

Frequently asked questions

Mental disorder claims

On May 31, 2012, the Government of British Columbia passed [Bill 14](#), which addressed revisions to the *Workers Compensation Act* as they relate to compensation for mental disorders. The amended legislation applies to decisions made by WorkSafeBC and the Workers' Compensation Appeal Tribunal on or after July 1, 2012.

This document answers some of the frequently asked questions relating to 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 predominately 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.

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

The law and related policy states 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, lay-offs, 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 case manager, who will take a detailed history (and may ask the worker to complete a questionnaire), contact the employer as required, obtain all relevant medical reports, and conduct or initiate any investigations required to establish the facts.

If the evidence supports the worker's claim that he or she has been exposed to either a traumatic event or a significant work-related stressor, the case manager will refer that worker to a psychologist or psychiatrist, who will 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 case manager will then call the worker to inform him or her of the decision, and also send a letter to both the worker and the employer, explaining the reasons for the decision. 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 privy to 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 their case manager 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](#), that will allow him or her to see 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 in the Mental Health Claims Unit who will manage all mental disorder claims, including as follows:

- case managers who make decisions as to whether the claim can be accepted, the benefits that are payable, the kind of investigations and reports that are required, the types of treatment that can be offered, and when a worker can return to work
- nurse advisors and 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
- team assistants who support the case manager

Benefits

What types 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 to WorkSafeBC's [Teleclaim Contact Centre](#) as soon as possible. A representative will take basic information and forward your claim to a case manager, 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.

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

According to policy, WorkSafeBC cannot accept a claim for a mental disorder caused by a decision your employer made relating to your employment. For example, we cannot compensate you for mental disorders caused by the following:

- a change in your work or working conditions
- discipline
- termination of employment
- a change to your workload and deadlines
- evaluation of your work
- performance management
- transfers, lay-offs, demotions, or reorganizations

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. Although, 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 \(#25w112\)](#) form 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.
- View the [benefits](#) of reporting online.
- If the worker misses work as a result of his or her injury or mental disorder, please ensure that he or she calls our [Teleclaim](#) line as soon as possible to report it to WorkSafeBC.
- If the mental disorder is related to a serious injury or a fatality of a worker, you must report it (along with the serious injury or fatality) immediately. Call our prevention information line at 1.888.621.7233 (after-hours emergency 1.866.922.4357).

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

What if the worker says his or her work-related mental disorder was caused by bullying and harassment? Do I need to do – or know – anything differently than I would for a regular 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.
- Be sure to keep good records of all investigations and actions associated with the claim. WorkSafeBC staff will likely request them.

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, he or she can request to have it reviewed.

For more information, view the following guides:

- [Claims Review and Appeal Guide for Workers and Dependents](#)
- [Claims Review and Appeal Guide for Employers](#)

WorkSafeBC Resources

[How mental disorder legislation impacts employers/associations](#)

[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 (after-hours emergency 1.866.922.4357)