

Questions and Answers

Gradual Onset Psychological Injury

GENERAL

1. What is gradual onset psychological injury?

A gradual onset psychological injury is a work-related psychological injury that happens over time, and which is wholly or predominantly caused by significant workplace stressors, such as bullying and harassment. View the full [legislation](#) making gradual onset psychological injury compensable in Nova Scotia.

2. What type of events could mean someone is eligible for benefits and services?

Gradual onset psychological injuries are different from traumatic psychological injuries. We are in the process of incorporating feedback on the [Work-related Mental Stress policy paper](#), which will be instrumental in guiding how the WCB adjudicates GPI claims going forward.

However, examples of a psychological injury that takes place over time could include:

- Harassment: If you've been subjected to harassing behaviour that someone knows or can be reasonably expected to know is not welcome, such as unwanted sexual comments or advances, persistent following or invasion of physical space.
- Bullying: This is a common form of harassment that includes behaviour such as intimidation, malicious rumours, gossip or innuendo, social isolation, or coercion, humiliation, persistent insults, slurs and/or derogatory names.

Under the legislation, injuries resulting from gradual onset or traumatic psychological injury are eligible for compensation when they:

- arise out of and in the course of employment; and
- are wholly or predominantly caused by one or more (or a cumulative series) of significant work-related stressors, like the above.
- The event(s) that cause the mental stress must be identifiable.

The [draft policy](#) sets out some excellent examples of the types of events that are likely to be covered, and those that are likely to be considered more typical day-to-day stresses.

3. What types of things are generally not covered?

It's important to note that day-to-day stressors in the workplace relating to interpersonal conflicts that arise out of labour relations, performance management, etc., are not covered by this new legislation. Interpersonal conflicts or actions/decisions of the employer relating to the worker's employment are not considered work-related stressors. The revision to the Act covers mental stress that takes place over time, primarily workplace harassment or bullying.

4. How many claims do you expect?

Based on experience in other jurisdictions, we expect the number of claim applications to be between 500 and 1000, and that these will largely come from a few specific sectors.

5. How are you getting ready?

We're working hard to prepare, in a number of ways.

- We are building new Entitlement decision-making processes
- We are hiring additional case workers
- We are adding new roles that will improve service, and establishing key service performance measures
- We are designing a comprehensive training program that includes trauma-informed care
- We are contracting with mental health service providers including psychologists and psychiatrists
- We are designing new processes to support workers and employers with safe and timely return to work
- We are consulting on the [draft policy](#) that will guide claims adjudication.
- We are building new [tools and resources](#) to support psychologically safer workplaces.
- We are building relationships with community mental services
- We are [sharing information about the claim journey](#) and our claims management processes on our corporate website.
- Every employer will also receive prevention awareness tools and resources, including digital, downloadable tools, and we will be scheduling additional prevention-focused webinars.

6. When will the legislation take effect?

The legislation for gradual onset psychological injury will come into effect **September 1st, 2024**. This legislation also enables an increase in funeral benefits to \$15,000, with annual increases in those benefits indexed to the Consumer Price Index (CPI).

7. Can workers file a claim now, even though it's not effective yet?

Claims filed with WCB Nova Scotia for a gradual onset psychological injury today will be adjudicated using the current legislation, which does not enable coverage for these injuries.

Workers who have a claim pending (meaning a claim has been made but no final decision has been made) on September 1, 2024, you will have your claim decided under the new rules related to work-related gradual onset psychological injury.

If you have a pending appeal at that time, the appeal will be sent back to the WCB for consideration under the new legislation.

For information and advice, please contact the Office of the Worker Counsellor (902-455-5455), info@workercounsellor.ca.

If you have already filed a claim with us, you can contact the Workers' Advisers Program (1-800-774-4712), for free legal counsel.

8. Do other jurisdictions in Canada accept claims for gradual onset stress?

Nova Scotia will be the first Atlantic province to provide WCB coverage for work-related gradual onset psychological injury. Seven other jurisdictions in Canada offer similar coverage for this type of work-related injury, including Ontario, British Columbia, and Alberta. We are reviewing their experiences and learning from them to build the best possible service experience for eligible workers in Nova Scotia.

9. Will workers have to wait for a diagnosis before being approved for a gradual onset psychological injury claim?

Under the policy, a DSM diagnosis is required prior to claim acceptance. However, what's different in our service model for gradual onset psychological injury is that the process of supporting a worker will often begin right away, even before a claim is accepted.

10. How will the WCB ensure timely access to mental health services with a GPI claim?

We are currently in the process of contracting with health services including psychologists and psychiatrists. More information about those service agreements will be shared once they are in place.

11. Do you expect these claims to take longer to resolve than others?

WCB will begin the return-to-work process as early as possible, even before a claim has been accepted, working closely with employers, and connecting workers to appropriate mental health supports during those very early days of a claim, supporting the worker as best we can. Both workers and employers will benefit from dedicated navigator positions – people who will help you understand the process.

While research from other jurisdictions does indicate these more complex claims can take a little longer than more straightforward physical injury claims to resolve, it's important not to speculate exactly what might happen in Nova Scotia. It's also true that adjudication of these claims can take a little longer, because of the information that is needed, including diagnosis, and understanding the events and how they connect to work.

12. How will you navigate the challenges of access to mental health services?

We understand concerns about the availability and timeliness of access to mental health services.

Achieving safe and timely return to work for all injury types, including work-related psychological injuries, is a top priority for the WCB, and will be an integral part of our service delivery for gradual onset psychological injuries. That's one of the reasons we're adding a self-assessment tool on our website later this year, and, why we'll work to support both workers and employers, even before a claim is accepted, to provide support and care for a safe and timely return to the workplace.

We will be striking agreements with mental health service providers to deliver services and supports for gradual onset stress to injured workers within identified timeframes.

We will also be engaging with experts to provide contract services to help us validate claim details for entitlement, and to provide mediation services if those are needed to support recovery and return to work.

We are also forming partnerships with organizations that provide online mental health supports – like [211 Nova Scotia](#) - to ensure workers can be connected to helpful supports right away, and leading up to their first appointment with a service provider.