



CHRONIC MENTAL STRESS CONSULTATION

BACKGROUND INFORMATION
MAY 4, 2017

wsib
ONTARIO

PURPOSE

This consultation background document will:

- Provide information on the Ontario Government's proposed legislative changes regarding chronic mental stress (CMS)
- Describe the WSIB's proposed approach to implement the proposed legislative changes, if passed
- Provide an overview of the WSIB's proposed draft mental stress policy
- Describe how you can participate in the consultation

PROPOSED LEGISLATION: OVERVIEW

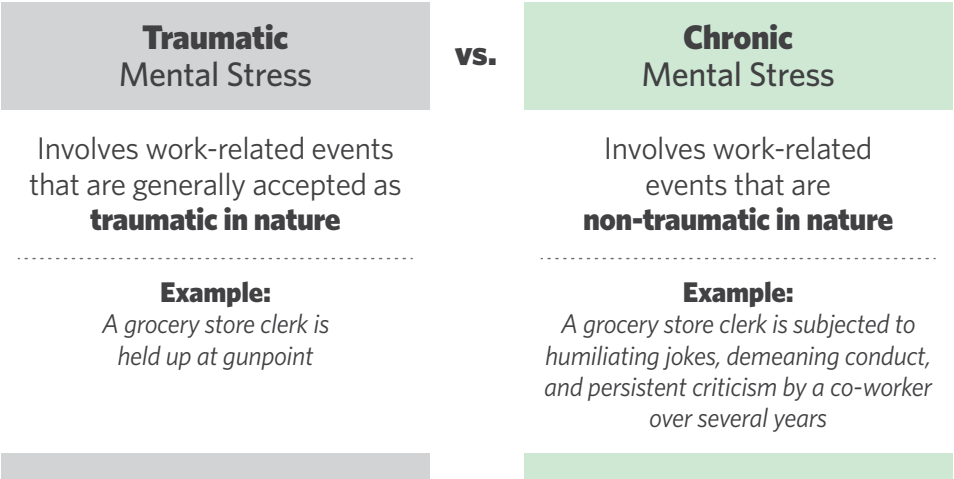
- The government has introduced amendments to the *Workplace Safety and Insurance Act, 1997* (WSIA) that, if passed, would allow for entitlement for chronic mental stress.
- The proposed legislative amendments, if passed, would:
 1. Allow entitlement for chronic mental stress arising out of and in the course of employment
 2. Maintain the existing exclusion from entitlement for mental stress caused by an employer's decisions or actions (e.g. termination, demotions, transfers, discipline, etc.)
 3. Come into force January 1, 2018
- The proposed legislative amendments related to chronic mental stress do not include any transitional provisions and would only apply to workers whose injury occurs **on or after** the date the amendments come into force.



MENTAL STRESS: TRAUMATIC VS. CHRONIC

The proposed amendments, if passed into law, would preserve entitlement for traumatic mental stress and allow entitlement for chronic mental stress.

Generally, the distinction between traumatic and chronic mental stress is the nature of the stressor(s)



PROPOSED SERVICE DELIVERY MODEL

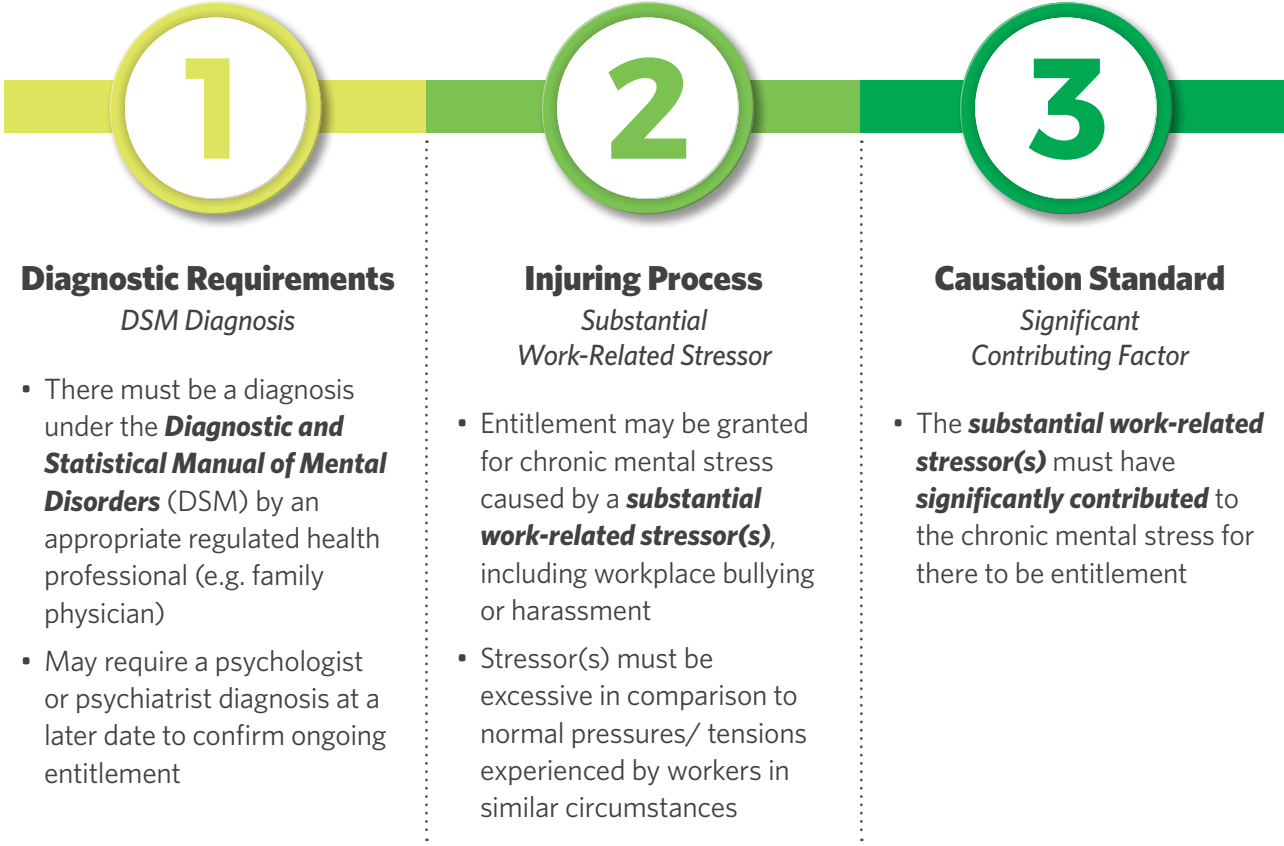
The WSIB’s proposed approach to providing services to workers and employers facing workplace CMS is guided by the principle that early intervention and support will result in better recovery and return to work outcomes. Key features of this proposed approach include:

- A new, dedicated claims intake process to expedite decision-making;
- Initial entitlement and treatment for work-related CMS may be allowed based on a *Diagnostic and Statistical Manual of Mental Disorders* (DSM) diagnosis by an appropriate regulated health professional, such as a family physician in accordance with the draft policy;
- Where initial entitlement for chronic mental stress is allowed:
 - early and ongoing engagement with workers and employers to identify and mitigate the cause(s) of the workplace stress to encourage stay-at-work and/or return-to-work;
 - coverage for the cost of mental health resources the treating practitioner may recommend, as approved by the WSIB Case Manager;
 - in the event that the initial recovery and return-to-work measures are unsuccessful, an assessment by a psychologist or psychiatrist may also be arranged to assist in the worker ‘s recovery and return to work planning.

DRAFT MENTAL STRESS POLICY

The draft policy would replace the current Traumatic Mental Stress policy (15-03-02), for accidents on or after the date the legislation comes into force, and address both traumatic and chronic mental stress.

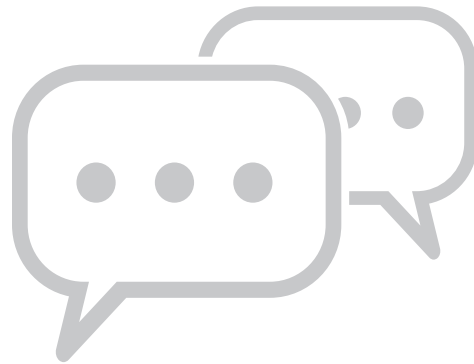
In support of the proposed implementation strategy, the draft policy contains the following three key entitlement criteria for chronic mental stress:



The draft policy is subject to the passage of the proposed legislative amendments and any additional amendments that may occur through the legislative process

PROVIDE YOUR FEEDBACK

- The legislation (if passed) comes in to force January 1, 2018; the draft policy supports the implementation of the legislative changes.
- The WSIB will accept written submissions until July 7, 2017. This expedited consultation period is necessary so the WSIB can implement the legislative changes (if passed) by January 1, 2018.
- Please submit your feedback to the WSIB's Consultation Secretariat at: consultation_secretariat@wsib.on.ca. All stakeholder submissions will be posted to the WSIB website following the consultation.
- All stakeholder feedback will be carefully considered, we look forward to hearing from you.



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The logo for WorkSafe Insurance Board (wsib) Ontario. It features the lowercase letters "wsib" in a bold, white, sans-serif font, with the word "ONTARIO" in a smaller, uppercase, white, sans-serif font directly below it. The logo is set against a solid green rectangular background.

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