



YUKON WORKERS'
COMPENSATION
HEALTH AND
SAFETY BOARD

SUBJECT: Claims and Benefits

POLICY NO.: CL-57

BOARD APPROVAL:

APPROVAL DATE: March 20, 2007

BOARD ORDER NO.

EFFECTIVE DATE: March 20, 2007

POLICY STATEMENT

POLICY: **ADJUDICATING PSYCHOLOGICAL DISORDERS**

APPLICATION

This policy applies to the Board of Directors, president and staff of the Yukon Workers' Compensation Health and Safety Board (YWCHSB), and to employers and workers covered by the *Act*.

SECTION REFERENCE

Section 117 of the *Workers' Compensation Act* R.S.Y. 2002 (the *Act*) states that a disability:

"in respect of a worker means a work-related incapacity, as determined by the board, including post-traumatic stress, a permanent impairment, or a worker's death".

DEFINITIONS

(a) Acute reaction

An acute reaction is a significant or severe reaction by a worker to a work-related traumatic event that results in a negative psychological response. Such a response is identifiable in the Diagnostic and Statistical Manual of Mental Disorders¹.

¹ Published by the American Psychiatric Association.

(b) Psychological Disorder

A diagnosis related to the mind and mental processes that has caused an individual to not function normally in their daily life and/or work².

(c) Traumatic Event

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 may include, but are not limited to:

- i) witnessing a fatality or a horrific injury;
- ii) being the victim of an armed robbery or hostage-taking;
- iii) being subjected to physical violence; and
- iv) being subjected to threats of physical violence when there is reason to believe the threat is serious and harmful to self or others (e.g. bomb threat or confronted with a weapon).

POLICY STATEMENT

This policy provides direction when the injury/illness is a psychological disorder. All claims for compensation will be adjudicated in accordance with Policy CL-42, "Arising Out of and In the Course of Employment".

Post Traumatic Stress Disorder

Single Event

Compensation for Post Traumatic Stress Disorder will be considered where a disability develops as an acute reaction to a sudden and unexpected traumatic event arising out of and in the course of employment.

Series of Events

Due to the nature of their occupation, some workers, over a period of time, may be exposed to multiple, sudden and/or unexpected traumatic events arising out of and in the course of employment. A final reaction to a series of sudden and traumatic events is considered to be the cumulative effect.

² The DSM explains that the concept of a psychological/mental disorder, like many other concepts in medicine and science, lacks a consistent operational definition that covers all situations. The definition used is a compilation of definitions used by other Workers' Compensation Boards across Canada.

The YWCHSB recognizes that each traumatic event in a series of events may affect the worker psychologically. This is true even if the worker does not show the effects until the most recent event. As a result, entitlement may be accepted because of the cumulative effect, even if the last event is not the most traumatic.

The YWCHSB will consider a claim for Post Traumatic Stress Disorder when:

- i) there is objective and documented evidence confirming that, on a balance of probabilities, the facts as related by the worker can be corroborated and confirm that the disorder arose out of and in the course of the worker's employment;
- ii) there is a confirmed diagnosis by a Clinical Psychologist or Psychiatrist; and
- iii) the diagnosis is defined in the Diagnostic and Statistical Manual of Mental Disorders, Volume IV (DSM-IV).

A full psychological or psychiatric evaluation may not be required immediately for psychological disorders resulting from a single identifiable traumatic work-related incident.

Other Psychological Disorders Constituting a Work-Related Incapacity

The YWCHSB will consider a claim for other psychological disorders when:

- i) there is objective and documented evidence confirming that, on a balance of probabilities, the facts as related by the worker can be corroborated and confirm that the disorder arose out of and in the course of the worker's employment. This will also include evidence of other factors (e.g. non-work related) in determining the significant causal factor of the incapacity;
- ii) there is a confirmed diagnosis by a Clinical Psychologist or Psychiatrist; and
- iii) the diagnosis is defined in the Diagnostic and Statistical Manual of Mental Disorders, Volume IV (DSM-IV).

A worker is not entitled to benefits under the *Workers' Compensation Act* for a psychological disorder(s) that is the result of an employer's employment decisions or actions including, but not limited to: discipline, allegations relating to harassment, performance evaluations, termination, or transfer. Employers have the responsibility under the *Human Rights Act* to reasonably accommodate employees who have a physical or mental disability.

RESPONSIBILITIES

Employers have a responsibility under the *Occupational Health and Safety Act* to take appropriate measures, as far as reasonably practicable, to ensure that the workplace is safe and without risks to health.

EXCEPTIONAL CIRCUMSTANCES

In cases where the individual circumstances of a case are such that the provisions of this policy cannot be applied, or to do so would lead to unfair or unintended results, the YWCHSB will decide the case based on its individual merits and justice. Such a decision will be considered for that specific case only and will not be precedent setting.

REFERENCES

Policy CL-47, "Pre-Existing Conditions"

Policy CS-01, "Treatment"

Policy CS-11, "Rehabilitation"

Policy CL-42, "Arising Out of and In the Course of Employment"

Policy CL-54, "Merits and Justice of the Case"

Yukon Human Rights Act

Occupational Health & Safety Act