for promptly **reporting a claim**.
- If you have concerns about the claim being accepted, you have the right to express those concerns to WorkSafeBC.
- As noted above, employers are expected to respond to requests for information for a claim investigation quickly and independently of any requirements and timelines they may have for conducting an employer investigation.
- Be sure to keep good records of all investigations and actions associated with the claim. WorkSafeBC staff will likely request them. You may be asked for this information from multiple staff members, as the *Freedom of Information and Protection of Privacy Act* restricts what information may be shared within WorkSafeBC.

Review and appeal

What if I disagree with a WorkSafeBC claim decision? What should I do?

If a worker or employer disagrees with a WorkSafeBC decision, the worker or employer can request to have it **reviewed**.

For more information, view the following guides:

- **Claims review and appeal guide for workers and dependants**
- **Claims review and appeal guide for employers**

WorkSafeBC resources

Practice directive on mental disorders

Employer fact sheet on workplace bullying and harassment

Worker fact sheet on workplace bullying and harassment

WorkSafeBC Prevention Information Line:

Toll-free in Canada: 1.888.621.7233