

Workplace / Occupational Stress

The following tables outline when workers' compensation may be awarded for stress in each province and territory.

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Source: Association of Workers' Compensation Boards of Canada – 2014

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Newfoundland and Labrador

The following table outlines when workers' compensation may be awarded for stress in Newfoundland and Labrador.

Newfoundland and Labrador – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Under section 43(1) of the Commission's <i>Workplace Health, Safety and Compensation Act</i>, compensation is payable "to a worker who suffers personal injury arising out of and in the course of employment, unless the injury is attributable to the serious and wilful misconduct of the worker." However, section 43(2) of the Act states that the Commission will be liable to pay compensation notwithstanding the worker's misconduct if he or she is seriously and permanently disabled by a work related injury.</p> <p>The term "injury" is defined in section 2(1)(o) of the Act to include: (i) "an injury as a result of a chance event occasioned by a physical or natural cause", (ii) "an injury as a result of a wilful and intentional act, not being the act of the worker", (iii) "disablement", (iv) "industrial disease", or (v) "death as a result of injury" arising out of and in the course of employment and includes a recurrence of an injury and an aggravation of a pre-existing condition but does not include stress other than stress that is an acute reaction to a sudden and unexpected traumatic event. Section 2(2) states: "Notwithstanding paragraph (1)(o), stress that may be the result of an employer's decision or action relating to the employment of a worker including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment does not constitute an injury."</p> <p>The term "industrial disease" is defined under section 2(1)(m) of the Act as a disease enumerated in the regulations, or "another disease peculiar to or characteristic of a particular industrial process, trade or occupation."¹</p> <p>Under section 19(1) of the Act, the Commission has exclusive jurisdiction to determine whether an injury has arisen out of and in the course of employment, the existence and degree of disability, and whether a particular disease is peculiar to, or characteristic of, a particular industrial process, trade or occupation to which the Act applies. Section 26(1) of the Act gives the Review Commissioner jurisdiction to decide whether the Commission in making a decision has acted in accordance with the Act, regulations and established policy.²</p> <p>The Commission and its Review body have broad jurisdiction to accept or consider any type of work related claim. This would necessarily include claims of a psychological nature. Any injury which could come under the broad heading of a "disablement" or any disease which is "peculiar to" or "characteristic of" a trade, occupation, or industrial process is compensable under the Act if it arose out of employment. The Commission has developed policy directives in the area of physical-mental impairment and mental-physical impairment in relation to cardiac claims. Policy EN-06 of the Client Services Policy Manual, titled 'Mental Health Adjustments Following Physical Injury' documents the Commission's policy.</p>

1 *Workplace Health, Safety and Compensation Act*, RSNL 1990, c. W-11.

2 *Ibid.*, section 26(1).

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The Commission's policy on physical-mental claims promotes early intervention of mental health treatment where there are difficulties that result from serious physical injuries or the onset of an industrial disease. However, for injuries that are not life threatening, mental health treatment and compensation benefits will be limited to a three month period. If, after three months, a worker requires continuing mental health care in order to complete his or her return to work program or medical rehabilitation, the Commission will cover periodic professional services only where the worker is participating in his or her return to work program or medical rehabilitation. Once the return to work programming or medical rehabilitation is completed, the Commission shall not provide coverage for mental health care. If a worker does not engage in return to work programming or prescribed medical treatments after three months of support, compensation entitlement under this policy will end. A Permanent Functional Impairment (P.F.I.) rating is not warranted for this circumstance because the Commission accepts the condition on a temporary basis only. All claims are decided based on the individual circumstances of the case.

Mental-mental type claims are addressed under the Board's Mental Stress policy ([Client Services Policy Manual](#), EN-18). Section 2(o) defines "injury" so that stress other than stress that is an acute reaction to a sudden and unexpected traumatic event is excluded from coverage. Furthermore, section 2(2) further clarifies that notwithstanding paragraph (1)(o) (i.e. definition of "injury"), stress that may be the result of an employer's decision or action relating to the employment of a worker including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment does not constitute an injury.

The legislation makes a clear distinction between stress which is acceptable, and stress that may be the result of an employer's decision or action relating to the employment of a worker, which does not constitute an injury.

Board policy on mental stress provides further adjudicative guidance by defining key terms such as "acute reaction" and "traumatic event". Although the merits and justice of each case must be considered, generally mental stress which develops as a result of a traumatic event is considered an acute reaction, even though the reaction may be delayed for days, or even weeks. Delayed acute reaction is not the same as a gradual onset of mental stress which is generally not compensable.

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 include but are not limited to: witnessing a fatality, being the victim of an armed robbery or hostage-taking incident, being subjected to physical violence (see also [Policy EN-06 Psychological Conditions Associated with Physical Injuries](#)), being subjected to death threats where there is reason to believe the threat is serious.

Both these qualifiers (acute reaction and a sudden unexpected traumatic event) must be present before the condition is considered compensable. Claims arising from events that are not considered traumatic, but are traumatic to an individual because of a pre-existing psychological condition are not covered.

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Newfoundland and Labrador – Workplace / Occupational Stress

	<p>A diagnosis under the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) is not a requirement for initial adjudication, although the mental stress must be confirmed by the treating physician. This allows acceptance of claims promptly where an obvious traumatic incident is confirmed and the medical evidence is consistent with an acute reaction. Where the disability becomes long term, a diagnosis under the DSM-IV may be necessary to substantiate continuing entitlement. All claims are decided based on the individual circumstances of the case.</p>
Section of Act:	<p>Workplace Health, Safety and Compensation Act (sections 2, 19, 26, 43)</p>
Policy (if any):	<p>WHSCC - Policies and procedures:</p> <ul style="list-style-type: none">• EN-06 - Mental Health Adjustment Following Physical Injury;• EN-18 - Mental Stress

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Prince Edward Island

The following table outlines when workers' compensation may be awarded for stress in Prince Edward Island.

Prince Edward Island - Workplace/Occupational Stress	
Workplace / Occupational Stress:	<p>Section 6 of the <i>Workers' Compensation Act</i> states, "[w]here, in any industry within the scope of this Part, personal injury by accident arising out of and in the course of employment is caused to a worker, the Board shall pay compensation as provided by this Part out of the Accident Fund." Under section 1(1)(a), "accident" means a chance event occasioned by a physical or natural cause and 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" the result of which is an injury to a worker. The definition of "occupational disease" does not include "an ordinary disease of life". Subsection 1(1.1) provides that the definition of accident does not include stress other than an acute reaction to a traumatic event.</p> <p>The Board has a policy POL-01, "Psychological Or Psychiatric Conditions" which includes mental stress.</p>
Section of Act:	<p><u>Workers Compensation Act</u> (section 1)</p>
Policy (if any):	<ul style="list-style-type: none">• <u>POL-71 Arising out of and in the Course of Employment</u>• <u>POL-01 Psychological or Psychiatric Conditions</u>

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Nova Scotia

The following table outlines when workers' compensation may be awarded for stress in Nova Scotia.

Nova Scotia – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Changes to the Nova Scotia <i>Workers' Compensation Act</i>, which came into force on February 1, 1996, provide a definition of "accident" in Section 2(a), as follows:</p> <p style="padding-left: 40px;">"accident" includes ...</p> <p style="padding-left: 80px;">(iii) disablement, including occupational disease, arising out of and in the course of employment,</p> <p style="padding-left: 40px;">but does not include stress other than an acute reaction to a traumatic event.</p> <p>This legislation virtually eliminates any mental-mental claims unless they are an acute reaction to a traumatic event.</p> <p>On September 3, 1999 the Board of Directors approved Policy 1.3.5 "Criteria for psychiatric condition: Occupational Stress." The Policy provides the following criteria:</p> <ul style="list-style-type: none"> • An emotional reaction following an industrial injury is usually nothing more than a "startle reaction", or a short period of anxiety or depression which subsides very quickly. • This initial emotional reaction, although minor in most cases can, however, increase depending on several factors. Every worker reacts differently to stressful situations, according to his or her individual personality. Factors include: <ul style="list-style-type: none"> a) the severity of the injury; b) whether or not the accident was of a frightening nature; and c) the prior emotional stability of the worker. • The reaction to the injury may be aggravated as a result of prolonged medical treatment. Other factors, such as extended disablement and/or severe functional limitations, may also increase the emotional reaction to the point that the worker's ability to carry out the activities of daily life is affected. • The emotional reaction is generally a temporary condition and the worker is left with no permanent psychiatric impairment. In considering cases of permanent impairment, for claims purposes, a clear causal relationship must be established between the injury and the emotional reaction (i.e. the injury must be shown to be a significant contributing factor). <p>Chronic stress claims for non-traumatic workplace events are precluded under the definition of "accident" in the legislation.</p>
Section of Act:	<u>Workers' Compensation Act</u> (section 2)

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Nova Scotia – Workplace / Occupational Stress

Policy (if any):

- [Policy 1.3.6 Compensability of Stress as an Injury Arising Out of and In the Course of employment – Government Employees Compensation Act \(GECA\)](#)
- [Policy 1.3.5 Criteria for Psychiatric Conditions: Occupational Stress](#)

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New Brunswick

The following table outlines when workers' compensation may be awarded for stress in New Brunswick.

New Brunswick – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>The definition of "accident" in New Brunswick's <i>Workers' Compensation Act</i> includes reference to and stress:</p> <p style="padding-left: 40px;">... An accident includes a wilful and intentional act, not being the act of a worker, and also includes a chance event occasioned by a physical or natural cause, as well as a disablement caused by an occupational disease and any other disablement arising out of and in the course of employment, but does not include the disablement of mental stress or a disablement caused by mental stress other than as an acute reaction to a traumatic event.</p> <p>As in all cases, the injury must arise out of and in the course of employment. WorkSafeNB applies an objective four-part test to determine if a claim for mental stress is compensable. To be compensable, the mental stress must:</p> <ul style="list-style-type: none">• Be an acute reaction to a sudden and unexpected traumatic event;• The traumatic event must have arisen out of and in the course of the worker's employment;• Not be caused by a decision of the worker's employer relating to the management and monitoring of the worker's employment; and• Be a mental or physical condition that is describe in the most recent American Psychiatric Association's Diagnostics and Statistical Manual of Mental Disorders at the time of diagnosis.
Section of Act:	<u>Workers' Compensation Act</u> (section 1)
Policy (if any):	<ul style="list-style-type: none">• <u>Policy No. 21-100, Conditions for Entitlement – General Principles</u>• <u>Policy No. 21-103 Conditions for Entitlement - Stress</u>

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Quebec

The following table outlines when workers' compensation may be awarded for stress in Quebec.

Quebec – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Psychological injuries dealt with by Policy 1.02 Eligibility of occupational injury</p> <p>9.8 Psychological injury</p> <p>There are three main types of psychological injury, that is:</p> <ul style="list-style-type: none">• the one that occurs following acute stress at work, for example post-traumatic stress after a bank hold-up;• the one related to chronic stress at work, for example adaptation disorders following psychological harassment at work;• the one that is consecutive to a physical injury, for example depression following a muscular-skeletal injury. <p>Psychological injury related to stress at work</p> <p>Psychological injuries that occur following an event of acute stress or chronic stress at work are generally analyzed from the point of view of an employment injury.</p> <p>The presumption of employment injury provided in section 28 of the ARIAOD does not apply to a psychological injury since it does not constitute an injury. Therefore, the worker must demonstrate through preponderant evidence:</p> <ul style="list-style-type: none">• the occurrence of a sudden, unexpected event;• attributable to any cause;• occurring out of and in the course of work;• that results in a work injury for the worker. <p>ARIAOD, section 2</p> <p>A series of events may, in some circumstances, constitute a sudden, unexpected event when repeated over a more or less long period.</p> <p>9.8.1 Psychological injury that occurs following acute stress</p> <p>A traumatizing event at work such as death, a serious accident, an act of physical violence, armed robbery, the taking of hostages, death or physical injury threats, where the danger seems real for a reasonable person, may constitute a sudden, unexpected event, attributable to any cause, occurring out of and in the course of work. The worker must be a direct victim of that event, that is, he must have lived it, witnessed it or have been confronted with the situation.</p> <p>9.8.2 Psychological injury related to chronic stress at work</p> <p>Events of stress at work such as psychological harassment, stress related to the task and work organization may, in some circumstances, constitute a sudden, unexpected event, attributable to any cause, occurring out of and in the course of work.</p>

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The events as a whole, which individually appear minor, must go beyond the normal, usual, foreseeable scope of work, taking the workplace into account. In addition, they must be traumatizing enough to cause a psychological injury. Those events generally occur over a period of time, often in a context of escalation.

On the other hand, certain situations experienced at work such as labour relations or management right issues and interpersonal conflicts are not generally seen as sudden, unexpected events.

Psychological harassment at work

Psychological harassment at work consists in discriminatory or abusive behaviour that may strike a blow at a person's dignity. It may also be behaviour, words, acts or sexual contacts liable to shock or humiliate based on objective facts, beyond the mere perception of the worker. It may come from a superior, colleagues, a subordinate or clients.

The CSST does not have to give an opinion on the existence of psychological harassment or not, but on the presence of an employment injury.

The legitimate exercise of the employer's management right does not constitute psychological harassment provided he does not exercise this right in a discriminatory or abusive manner.

Stress related to a task and work organization

Stress related to a task and work organization may occur in situations of work overload, work under pressure, a climate of tension or a change of tasks that differ significantly from the usual tasks, at a quantitative or qualitative level.

Such situations may constitute a sudden, unexpected event if they go beyond the normal, usual, expected scope of work, last over a fairly long period and over which the worker has little or no control.

Labour relations

Situations related to the employer's management right in matters of personnel, such as hiring, evaluation, reprimands, disciplinary measures, assignments, transfers, promotions, demotions, dismissals, are considered as usual, standard workplace events. The legitimate exercise of the employer's management right does not constitute a sudden, unexpected event provided he does not exercise this right in a discriminatory or abusive manner.

Interpersonal conflicts

Interpersonal conflicts, particularly with a superior, colleagues, subordinates or clients, are seen as usual, standard workplace events. Such situations do not generally constitute a sudden, unexpected event unless they go beyond the usual scope of work relations where, for example, they generate unusual, unacceptable behaviour such as aggressive, dangerous behaviour.

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	<p>Relationship in the case of a psychological injury related to stress at work</p> <p>The CSST must establish the relationship between the diagnosed psychological injury and work.</p> <p>To do so, the CSST has the power to appreciate the elements presented to them. These elements enable the Commission to determine the facts and circumstances in which the injury occurred, establish the link with work and conclude whether the worker’s injury constitutes an employment injury.</p> <p>A physician’s opinion on the relationship between the diagnosis and work, even though an element to be considered, does not bind the CSST since it is up to the CSST to establish the relationship.</p>
<p>Section of Act:</p>	<p><u>Act Respecting Industrial Accidents and Occupational Diseases</u> (section 2)</p>
<p>Policy (if any):</p>	<p>N/A</p>

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Ontario

The following table outlines when workers' compensation may be awarded for stress in Ontario.

Ontario – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Under section 13(1) of the Ontario <i>Workplace Safety and Insurance Act</i>, the Board has jurisdiction to award compensation to any worker who suffers a personal injury by accident arising out of and in the course of employment. The word "accident" encompasses the wilful and intentional acts of others, chance events, or any "disablement" which arises out of and in the course of employment. If the worker can demonstrate that his or her accident arose out of the employment, then pursuant to section 13(2) of the Act, "it is presumed to have occurred in the course of the employment unless the contrary is shown." If the weight of the evidence presented is equally balanced, then the Board is required to decide in favor of the claimant, under section 119(2) and section 124(2) of the Act.</p> <p>By exception, mental stress claims are specifically excluded from these insured injuries in section 13(4). According to section 13(5), only when the mental stress is an acute reaction to a sudden or unexpected traumatic event can the provision of benefits under the insurance plan be considered. Even so, the acute reaction cannot be in relation to stress caused by employment decisions such as a change in work requirements, working conditions, discipline or termination of employment.</p> <p>The Board does have a policy on "psychotraumatic disorders", or physical-mental claims. The policy indicates that a worker is entitled to benefits when disability/impairment results from a work-related personal injury by accident. Disability/impairment includes both physical and emotional disability/impairment.</p> <p>Psychotraumatic conditions include any psychological impairment, which arises within five years from the date of the worker's physical injury, or five years from the date of his or her last surgery for it. A worker may be entitled to compensation for this type of disability if he or she develops an organic brain disorder due to a head injury or exposure to toxic chemicals, or suffers from emotional problems due to the severity of the initial physical injury, or the nature of the treatment process. In most cases the Board considers psychotraumatic disability to be a temporary condition.</p>
Section of Act:	<u>Workplace Safety and Insurance Act</u> (section 13)
Policy (if any):	<ul style="list-style-type: none"> • <u>15-03-02 Traumatic Mental Stress</u> • <u>15-04-02 Psychotraumatic Disability</u> • <u>18-05-11 Assessing Permanent Impairment due to Mental and Behavioural Disorders</u>

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Manitoba

The following table outlines when workers' compensation may be awarded for stress in Manitoba.

Manitoba – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Subsection 4(1) of the <i>Act</i> states that "[w]here, in any industry within the scope of this Part, personal injury by accident arising out of and in the course of the employment is caused to a worker, compensation as provided by this Part shall be paid by the board out of the accident fund." Under the definition in subsection 1(1) of the <i>Act</i>, "accident" means "a chance event occasioned by a physical or natural cause" which results in injury to a worker. This definition includes the wilful and intentional acts of others, any event which arises out of and in the course of employment, thing that is done and the doing of which arises out of and in the course of employment, and an occupational disease.</p> <p>Occupational disease means a disease arising out of and in the course of employment and resulting from causes and conditions</p> <ul style="list-style-type: none">(a) peculiar to or characteristic of a particular trade or occupation; or(b) peculiar to the particular employment; <p>but does not include</p> <ul style="list-style-type: none">(c) an ordinary disease of life; and(d) stress, other than an acute reaction to a traumatic event. <p>Policy 44.05.30, <i>Adjudication of Psychological Injuries</i>, explains the way that claims for psychological injuries will be adjudicated, and the reason that some types of psychological injuries will not give rise to a compensable claim.</p> <p>In adjudicating any claim, the WCB determines whether:</p> <ol style="list-style-type: none">1. There has been an accident arising out of and in the course of employment;2. The worker has suffered an injury; and3. The injury was caused by the accident. <p>These issues are determined whether the injury is psychological or physical, and without regard to the severity of the injury.</p> <p>The WCB will review the event that may have caused the psychological injury to determine whether the event meets the definition of accident under its various parts. The WCB will start by looking at the beginning of the definition. If it does not find an accident at the beginning of the definition, it will continue until it either finds an accident or finds that there was no accident under any part of the definition.</p> <p>The WCB will next determine whether the worker suffered an injury as a result of the accident. A specific diagnosis is not necessary in order for a psychological injury to be compensable. The severity of the injury is a factor to consider in determining the benefits payable. It does not determine whether the claim is compensable.</p>

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Manitoba – Workplace / Occupational Stress

	<p>The kind of stress that arises from factors considered intrinsic to a particular job, as well as conditions arising from human resource decisions will not give rise to a compensable claim. The daily pressures or stressors of work do not fall within any part of the definition of accident because there is no chance event, no wilful and intentional act and no traumatic event. Under subsection (1.1) of the <i>Act</i>, discipline, promotion, demotion, transfer or other employment related matters are specifically excluded from the definition of accident.</p> <p>The administrative guidelines to policy 44.05.30 provide guidance to the kinds of events that the WCB considers to be chance events, wilful and intentional acts or acute reactions to a traumatic event. The examples or illustrations in the guidelines are not intended to be comprehensive.</p>
Section of Act:	Workers Compensation Act (sections 1(1), 1(1.1), 4)
Policy (if any):	Policy 44.05.30, Adjudication of Psychological Injuries

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Saskatchewan

The following table outlines when workers' compensation may be awarded for stress in Saskatchewan.

Saskatchewan – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>The Saskatchewan Workers' Compensation Board has broad jurisdiction to compensate for all types of work injuries. Section 26 of its governing legislation states, "if a worker suffers an injury, the worker is entitled to compensation. Compensation is to be paid by the board out of the fund". Section 27 of the Act adds that, "unless the contrary is proven, if an injury to a worker arises out of the worker's employment, it is presumed that it occurred in the course of his or her employment. Unless the contrary is proven, if an injury to a worker occurred in the course of his or her employment, it is presumed that it arose out of the worker's employment." Section 2(1)(r) of the Act defines the term "injury" in a very broad manner. It includes the results of the wilful and intentional acts of others, the results of a chance event occasioned by a physical or natural cause, or "any disablement" which arises out of and in the course of employment.³</p> <p>In accordance with this mandate, the Saskatchewan WCB has developed a clearly defined policy in relation to psychological or stress-related disorders that arise out of employment. POL 01/2009 bases the adjudication of all psychological injury claims on the cause of the injury being reported: acute cause criteria or chronic cause criteria. The policy details what events would trigger or cause psychological conditions while taking into account the merits and justice of each claim.</p> <p>Generally, for acute cause claims to be accepted there must be a specific, dramatic or sudden event which the worker personally witnessed and/or was involved in; the event will be unexpected for the type of employment concerned and generally accepted to be traumatic (shocking, horrific, involving risk of harm to self or others); and, the onset of the effect is often immediate or close in time to the event. In cases of acute cause claims with delayed onset (not immediate or close in time to the event) of injury, a DSM IV diagnosis will be required and the worker will be referred for a complete Mental Health Assessment. Acute cause type claims are adjudicated in the same manner as claims with physical injury from specific events; that being, the WCB determines if an injury occurred and whether it arose out of and in the course of employment.</p> <p>For chronic cause claims, it will be determined if the work-related events were excessive or unusual in comparison to the normal pressures and tensions experienced by the average worker in the same or similar occupation or work environment. For chronic cause claims to be accepted, workers must be employed in jobs involving events, or a series of events, considered traumatic to the general population. Non-traumatic chronic cause psychological claims may also be accepted that have arisen due to work relations, work load, or interpersonal conflicts. All chronic psychological injury claims generally will require a confirmed Mental Health Assessment including a DSM IV diagnosis by a doctoral psychologist or psychiatrist.</p>

3 *The Workers' Compensation Act, 2013* – Chapter W-17.11* of the *Statutes of Saskatchewan, 2013* (effective January 1, 2014), as amended by the *Statutes of Saskatchewan, 2014*, c.E-13.1.

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Saskatchewan – Workplace / Occupational Stress

Section of Act:	The Workers' Compensation Act, 2013 (sections 28, 29)
Policy (if any):	<ul style="list-style-type: none">• POL & PRO 01/2009 – Injuries – Psychological• POL 11/2003 & PRO 13/2007 – Injuries - Occupational Disease• POL & PRO 23/2010 – Permanent Functional Impairment (PFI) - General

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Alberta

The following table outlines when workers' compensation may be awarded for stress in Alberta.

Alberta – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Under section 24(1) of the Alberta <i>Workers' Compensation Act</i>, the Board may pay compensation to a worker who suffers personal injury due to a workplace accident, unless the injury is attributable primarily to the worker's own wilful misconduct and the injury is not serious. The term "accident" is defined in s.1(1)(a) of the Act as a wilful or intentional act done to the worker by another, a chance event occasioned by a physical or natural cause, a disablement, or a disabling or potentially disabling condition caused by an occupational disease.⁴ The Board policy manual expressly states that the term "personal injury" includes physical, psychological, and psychiatric injuries.⁵</p> <p>The Board's policy on psychiatric or psychological injuries allows compensation for mental injuries if they arise from any of the following:</p> <ul style="list-style-type: none">• organic brain damage• an emotional reaction to a work-related physical disability• an emotional reaction to a work-related treatment process• traumatic onset psychological injury or stress that is an emotional reaction in response to a single or cumulative series of traumatic work-related incident(s) experienced by the worker. A traumatic incident is defined as direct personal experience of an event or directly witnessing an event that, reasonably and objectively assessed, is sudden, frightening or shocking, has a specific time and place, and involves actual or threatened death or serious injury to oneself or others, or threat to one's physical integrity (for example, victim of a robbery or hostage-taking incident, witnessing the death or severe injury of a co-worker, providing first response to victims of severe physical trauma or fatalities)• chronic onset psychological injury or stress that is an emotional reaction to:<ul style="list-style-type: none">a) an accumulation over time of a number of work-related stressors that do not meet the definition of traumatic incident,b) a significant work-related stressor that has lasted for a long time and does not meet the definition of a traumatic incident, orc) both a) and b) togetherwhen the following criteria are met.<ul style="list-style-type: none">▫ there is a confirmed psychological or psychiatric diagnosis as described in the DSM-IV▫ the work-related events or stressors are the predominant cause of the injury

4 *Workers' Compensation Act*, RSA 2000, c.W-15.

5 *Alberta WCB Policies & Information Manual*, Policy 03-01 Part I, I.O.

Source: Association of Workers' Compensation Boards of Canada – 2014

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Alberta – Workplace / Occupational Stress

- 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 events⁶

*Normal pressures and tensions include, amongst other things, the duties reasonably expected by the nature of the worker's occupation, interpersonal relations and conflicts, health and safety concerns, union issues, and routine labour actions taken by the employer to which all workers may be subject from time to time.

In addition, under Policy 03-01, Part II, Application 4 Question 2, there is a probable relationship between significant and acute psychological stress and cardiac conditions.

The WCB may provide treatment for a psychological condition which is not related to the worker's employment injury if it is of the opinion that treatment could accelerate recovery, or that therapy would lessen any handicap associated with a compensable accident. An offer of treatment for an unrelated condition is entirely at the WCB's discretion and does not imply any acceptance of responsibility for the underlying cause.

If a work-related injury meets the conditions described above and aggravates a pre-existing psychological condition the WCB pays compensation only for the disability directly attributable to the workplace aggravation.⁷

Effective December 10, 2012, a new presumption was added to the *Workers' Compensation Act*. Section 24.2 provides a presumption for first-responders so that if a worker who is or was an emergency medical technician, firefighter, peace officer or police officer is diagnosed with post-traumatic stress disorder (PTSD) by a physician or psychologist, the PTSD is presumed to be an injury that arose out of and occurred in the course of employment, unless the contrary is proven.

Section of Act: [Workers' Compensation Act](#) (sections 1, 24, 24.2)

- Policy (if any):
- [03-01/II/6](#)
 - [03-01/II/4 \(Question 2\)](#)

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⁶ [Alberta WCB Policies & Information Manual](#), Policy 03-01, Part II, Application 6.

⁷ [Alberta WCB Policies & Information Manual](#), Policy 03-02, Part I.

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British Columbia

The following table outlines when workers' compensation may be awarded for stress in British Columbia.

British Columbia – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Under section 5(1) of the British Columbia <i>Workers Compensation Act</i> ("Act"), the Board has jurisdiction to compensate workers for any "personal injury" which arises out of and in the course of employment.</p> <p>The <i>Rehabilitation Services & Claims Manual</i>, Vol. II, Item C3-13.00, Section 5.1 - Mental Disorders, provides that a worker's entitlement under section 5.1 of the Act is distinct from a worker's entitlement under section 5(1) for psychological impairment that is a compensable consequence of an injury. On July 1, 2012, the <i>Workers Compensation Amendment Act, 2011</i> amended the mental stress provision in the Act. New policy Item C3-13.00, <i>Section 5.1 – Mental Disorders</i>, also became effective July 1, 2012 to reflect the legislative changes.</p> <p>Section 5.1 of the Act provides:</p> <p style="margin-left: 40px;">5.1 (1) Subject to subsection (2), a worker is entitled to compensation for a mental disorder that does not result from an injury for which the worker is otherwise entitled to compensation, only if the mental disorder</p> <p style="margin-left: 80px;">(a) either</p> <p style="margin-left: 120px;">(i) is a reaction to one or more traumatic events arising out of and in the course of the worker's employment, or</p> <p style="margin-left: 120px;">(ii) is predominantly caused by a significant work-related stressor, including bullying or harassment, or a cumulative series of significant work-related stressors, arising out of and in the course of the worker's employment,</p> <p style="margin-left: 80px;">(b) is diagnosed by a psychiatrist or psychologist as a mental or physical condition that is described in the most recent American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders at the time of the diagnosis, and</p> <p style="margin-left: 80px;">(c) is not caused by a decision of the worker's employer relating to the worker's employment, including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment.</p> <p style="margin-left: 40px;">(2) The Board may require that a psychiatrist or psychologist appointed by the Board review a diagnosis made for the purposes of subsection (1) (b) and may consider that review in determining whether a worker is entitled to compensation for a mental disorder.</p> <p style="margin-left: 40px;">(3) Section 56 (1) applies to a psychiatrist or psychologist who makes a diagnosis referred to in this section.</p>

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(4) In this section:

"psychiatrist" means a physician who is recognized by the College of Physicians and Surgeons of British Columbia, or another accredited body recognized by the Board, as being a specialist in psychiatry;

"psychologist" means a person who is registered as a member of the College of Psychologists of British Columbia established under section 15 (1) of the *Health Professions Act* or a person who is entitled to practise as a psychologist under the laws of another province.

The policy provides guidance on the adjudication of claims for mental disorders. The policy is divided into five sections which provide guidance to decision-makers on the considerations relevant to the adjudication of mental disorder claims. The sections are:

- A. Does the worker have a DSM diagnosed mental disorder?
- B. Was there one or more events, or a stressor, or a cumulative series of stressors?
- C. Was the event “traumatic” or the work-related stressor “significant”?
- D. Causation
 - (i) Was the mental disorder a reaction to one or more traumatic events arising out of and in the course of the worker’s employment?
 - (ii) Was the mental disorder 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 the worker’s employment?
- E. Section 5.1(1)(c) Exclusions

Please see Item C3-13.00, *Section 5.1-Mental Disorders*, for the complete policy.

Section of Act: [Workers Compensation Act](#) (sections 5, 5.1)

Policy (if any): [Rehabilitation Services & Claims Manual, Vol. II](#), policy items C3-13.00, Section 5.1 – Mental Disorders, and C3-22.30 Compensable Consequences – Psychological Impairment

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Yukon

The following table outlines when workers' compensation may be awarded for stress in Yukon.

Please note, Yukon's information was last updated in 2012. 2014 information was unavailable at time of publishing.

Yukon – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>The preamble to the Yukon <i>Workers' Compensation Act</i> states that an objective of the legislation is to "ensure that the workers' compensation system continues to meet the changing needs of workers and more adequately reflects the true costs, in both human and economic terms, of injuries arising out of the workplace". The Board was given responsibility for Occupational Health and Safety in 1992, in order to further the goals of encouraging safe workplace practices and minimizing injuries.</p> <p>Under section 4(1) of the Act, "a worker who suffers a work related injury is entitled to compensation unless the injury is attributable to conduct deliberately undertaken for the purpose of receiving compensation." The term "injury" is defined in section 3 of the Act as "a work related incapacity as determined by the board, including post-traumatic stress, a permanent impairment, or a worker's death." The definition departs from the traditional dichotomy of "accidents" and occupational or industrial "diseases" in favour of the general meaning encompassed by the term "injury". Under section 105 of the Act the Board has exclusive jurisdiction to decide all matters pertaining to whether or not a worker's injury was work related, and the degree and duration of an injury.</p> <p>Given the broad mandate and jurisdiction of the Board, and the definition of an injury contained in the Act, the Board has the power to provide compensation for all work-related physical or psychological injuries. The Yukon has developed a policy, <i>Adjudicating Psychological Disorders</i>, that includes direction on dealing with Post-traumatic stress disorders.</p>
Section of Act:	Workers' Compensation Act (s.3, 4, 105)
Policy (if any):	EN-09, Adjudicating Psychological Disorders

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Northwest Territories and Nunavut

The following table outlines when workers' compensation may be awarded for stress in Northwest Territories and Nunavut.

Northwest Territories and Nunavut – Workplace / Occupational Stress	
Workplace / Occupational Stress:	<p>Under Section 10 of the <i>Workers' Compensation Act</i>, workers may be entitled to compensation benefits for a personal injury or disease suffered by the worker arising out of and during the course of employment. A "disease" is defined as an unhealthy condition of the body or mind.</p> <p>Policy 03.09 – Psychiatric and Psychological Disability – outlines how the WSCC will accept and compensate for claims for psychiatric and psychological disability. A worker may experience an event or series of events which leads to mental stress and psychiatric or psychological disability. The event must satisfy criteria of work-relatedness, trauma and objective verification. To be compensable, the psychiatric or psychological disability must result from physical or emotional reactions to workplace trauma and be diagnosed by a psychiatrist or psychologist according to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV), published by the American Psychiatric Association.</p> <p>Diagnoses may include, but are not limited to:</p> <ul style="list-style-type: none">• Acute stress disorder• Post-traumatic stress disorder• Adjustment disorder• An anxiety or depressive disorder <p>To be compensated, a claimant must be diagnosed by a psychiatrist or psychologist with a disorder that leads to a disability and results from one or more of the following:</p> <ul style="list-style-type: none">• A work-related head injury, exposure to toxic chemicals or gases, anoxia or any other work-related injury, disease or condition causally connected to organic brain damage. This also includes mental disorders resulting from medication used to treat a work-related injury.• An emotional reaction to a work-related physical disability.• An emotional reaction to a treatment process.• An emotional reaction in response to a sudden, single, traumatic, work-related incident that is frightening or shocking to the worker, and has a specific time and place.• An emotional reaction to an accumulation of a number of work-related traumatic events over time. <p>Work-related traumatic events do not include the usual pressures and tensions reasonably expected by the nature of the worker's occupation and duties.</p>

Source: Association of Workers' Compensation Boards of Canada – 2014

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Northwest Territories and Nunavut – Workplace / Occupational Stress

	Section 12(b) of the <i>Workers' Compensation Act</i> states that no person is entitled to compensation for mental stress arising out of labour relations between the worker and employer, including mental stress caused by wrongful dismissal, unless the act or omission was made with intent to harm the worker.
Section of Act:	Workers' Compensation Act (sections 1(1), 10, 12)
Policy (if any):	Policy 03.09 – Psychiatric and Psychological Disability

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