Update on WCB's Psychological Injury Policies & Procedures

Direct Links:
Psychological Injury Presumption: Policy and Procedure 11/2025
General Injury Presumption: Policy and Procedure 12/2025

Background: From WCB

Psychological Injuries – Psychological Injury Presumption (Section 28.1) (Policy and Procedure 11/2025)
This policy and procedure, effective May 1, 2025, clarify the criteria required by the psychological injury presumption set out in Section 28.1 of the Act.
A worker or former worker, who:

- Suffers from a psychological disorder diagnosed in accordance with the DSM by a licensed psychologist or psychiatrist and
- Was exposed to a traumatic event in the course of employment, is presumed to have a work-related psychological injury, unless the contrary is proven.

Psychological Injuries – General Injury Presumption (Section 27) (Policy and Procedure 12/2025)
This new policy and procedure, effective May 1, 2025, provide adjudication guidelines for psychological injury claims that do not meet the psychological injury presumption. This includes:

- Claims where there may be a traumatic work-related event, but the DSM diagnosis has not been provided by a licensed psychologist or psychiatrist and/or
- Claims where there are substantial work-related stressors (e.g., harassment, bullying, excessive workload, etc.) that have led to a claim.

The WCB will determine if it is more likely than not that a traumatic work-related event or a substantial work-related stressor are substantial contributing factors to the psychological injury. Staff may use the "but for" test to assist with decision making.

Further Explanation of Key Terms & Factors

Please note: all the below information comes from the policies and procedures linked above. For more detail, please review the full documents.

Substantial Work-Related Stressor
Substantial work-related stressor means an event, or series of events, that has arisen out of and in the course of employment that may give rise to a psychological injury.

- A work-related stressor will generally be considered substantial if it is excessive in intensity and/or duration in comparison to the normal pressures and tensions experienced by workers in similar work situations.
- The following circumstances would generally be considered substantial work-related stressors:
    - Discrimination or harassment based on prohibited grounds as defined by ***The Saskatchewan Human Rights Code***
    - Bullying or personal harassment
    - Sexual harassment
    - Excessive and long-standing workload issues that would be objectively considered beyond the normal pressures and tensions experienced within employment and constitute a threat or a lasting harmful effect to a worker's health or safety.

Work-Related Interpersonal Incidents

How can WCB determine if a work-related interpersonal incident may be considered a substantial work-related stressor(s)? Have to confirm ALL:

- Objective confirmation of the incident as reported (While a worker's personal feelings, perceptions, or assumptions related to an incident may be upsetting, have to have verifiable evidence it occurred)
- Incident was wilful/intentional – intending to cause harm
- Incident is "beyond the normal pressures and tensions" experienced with employment
- Incident constitutes threat or a lasting harmful effect to the worker's health or safety

What are some examples of interpersonal incidents that *would not* be considered substantial work-related stressors?

- Incidents that would not be reasonably seen as being done with the wilful intent to cause harm (i.e., disagreements or differences of opinion would not generally have any intent to cause harm),
- Incidents that do not escalate to the point of discrimination, bullying or harassment,
- Incidents that are a result of voluntary personal relationships and/or their breakdown within the workplace,
- Mental stress that may develop over time due to general workplace conditions or stressors.

Excessive Workload

WCB will determine if a worker's excessive workload is objectively beyond the normal pressures and tensions experienced within employment and constitutes a threat or a lasting harmful effect to the worker's health or safety by determining if:

- The worker's workload is significantly different from that of a co-worker's usual workload and beyond the normal scope of maintaining employment (e.g., amount or type of tasks, etc.),
- The workload pressure is prolonged and unusually excessive in intensity and duration and
- The employer has taken any steps to mitigate or reduce the worker's excessive workload and, if so, how long alternate plans have been in place.

The WCB *does not consider* psychological symptoms that result from the normal expectations of employment to be an injury arising out of and in the course of employment. Normal expectations of employment include the following:

- Timeline pressures,
- Work environment (e.g., poor work culture),
- Interpersonal conflicts that would not be considered discrimination, harassment, or bullying,
- Periodic workload fluctuations or assignment changes,
- Reasonable actions or decisions taken by an employer including:
- Hiring and firing employees,
- Performance evaluations or performance corrective actions (it is within the employer's right to manage performance expectations and provide coaching when necessary),
- Staff assignments, transfers, or restructuring,
- Promotions, demotions, and lay-offs, and
- Conflict management (e.g., any reasonable action taken by an employer for the management of interpersonal conflict).

<u>WCB Costs</u>

While all of this is occurring, the worker may be receiving WCB benefits and support. If the adjudication eventually reveals that the injury was not work-related, the costs will not be charged to the employer (they will come from a reserve fund).