

Preventing and Managing

# *Chronic Mental Stress Claims*

In Your Organization



## Congratulations!

If you are using this guide, you are already taking steps to *effectively manage chronic mental stress claims in your organization.*

### You *know* .....

- Workers who have a diagnosed mental illness may be *entitled to workers' compensation benefits*
- The longer a worker is off work, the *harder it is to get him/her back to work*
- *Early and safe return to work is essential*, but needs to be done properly to *avoid making the situation worse*
- Chronic mental stress claims will *drive your organization's workers' compensation premiums up*

**You *need* a step-by-step process for *identifying a worker who may be at risk* and *helping* him or her to:**

- ✓ ***stay at work, if it is safe for him/her to do so;***
- ✓ ***return to work if time off is necessary for treatment and recovery; and***
- ✓ ***return to full duties.***

This tool is designed to help you through these steps.

# *Step One*

## *Understand What Chronic Mental Stress Is and*

### *Why it is Hazardous*

Chronic mental stress occurs when the individual is exposed to ongoing stressors without relief. It doesn't matter whether the stress is work-related or not. It is the overall stress load that matters. When we understand what it is and why it is so hazardous, we can be better equipped to recognize it and appropriate action to help the individual before the stress causes disability.

The constant release of stress hormones causes changes in brain and body chemistry and function. These hormones are typically involved in the flight or fight reaction. When an individual is exposed to high levels of stress on an ongoing basis, the constant production of stress hormones causes them to build up in the body, the glands that produce them become fatigued, and mental and physical illness and disease can set in.

Chronic mental stress is a recognized hazard that can deplete the individual's capacity for resilience to stressors. As the stress continues, the individual's ability to cope erodes, and it becomes increasingly difficult to deal with the normal stresses of life. This can result in emotional and relational problems, depression, anxiety and performance issues.

Chronic mental stress interferes with an individual's ability to focus and make clear and wise decisions. This can be a safety hazard for anyone, especially if they are operating machinery or equipment, or making decisions that may affect the health or safety of themselves or another person.

#### ***Answer the question:***

1. Are there any workers in your organization who may be suffering from chronic stress?

# Step Two

## *Identify Sources of Work-Related Chronic Mental Stress*

### *In Your Organization*

Workers in several provinces in Canada can file a claim for workers' compensation benefits. Review the policy in your jurisdiction! Be familiar with it! There is good reason why these policies outline the entitlement criteria that they do!

In general, the following criteria must be met for the initial claim to be approved:

- A *diagnosis of mental illness* from a regulated health care professional
- Exposure to a *substantial work-related stressor*
- The substantial work-related stressor must be the *predominant cause* of the mental illness.

When a worker files a claim, the employer has the legal right to require proof that all three criteria were met. It can get difficult in cases where the worker has a pre-existing mental illness, or where there the lines between management practices and harassment are unclear. In the case where the evidence is equally balanced, the decision will be in favour of the worker.

**Be proactive! Don't wait for a claim to identify sources of chronic mental stress in your organization!**

Find out what *substantial work-related stressors* there may be in your organization and what you can do to *reduce the risk* that a substantial work-related stressor might cause harm to a worker.

There are several ways to identify sources of work-related chronic mental stress in your organization. For example:

- Listen to what employees are saying and how they are saying it. Are they expressing concerns about their stress load? Are they upset, angry, irritable, apathetic? Are they complaining about burn-out? Are they chronically fatigued?
- Has there been a noticeable change in an employee's attitude or behaviour?
- Are there signs of chronic mental stress showing up in recent employee surveys?
- Is any employee experiencing an unexplained increase in sick time, performance issues or accidents?
- Is there unresolved conflict between workers?
- Are there signs or reports of harassment or bullying?



# *Step Three*

## *Address Substantial Work-Related Stressors*

### *In Your Organization*

In some cases, it will be clear what needs to be done. In others, you may need to do more research.

Make sure your organization is following legal requirements, established company procedures and collective agreements, if applicable. For example, compliance with respect in the workplace and anti-harassment and bullying policies and procedures.

The best laid plans can crumble without buy-in from the people who must carry them out. Create buy-in through engaging workers in the process of determining how to address the substantial work-related stressor(s) that are causing or contributing to chronic mental stress. This is extremely important, particularly when the worker has a claim for lost time benefits, since they must cooperate with accommodation and return to work plans.

Find out what they need to support their ability to work productively within their current abilities, given their level of mental and physical health, even before a claim is filed. This may include:

- Helping with access to mental health treatment or other services to help them manage their stress load;
- Making temporary changes to the job or the worker's schedule to accommodate the him/her;
- Making universal design changes to the workplace to eliminate the hazard or reduce the risk for all workers;
- Taking action to resolve conflict in a psychologically healthy and safe manner; or
- Taking appropriate action to address workplace stigma, harassment or bullying.

Review the National Standard of Canada on Psychological Health and Safety in the Workplace. It explains the human needs at work and the workplace factors that affect mental health. Remember that you should be focusing on the reducing the negative impact of the hazard. Making these kinds of changes will help a worker who is suffering as well as other workers.

Be sure to document your plans.



## *Step Four*

### *Be Prepared to Manage a Chronic Mental Stress Claim Well*

In some cases, a worker will have filed a claim for workers' compensation. You will likely be notified through the Workers' Compensation Board or Workplace Safety and Insurance Board, as applicable, after the worker has sought medical attention and received a diagnosis of mental illness.

You must be aware of the Board's policies and be ready to implement your organization's *mental health claims management process*. The process should include:

1. A clear policy outlining the organization's commitment to preventing and managing chronic mental stress claims
2. Applicable definitions
3. Roles and responsibilities of key parties
4. Forms and instructions
5. Training for workplace parties
6. Written procedures and protocols, including:
  - a. Incident reporting
  - b. Incident investigation
  - c. Communication with key parties
  - d. How to determine if workplace accommodation is needed and what the worker's functional abilities are
  - e. How to determine the essential duties of the worker's job in relation to mental health and whether suitable accommodation is available
  - f. Developing a suitable return to work plan, including addressing the needs and attitudes of co-workers who may be affected
  - g. How to assess if all entitlement criteria have been met for initial entitlement
  - h. How to monitor the worker's progress
  - i. How to obtain medical updates and independent mental health assessments, if necessary
  - j. How to assess if the workplace stressor continues to be the predominant cause of ongoing mental illness
  - k. Appeal procedure
  - l. Documentation requirements

If it is a claim for health care only, without lost time, do not treat it lightly. Take action to make sure the worker gets the treatment and support he/she needs to improve without having to take time off.



If the worker needs time off for treatment and recovery, although early and safe return to work is desirable, your focus needs to be on helping the worker get the treatment and support they need to recover. They need to be well enough to cope with the stress they will be subject to when returning to work so they do not suffer a relapse.

***Answer the questions:***

1. What do we need to do to ensure our organization's disability and claims management program includes all the requirements for effective management of a chronic mental stress claim?
2. Do our job demands analyses include cognitive and mental requirements?
3. Have our workplace parties been trained on their rights and responsibilities with respect to chronic mental stress claims?

## *What to do with your List of Answers*

Now, instead of feeling unsure of what to do or feeling overwhelmed by what you have been tasked with, you have a better understanding of what chronic mental stress is and why it is so hazardous, what to do to prevent a claim, and what to do to manage a claim if one is filed.

You may need resources and support from executives to carry out the necessary actions.

### **Now, it's time to take action!**

Depending on your organization, its culture, its social climate, its economic position, and other key initiatives underway or coming up in the near future, you may need to do one more step to gain support and commitment to take action on the answers you identified.

You may want to fill out the *Cost of Doing Nothing Worksheet* to help senior management see the return on investment for taking action. You can [download the worksheet here.](#)