

## Client Services Policy Manual

Policy Number: **EN-18**  
Subject: **Psychological Injuries**  
Chapter: **Entitlement**

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### 1.0 Policy Statement

Compensation for psychological injuries is considered where disability arises out of and in the course of the employment as either (1) a reaction to one or more traumatic events, or (2) a reaction to workplace harassment.

### 2.0 Traumatic Event

In order to consider entitlement for a psychological injury related to one or more traumatic events, the decision-maker must identify that one or more traumatic events occurred. A traumatic event may be a result of witnessing, or being the victim of, a criminal act or a horrific accident. Traumatic events may have elements of actual or potential violence.

In all cases, the event(s) must arise out of and occur in the course of the employment, and be:

- Clearly and precisely identifiable, and
- Objectively traumatic.

Examples of traumatic events include, but are not limited to:

- Witnessing a fatality;
- Being the victim of an armed robbery or hostage-taking incident;
- Being subjected to physical violence; and
- Being subjected to threats of physical violence, where there is reason to believe the threat is serious.

### 3.0 Delayed Reaction

A psychological injury which develops as a result of a traumatic event(s) may be delayed. A delayed reaction is not the same as a gradual onset of a psychological injury, which is not compensable under this policy.

### 4.0 Cumulative Effect

Due to the nature of their occupation, some workers, over a period of time, may be exposed to multiple traumatic events. If a worker experiences traumatic mental stress because of the most recent traumatic event, entitlement may be in order even if the worker may experience these traumatic events as part of the employment and was able to tolerate the past

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traumatic events. A final reaction to a series of traumatic events is considered to be the cumulative effect.

WorkplaceNL recognizes that each traumatic event in a series of events may affect a worker psychologically. This is true even if the worker does not show the effects until the most recent event. As a result, entitlement may be accepted because of the cumulative effect, even if the last event is not the most traumatic.

In considering entitlement for the cumulative effect, decision-makers will rely on clinical and other information supporting that multiple traumatic events led to the worker's current psychological state. Also, there may be evidence showing that each event had some effect or life disruption on the worker, even if the worker was not functionally impaired by the effect or life disruption.

### 5.0 Workplace Harassment

Claims for psychological injuries resulting from workplace harassment are considered when:

- The claims involve aggressive, intimidating or discriminatory conduct by a person against a worker; and
- The conduct adversely affects the worker's health and safety, resulting in a diagnosed psychological injury as described below.

Workplace harassment may involve repeated conduct or comments, or a single serious occurrence.

Workplace harassment must be confirmed through information verifying that the alleged workplace harassment occurred. The findings of an investigation conducted by an individual or organization external to WorkplaceNL may be used to verify the allegations of workplace harassment.

### 6.0 Diagnostic Requirements

Before any psychological injury claim can be adjudicated, there must be a diagnosis as described in the most recent Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association (APA), which may include, but is not limited to:

- Acute stress disorder,
- Post-traumatic stress disorder (PTSD) (also see Presumption for PTSD below),
- Adjustment disorder, or
- An anxiety or depressive disorder.

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In most cases, WorkplaceNL will consider a claim for adjudication if an appropriate regulated health care professional (i.e. physician, nurse practitioner, psychologist or psychiatrist) provides the DSM diagnosis. However, in complex cases, for example where there is evidence that a non-work-related event(s) may have caused or contributed to the injury, WorkplaceNL may require a further assessment, including an assessment by a psychiatrist or psychologist, to help clarify initial or ongoing entitlement.

### 7.0 Non-Compensable Events or Conditions

Claims arising from events that would generally not be considered traumatic but are traumatic to a worker because of a pre-existing psychological condition will not be accepted.

Psychological injuries that develop gradually over time due to general workplace conditions, including exposure to work-related event(s) that do not fit the definition of a traumatic event or workplace harassment, are not compensable.

Burn out from usual duties, workplace change, or performance demands is not compensable. Claims associated with an employer's reasonable work-related actions such as employment termination, demotion, discipline, disciplinary or investigative processes, transfer, work schedules, or performance expectations are not compensable.

Claims related to interpersonal relationships or conflicts are not compensable, unless they constitute workplace harassment.

### 8.0 Stress-Related Conditions Following Physical Injury

Entitlement for other stress-related conditions resulting from psychological conditions or chronic pain following physical injury may be considered under policies EN-19 Arising Out of and in the Course of Employment, HC-13 Health Care Entitlement or EN-07 Chronic Pain.

### 9.0 Presumption for PTSD

A worker who experiences a traumatic event or events at work will be presumed to have developed their diagnosed PTSD as a result of their work, unless the contrary is shown. For the presumption to be applied, a psychiatrist or registered psychologist must make the diagnosis of PTSD as described in the most recent edition of the DSM published by the APA. In this case, PTSD is a compensable injury.

The rebuttable presumption applies to injuries occurring on or after July 1, 2019, as stipulated by Section 112 of the Workplace Health, Safety and Compensation Act, 2022.

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### 10.0 Merits and Justice

Where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would cause an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22 Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent setting.

#### Reference:

Workplace Health, Safety and Compensation Act, 2022, Sections 2(1)(v), 2(2), 20, 82, 112 and 113

Policies:

EN-07 Chronic Pain

EN-19 Arising Out of and in the Course of Employment

EN-22 Merits and Justice

HC-13 Health Care Entitlement

#### Amendment History

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