

Workplace Injuries Caused by Mental Stress Deserve to be Recognized

Table Of Contents

Publication Date

Monday, April 23, 2018 - 3:15pm

The National Day of Mourning is observed on April 28 in Canada. In other countries the day is known as Workers' Mourning Day or International Workers Memorial Day.

The National Day of Mourning has grown to be recognized in over 100 countries around the world. This day reflects and pays tribute to workers who have either been injured, become disabled, suffered illness or who have been killed on the job due to workplace-related incidents and hazards. Workers have the legal right to be protected from hazards. When these hazards are not addressed, workers suffer the most. *In Canada alone, three or more workers lose their life or are injured due to a work related injury or illness every single day.*

The OPSEU Disability Rights Caucus (DRC) recognizes that psychosocial factors and not just physical causes contribute to workplace hazards. Psychosocial factors include precarious work, harassment, discrimination, high job demands and bullying in the workplace. All of these factors are preventable and the injuries suffered can leave a worker disabled for life. According to the mental health commission, by age 40, one of every two people will have or have had a mental health condition and 30 percent of all short-term and long-term disability claims are for mental health issues.

In Ontario, chronic mental health conditions are excluded from coverage under the Workplace Safety and Insurance Act (WSIA). Under the legislation, workers with physical injuries must show that workplace conditions are "a significant contributing factor" in the development of an injury. In the case of mental health, a workplace injury must be "an acute reaction to a sudden and expected traumatic event."

A worker with a mental health condition may not be entitled to benefits after years of being subject to harassment from co-workers or supervisors, but a worker may be compensated where the worker witnessed a workplace accident. Workplace actions such as the decision to change the work performed or working conditions, disciplining the worker or terminating employment are also not eligible for compensation under the current legislation.

In 2014, the Workplace Safety and Insurance Appeals found the restriction on chronic mental stress injuries in the WSIA to be unconstitutional. Yet the WSIB still does not compensate for workplace injuries as a result of psychosocial factors and there has been no remedial action on the part of government bodies like the Ministry of Labour following this decision. Current WSIB policy specifically stipulates that harassment has to lead to violence or the threat of physical violence to be considered a workplace injury. This January WSIB introduced a policy which provides for entitlement for chronic mental stress but it also excludes workload and changes in work processes as the cause of mental stress. In this policy harassment will only be considered if the conduct is egregious or abusive.

On this Day of Mourning, the DRC along with others, demand changes to the WSIA and policies governing workplace insurance benefits. Workers who experience mental health disabilities should receive equal benefits. The DRC also supports and recognizes the community activists and legal clinics who have filed a complaint with the Ontario Ombudsman calling for an investigation in the WSIB for its treatment of workers with chronic mental stress injuries due to workplace trauma.

As we remember and honour those lives lost or injured, let us also continue our struggle to improve workplace benefits, health and safety, and to raise awareness to prevent further deaths, injuries and diseases, including invisible injuries. We must ensure that mental health injuries count.

Disability Rights Caucus

Tim Vining

Human Rights Officer / Agent des droits de la personne

Equity Unit / Unité de l'équité

Ontario Public Service Employees Union (OPSEU) / Syndicat des employés de la fonction publique (SEFPO)

100 Lesmill Road / rue Lesmill

Toronto, Ontario

M3B 3P8