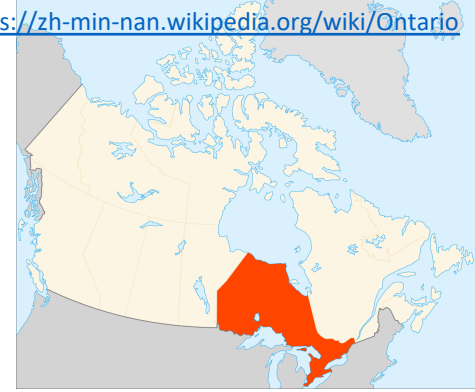


Ontario (Canada) legislative context and practice

Legislative context:



- Legislation on **violence & harassment policy** (after a widely covered workplace murder)
- **PTSD** recognized as a work-related condition
- **Chronic stress** recently recognized but only if work is the “predominant cause” (rarely happens)
- No legal requirements to perform **psychosocial risk assessment**
- Recognition of mental health burden related to **pandemic** (but most trying to ignore that part of their recent experience)
- **Voluntary psychological H&S standard (CSA Z1003)**

Chronic Mental Stress Policy

- Policy 15-03-14 “Chronic Mental Stress (Accidents on or After January 1, 2018)”



- Not to be confused with Policy 15-03-02 “Traumatic Mental Stress” which applies to an “acute reaction to sudden and unexpected traumatic event”

STAR EXCLUSIVE

Chronic stress is a recognized work injury. So why does Ontario's WSIB reject more than 90% of claims?

Five years after a landmark shift to accept chronic stress injury claims, new data shows thousands have been denied.



By **Sara Mojtehdzadeh** Work and Wealth Investigative Reporter
Sat., May 6, 2023 | 9 min. read



It was a Saturday in September when a school custodian witnessed something horrifying.

https://www.thestar.com/news/investigations/2023/05/06/chronic-stress-is-a-recognized-work-injury-so-why-does-ontarios-wsib-reject-more-than-90-of-claims.html?source=newsletter&utm_source=ts_nl&utm_medium=email&utm_email=5F6DF1ADD655B73C832A0BEF61513FCB&utm_campaign=frst_180379

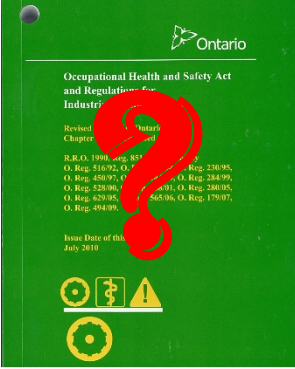
Chronic stress is a recognized work injury. So why does Ontario's WSIB reject more than 90% of claims?

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Now, what about the OHS Act?

- Lawyers at the MOL are of the opinion that mental health is **not covered** by the “general duty clause”
“take every precaution reasonable in the circumstances for the protection of a worker.”
[clause 25(2)(h)]
- ... let alone anywhere else the OHS Act ... (with the **possible exception** of Bill 132 (168) violence and **harassment** – with respect to which, the lawyers are wondering if the MOL over-stepped its jurisdiction)

“For the purposes of the Occupational Health & Safety Act (OHSA), PTSD, chronic mental stress and traumatic mental stress are not occupational illnesses and do not trigger the notification requirements under s. 52 of the OHSA.” (MOL Dec/17)

- Would this interpretation withstand a **Charter challenge?**

Cost of Work-Related Mental Harm



- Martin Shain estimated in 2008 that **10-25%** of population mental health burden (**\$51 billion**) is occupational
- Shain & Nassar (2009) noted that annually **\$3-11 billion** of these costs to society and the workplace, **could be prevented by changes in the workplace**

Sources: Shain & Nassar (2009), "Stress at Work, Mental Injury and the Law in Canada: A Discussion Paper for the Mental Health Commission of Canada"

CSA Standard Z1003-13 (R2022)



CAN/CSA-Z1003-13/BNQ 9700-803/2013
National Standard of Canada
(reaffirmed 2022)

Psychological health and safety in the workplace —

Prevention, promotion, and guidance
to staged implementation

Disponible en français

*Santé et sécurité psychologiques
en milieu de travail —
Prévention, promotion et lignes
directrices pour une mise en
œuvre par étapes*

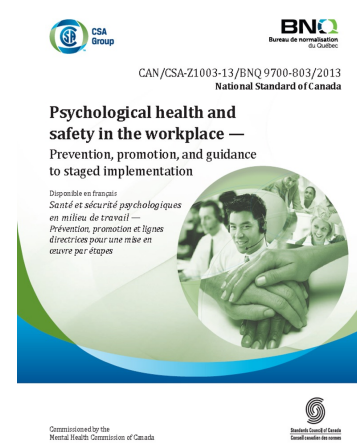


http://shop.csa.ca/en/canada/occupational-health-and-safety-management/canca-z1003-13bnq-9700-8032013/inv/z10032013/?utm_source=redirect&utm_medium=vanity&utm_content=folder&utm_campaign=z1003

Commissioned by the
Mental Health Commission of Canada



CSA standard “13 Factors”



The standard cites 13 psychosocial factor + “others identified by workers”:

Psychological
& social support

Organizational
culture

Clear leadership &
expectations

Civility and respect

Psychological
demands

Growth and
development

Recognition and
reward

Involvement and
influence

Workload
management

Engagement

Work/life balance

Psychological
protection

Protection of
physical safety

Others identified by
workers

(CAN/CSA-Z1003-13/BNQ 9700-803/2013 - Psychological health and safety in the workplace - Prevention, promotion, and guidance to staged implementation; page 8.)

Assess and address psychological health and safety in your workplace

Welcome to Guarding Minds at Work, a comprehensive resource to help you assess and address psychological health and safety in your workplace.

Any survey report is a snapshot in time of employee perceptions that organizations can use to identify both potential strengths and opportunities for improvement. The experience of COVID-19 is unprecedented, and the many changes to our circumstances at work and in society mean a survey done now is not comparable to past surveys.

New for 2023:

Guarding Minds at Work and all supporting resources are now more useful. In addition to tracking the psychosocial factors described in the National Standard of Canada on Psychological Health and Safety in the Workplace, the report will include a measurement of the psychosocial hazards described in the International Organization for Standardization (ISO) 45002:2021

Differing Perspectives:

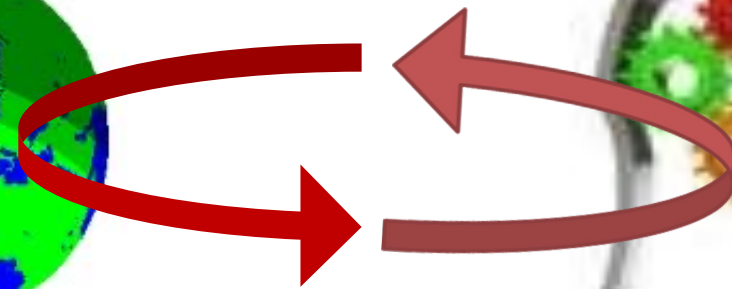


Psychology



focus on what's going on
between the ears
- individual only
("responsibilisation")

Psychosocial



focus on the interaction between the social
environment and the person
- individual and collective responsibilities

Prevention Framework

| prevention level | individual |
|--|--|
| primary (1°) prevention (at the source) | coping and appraisal skills (resiliency) |
| secondary (2°) prevention (along the path) | wellness, relaxation techniques (mindfulness) |
| tertiary (3°) prevention (at the worker) | therapy, counselling, medication, support |



Prevention Framework

| prevention level | Intervention levels | |
|---|--|---|
| | individual | organizational |
| primary (1°) prevention (at the source) | <p>coping and appraisal skills (resiliency)</p> | <p>changing the culture, climate, work structure & organization</p> |
| secondary (2°) prevention (along the path) | <p>wellness, relaxation techniques (mindfulness)</p> | <p>awareness, Mental Health 1st Aid, screening (surveys)</p> |
| tertiary (3°) prevention (at the worker) | <p>therapy, counselling, medication, support</p> | <p>EAP, WSIB/WSIAT recognition, Return to Work</p> |

ISO 45003:2021

Occupational health and safety management – Psychological health and safety at work – Guidelines for managing psychosocial risks

This standard is [available for free](#) in read-only format

ABSTRACT

[PREVIEW](#)

This document gives guidelines for managing psychosocial risk within an occupational health and safety (OH&S) management system based on ISO 45001. It enables organizations to prevent work-related injury and ill health of their workers and other interested parties, and to promote well-being at work.

It is applicable to organizations of all sizes and in all sectors, for the development, implementation, maintenance and continual improvement of healthy and safe workplaces.

NOTE When the term “worker” is used in this document, worker representatives, where they exist, are always implied.

BUY THIS STANDARD

FORMAT

LANGUAGE

 PDF + EPUBEnglish 

PAPER

English CHF **118** BUY

This standard is available for

free in read-only format: <https://www.iso.org/obp/ui/#iso:std:iso:45003:ed-1:v1:en>

ISO 45003:2021 list of psychosocial factors:

- | | | | |
|----|----------------------------------|-------|---|
| 1 | Roles and expectations | 11 | Organizational/workgroup culture |
| 2 | Job control or autonomy | 11(a) | Recognition and reward |
| 3 | Job demands | 11(b) | Career development |
| 4 | Organizational change management | 11(c) | Support |
| 5 | Remote and isolated work | 12 | Supervision |
| 6 | Workload and work pace | 13 | Civility and respect |
| 7 | Working hours and schedule | 14 | Work/life balance |
| 8 | Job security and precarious work | 15 | Violence at work |
| 9 | Interpersonal relationships | 16 | Harassment |
| 10 | Leadership | 17 | Bullying and victimization |
| | | 18 | Work environment, equipment and hazardous tasks |