



# Psychological injury policies

POL/PRO 11/2025 – Psychological Injuries – Psychological Injury Presumption  
SECTION 28.1, *WORKERS' COMPENSATION ACT*, 2013

POL/PRO 12/2025 – Psychological Injuries – General Injury Presumption  
SECTION 27, *WORKERS' COMPENSATION ACT*, 2013

# Key terminology

## DSM (Diagnostic and Statistical Manual of Mental Disorders)

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A standardized classification system used by mental health professionals to diagnose mental health conditions.

## DSM DIAGNOSIS

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A diagnosis from the Diagnostic and Statistical Manual of Mental Disorders. For the psychological presumption to apply, the diagnosis must be provided by a psychologist or psychiatrist.

## Authorized Practice Endorsement (APE)

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A professional designation for psychologists or social workers in Saskatchewan that allows those who hold the designation to make and communicate a psychological diagnosis. This is important because:

For a claim to be accepted with a diagnosis provided by someone other than a psychologist or psychiatrist (i.e., a Social Worker), the claim must be adjudicated under Section 27 (POL & PRO 12/2025).

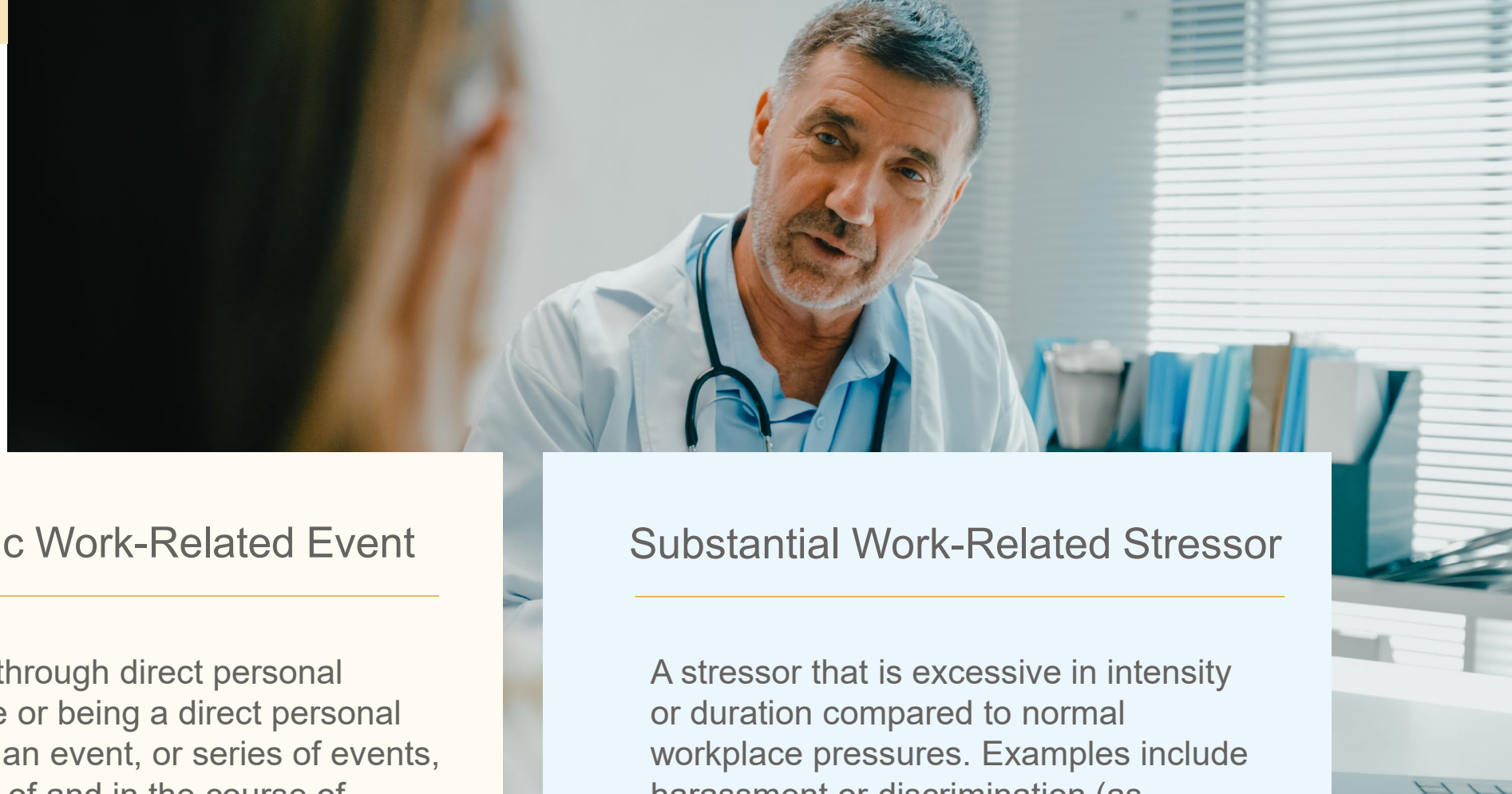
## Mental Health Assessment (MHA)

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A psychological evaluation completed by a Workers' Compensation Board (WCB) accredited psychologist or psychiatrist and includes:

- An assessment and diagnosis of a disorder, or confirmation of a diagnosis, in accordance with the DSM,
- Recommended treatment, and
- Recommended return-to-work (RTW) planning.

# Key terminology



## Psychological injury

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A psychological disorder or condition that meets the DSM diagnostic criteria (e.g., acute stress disorder or post-traumatic stress disorder) and has arisen, or is presumed to have arisen, out of and in the course of employment.

## Traumatic Work-Related Event

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Exposure through direct personal experience or being a direct personal witness to an event, or series of events, arising out of and in the course of employment that may give rise to a psychological injury, including:

- Actual or threatened death or serious injury to a worker or others
- Event(s) that are sudden and typically unexpected, occurring at a specific time and place, or
- Event(s) that would be objectively considered emotionally shocking or horrific (i.e., physical or sexual violence).

## Substantial Work-Related Stressor

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A stressor that is excessive in intensity or duration compared to normal workplace pressures. Examples include harassment or discrimination (as defined by The Saskatchewan Human Rights Code, 2018), bullying or personal harassment, sexual harassment, or excessive and long-standing workload beyond normal expectations.

# Key terminology



## Psychological Injury Presumption

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If the criteria are met (work-related traumatic event(s) + DSM diagnosis for Section 28.1 & Arising out of and in the course of employment for Section 27), the claim is presumed to be work-related unless there is strong evidence to the contrary.

## Standard of Proof – “More Likely Than Not”

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To rebut the presumption, evidence must show it is more likely than not that the event did not cause the injury.

## Material Significance

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When multiple factors contribute to the injury, the work-related factor must be more than trivial—it must be significant, though not necessarily the predominant cause.

## Standard of proof

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The level of certainty required to prove an issue that is in question. For WCB, the standard of proof is whether a specific conclusion is more likely than not.

## “But For” Test

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A causation test:  
*But for the work-related factors, would the worker have been able to continue their regular duties?*

# Background

## KEY TIMELINES

2016

WCB Act amended to include psychological injury presumption  
(Presumption can be applied if work-related trauma + DSM diagnosis from a psychologist or psychiatrist)

2017

WCB updated policy to reflect presumption

2019

Psychological Injuries Unit created

2020 & 2022

Court decisions led to policy development for psych injuries

2025

Policy redrafted to clarify presumption & other updates



# Court Decisions

## WHAT HAPPENED:

- Two separate cases of workers with PTSD claims were denied by WCB at the Board Appeal Tribunal level.
- Both separately resulted in applications to the Court for a judicial review.
- Court accepted the applications and sent the cases back for rehearing.

## COURT'S REASONS:

- Tribunal used 'predominant cause' test, which is NOT in the Act.
- Relied on policy instead of the Act.
- Did not analyze if presumption criteria had been met.

## WHAT THIS MEANS:

- Policies must follow the Act, not override it.
- Presumption under Section 28.1 must be applied correctly.
- Workers should not face higher standards of proof than the law requires.

## RESULT:

- WCB had to ensure adjudicators and appeal bodies correctly apply the Section 28.1 presumption.
- Training and policy clarification needed to prevent similar errors.



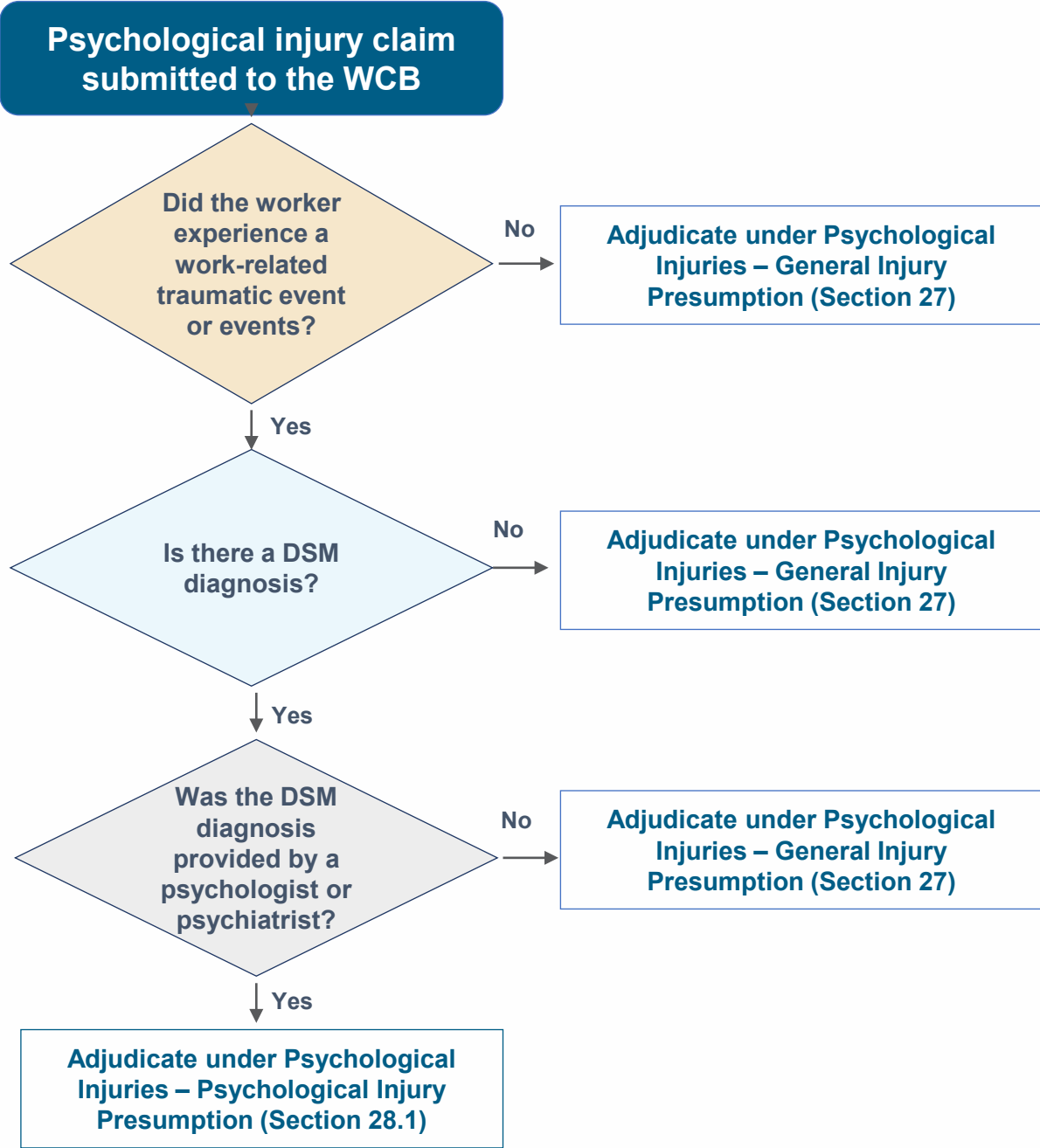
# Why two policies?

- Claims with a DSM diagnosis and trauma event(s) presumed to be a workplace injury under Section 28.1 - **Psychological Injury Presumption**
- Claims without DSM or claims with a DSM from a Social Worker can be accepted under Section 27 – **General Injury Presumption**
- Legal / policy advice: separate policies recommended



# Flow chart for decision making

1. Did the worker experience a traumatic event or series of events?
2. Is there a DSM diagnosis?
3. Was the diagnosis provided by a psychologist or psychiatrist?
4. **No** to ANY = use Section 27
5. **Yes** to ALL = use Section 28.1





# Section 28.1 Policy

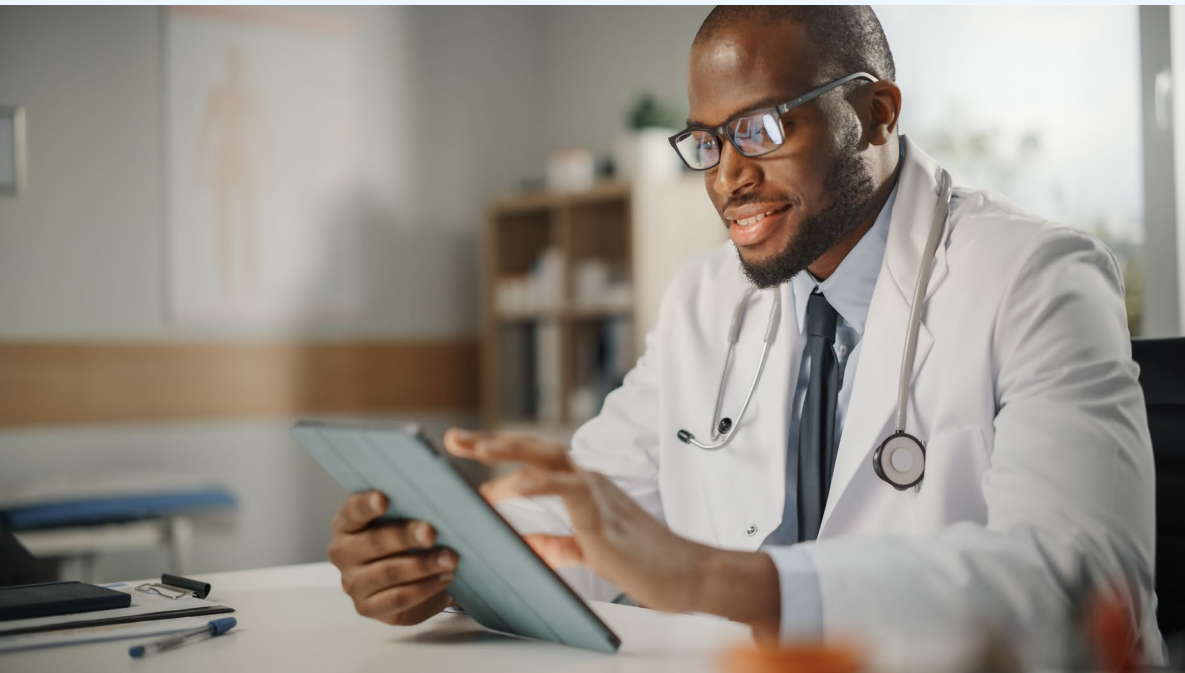
## – “Psychological” Injury Presumption

- Applies if traumatic event(s) + DSM diagnosis by psychologist / psychiatrist
- Presumption favors worker unless strong evidence shows otherwise
- If evidence equal, decision favors worker
- ‘Predominant cause’ removed; ‘material significance’ added

# Other changes

## – “Psychological” Injury Presumption

- Staff may use the “**but for**” test to determine causation when there are multiple factors for psychological injury
  - For example: *“But for” (or in the absence of) the work-related factors, would the worker have been able to continue with their regular employment duties?*
- The “**predominant cause**” language has been removed and replaced with “material significance”
- The policy gives examples of factors that are **insufficient** to rebut the presumption
  - *For example, non-work-related factors in addition to the worker-related event(s), multiple contributing factors, or a delay in symptom onset, etc.*
- The **date of injury** for claims with a series of traumatic events is the date the worker initially sought medical care for the injury or reported the injury to the WCB; whichever occurs first. This is in accordance with the Date of Injury policy.
- Clarity has been added as to when a Mental Health Assessment may be needed.





# Section 28.1 Policy

## – “Psychological” Injury Presumption

### REBUTTAL

To challenge the presumption, there must be sufficient evidence that proves it is more likely than not (standard of proof) that the work event **was not** an event that contributed to the injury. Evidence to the contrary may include:

- lack of objective confirmation of the events,
- when the relationship between the traumatic work-related event and injury is not clear,
- medical reports/medical opinions, or,
- relevant information from the worker, employer, coworkers, or health care providers.



# Section 28.1 Policy

## – “Psychological” Injury Presumption

### REBUTTAL

These factors are INSUFFICIENT to challenge the psychological injury presumption:

- Additional non-work-related factors exist,
- Multiple contributing factors (e.g., non-traumatic or personal stressors),
- A series of traumatic work-related events rather than a single, significant event,
- Delayed onset of trauma-based symptoms (diagnosis not near in time to event(s)), or
- The worker or former worker has/had a pre-existing psychological condition.



# Section 28.1 Policy

## – “Psychological” Injury Presumption

### PRE-EXISTING CONDITIONS

- Entitlement for a psychological injury will not be denied based on the existence of a pre-existing psychological condition.
- However, the WCB does not assume any responsibility for a worker’s pre-existing condition.
- The WCB will determine if a psychological injury resulted in either an aggravation or acceleration of a worker’s pre-existing condition (POL 12/2017, Pre-Existing Conditions – Aggravation or Acceleration).
- An employer may be eligible for cost relief for claims involving a pre-existing condition in accordance with POL 03/2021, Second Injury and Re-employment Reserve.



# Section 28.1 Policy

– “Psychological” Injury Presumption

## MENTAL HEALTH ASSESSMENT (MHA)

**MHA may be requested if:**

- DSM criteria was not provided by the health care provider; or
- DSM diagnosis doesn't include both clinical (history, presentation, functioning) and psychological testing information
- Following a suicide where no MHA or DSM diagnosis exists, opinions and evaluation of any health care provider may be used as evidence of diagnosis.
- MHA may also be used to recommend treatment options, support RTW planning, or assess treatment needs related to work injury vs other factors and help determine WCB responsibility.

# Section 27 Policy

## – “General” Injury Presumption

A worker’s claim may be adjudicated under Section 27 when:

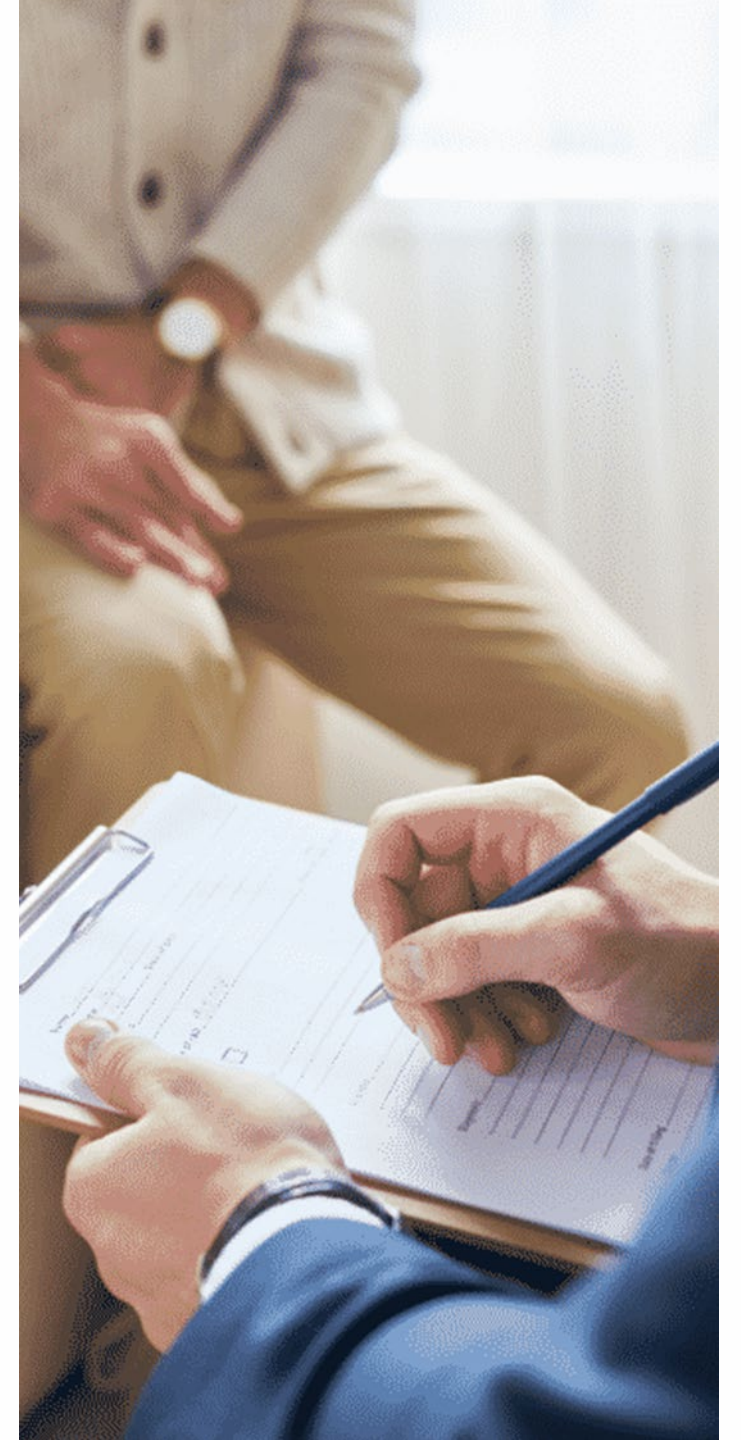
- There was a traumatic event(s), but there is no DSM diagnosis,
- There was a traumatic event(s), but the DSM diagnosis has been provided by someone other than a psychologist or psychiatrist,
- There were substantial work-related stressors, or
- There are work-related events that may or may not be traumatic in nature.



# Section 27 Policy

## – “General” Injury Presumption (CONT’D)

- Similarly to Section 28.1 policy:
  - If the evidence in support of both side of the decision is approximately equal, the WCB will decide the issue in favor of the worker.
  - When there are multiple contributing factors that are work-related and non-work-related, the work-related contribution must be of material significance in the occurrence of the injury (meaning it is more than a trivial or insignificant aspect of the injury or disease). **The work-related contribution does not need to be the predominant cause, but it needs to be significant.**
  - Staff may use the “but for” test to determine causation (for example: “But for” (or in the absence of) the work-related factors, would the worker have been able to continue with their regular employment duties?)
  - The date of injury for claims with a series of traumatic events is the date the worker initially sought medical care for the injury or reported the injury to the WCB; whichever occurs first.
  - Clarity has been added as to when a Mental Health Assessment may be needed.
- Guidance for adjudicating secondary psychological injuries is included.



# Section 27 Policy

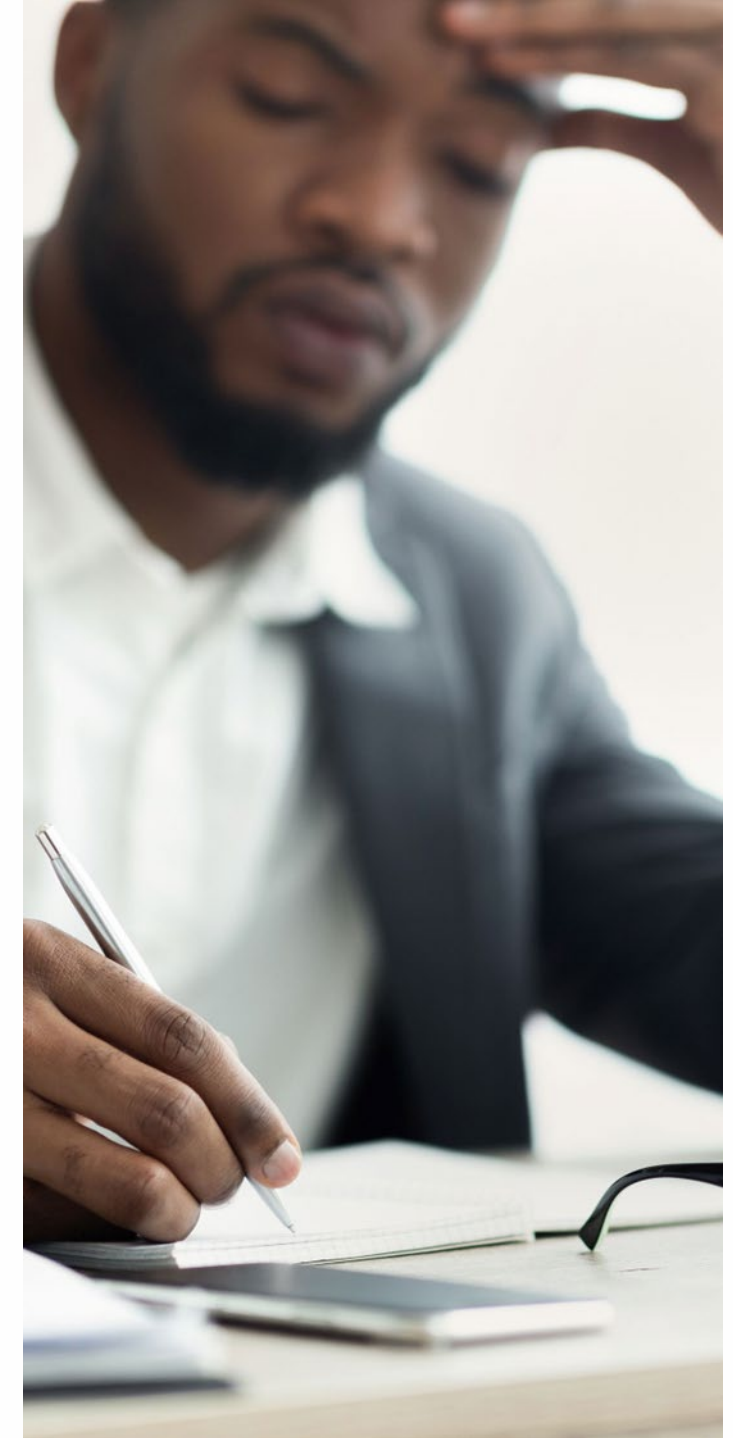
## – “General” Injury Presumption (CONT’D)

### Substantial Work-Related Stressors

Defined in this policy, in addition to trauma, as events arising out of and in the course of employment that give rise to a psychological injury. A work-related stressor is generally considered substantial if it is **excessive in intensity** and / or **duration** and **beyond the normal expectations** of employment.

Examples typically considered substantial work-related stressors:

- **Discrimination or harassment** based on prohibited grounds defined by [\*The Saskatchewan Human Rights Code, 2018.\*](#)
- **Bullying or harassment** – a repeated or single serious or severe incident of aggressive or threatening conduct, comment, display, action or gesture with intent to harm, exclude, threaten, humiliate or intimidate.
- **Sexual harassment** – conduct, comment, display, action or gesture of a sexual nature.
- **Excessive and long-standing workload** - objectively considered beyond normal pressures experienced by employment that constitute a threat or lasting harmful effect to a worker’s health or safety.



# Exclusions and their importance



Psychological symptoms arising from normal expectations of employment are excluded as work-related injuries.

Some examples of normal workplace expectations include:

- **Timeline pressures,**
- **Work environment** (e.g., poor work culture),
- **Interpersonal conflicts** that would not be considered discrimination, harassment, or bullying,
- Periodic **workload fluctuations** or assignment changes,
- **Reasonable actions or decisions taken by an employer** including hiring and firing employees, performance evaluations or performance corrective actions, staff assignments, transfers, or restructuring, promotions, demotions, and lay-offs, or conflict management.

## **Documentation and Evidence**

Employers should document management practices; workers must show evidence of extraordinary conditions.



# Assessment criteria and documentation

## CHECKLIST ITEM

## DESCRIPTION

**Intensity**

Workload exceeds normal pressures for similar roles

**Duration**

Stress is long-standing, not temporary

**Harm or Threat**

Evidence of lasting health impact

**Objective Evidence**

Schedules, overtime records, task lists, emails

**Exclusion Check**

Ensure stressor is not routine job expectation

**Worker Impact**

Medical documentation linking stressor to injury



# Evidence gathering and documentation tips



## **OBJECTIVE WORK RECORDS**

Work schedules, overtime logs, and staffing reports may be used as documentation of workload intensity and duration.

## **COMMUNICATION EVIDENCE**

Emails and/or directives that demonstrate ongoing pressure may be used to support claims of excessive workload stress.

## **MEDICAL DOCUMENTATION**

DSM-based diagnoses, mental health assessments or other medical reports are used to link stressors to psychological injury.

## **COMPARATIVE WORKLOAD DATA**

May show differences in workload between claimant and peers to provide evidence of excessive stress.

# Definitions of bullying, harassment, and sexual harassment

## **BULLYING**

Repeated or single severe aggressive or threatening behavior intended to harm or intimidate a worker.

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## **HARASSMENT**

Harassment includes discriminatory actions based on protected grounds like race, sex, disability, or age.

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## **SEXUAL HARASSMENT**

Sexual harassment, which means conduct, comment, display, action, or gesture of a sexual nature.

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# Supporting information

## KEY ELEMENTS OF MISCONDUCT

### Intentionality defined

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Intentionality means the perpetrator knew or reasonably should have known their actions could harm or offend.

### Direction of behavior

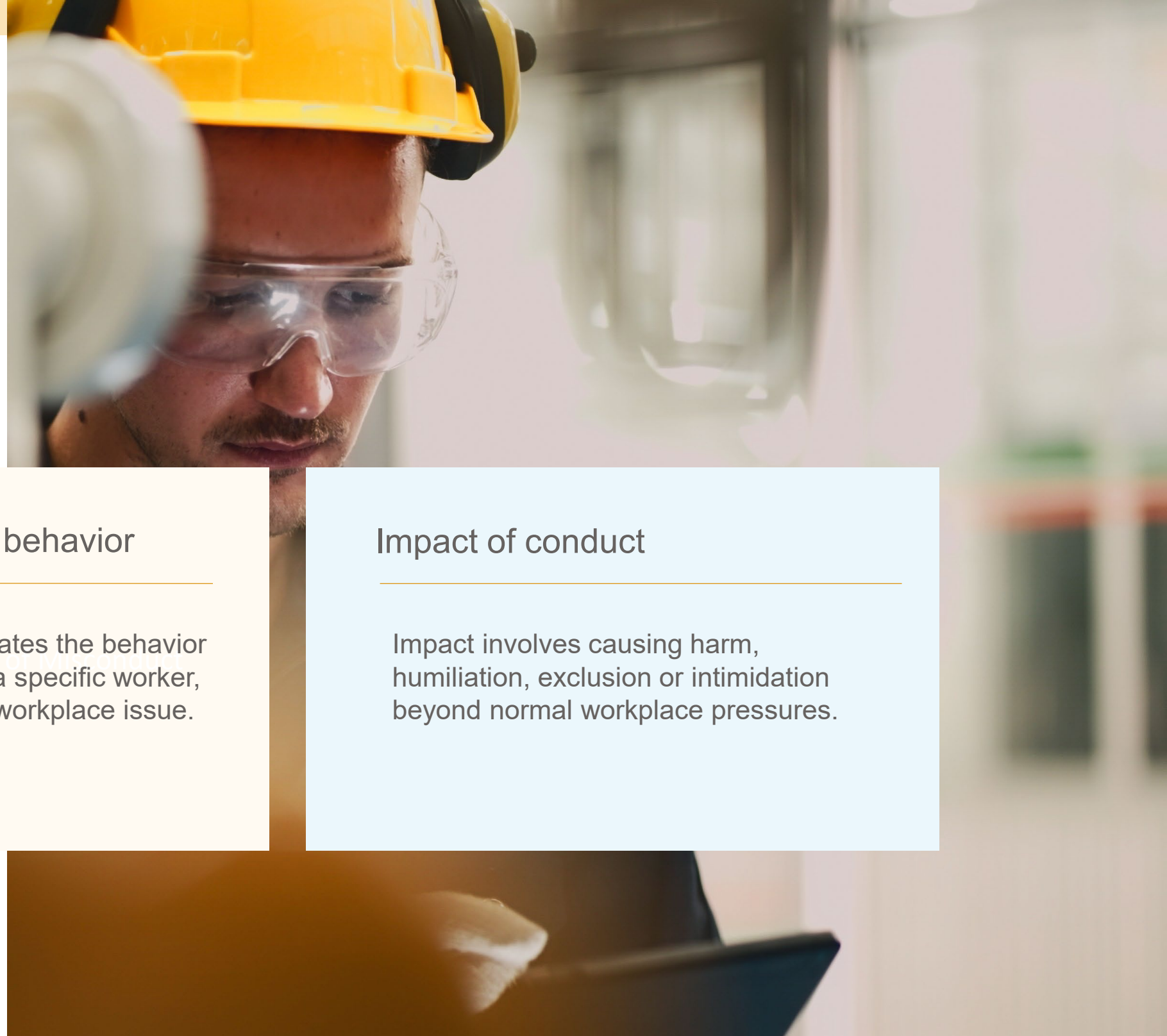
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Direction indicates the behavior is targeted at a specific worker, not a general workplace issue.

### Impact of conduct

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Impact involves causing harm, humiliation, exclusion or intimidation beyond normal workplace pressures.



# Supporting information

## EVIDENCE COLLECTION FOR HARASSMENT INVESTIGATIONS

### Objective evidence requirement

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Objective and verifiable evidence is necessary to confirm harassment incidents for psychological injury claims.

### Types of evidence

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Evidence includes written statements, employment records, emails, investigation reports, and medical opinions.

### Standard of proof

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Claims must be based on substantiated facts, not subjective feelings or perceptions alone

### Work-related context

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Evidence must show behavior was intentional, targeted, harmful, and occurred in a work-related context.



# Secondary injuries

- A secondary psychological injury may occur because of an initial work-related physical injury or occupational disease.
- For psychological symptoms that occur after an initial work-related physical injury, WCB determines if there is a connection to the worker's initial work-related injury.
- Consider whether it is more likely than not (i.e., standard of proof) that the effects of an initial work-related physical injury or occupational disease have contributed to, or caused, a secondary psychological injury.

# Reconsiderations

A worker may ask the WCB to reconsider any decision made on a psychological injury claim when:

- There is new evidence that was not available at the time of the previous decision,
- The claim was previously denied due to the predominant cause test referenced in the previous policy (POL 02/2017), that was in effect after the presumptive legislation came into effect, or
- The claim was previously denied without consideration of the claim under Section 27 of the Act.

## CLAIMS DENIED

**BEFORE**  
DEC 20, 2016

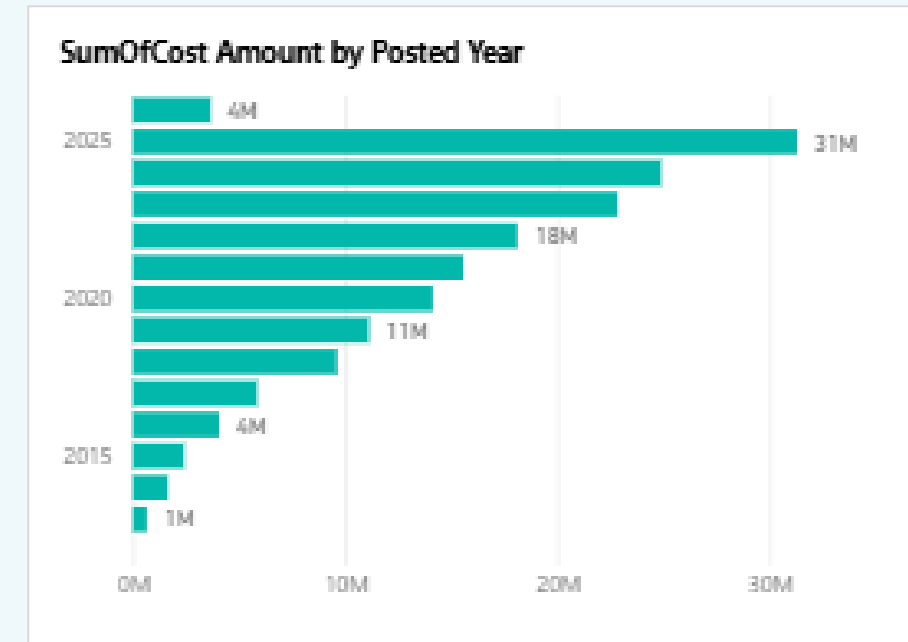
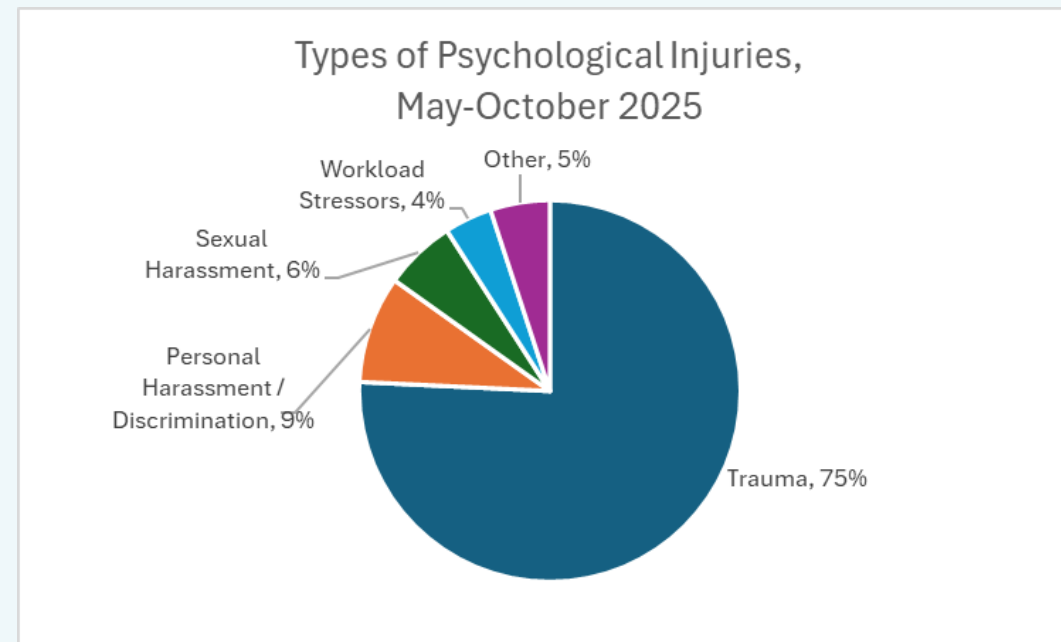
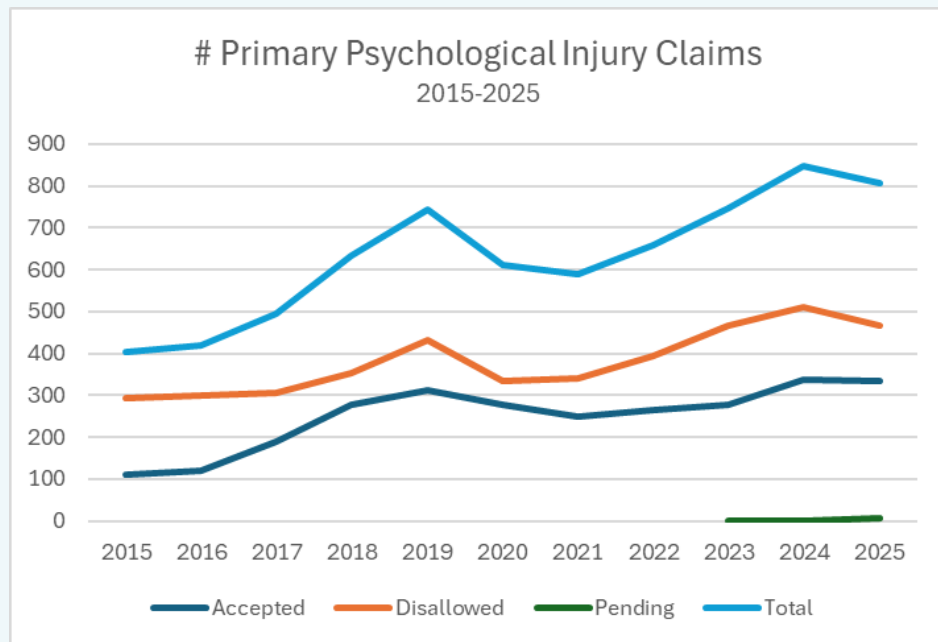
Reconsider **IF**  
new information  
provided

**AFTER**  
DEC 20, 2016

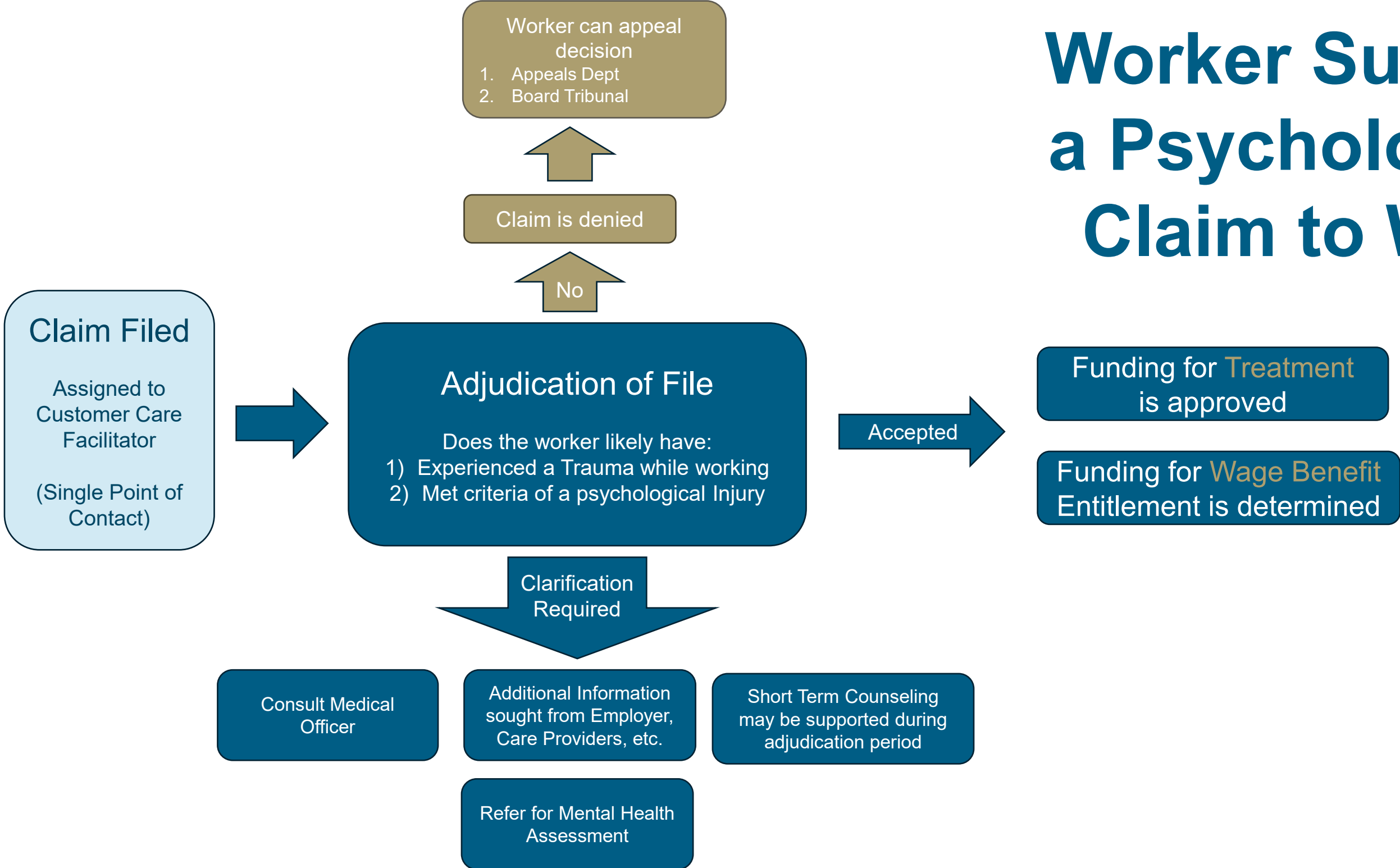
Reconsider  
**WITHOUT**  
new information

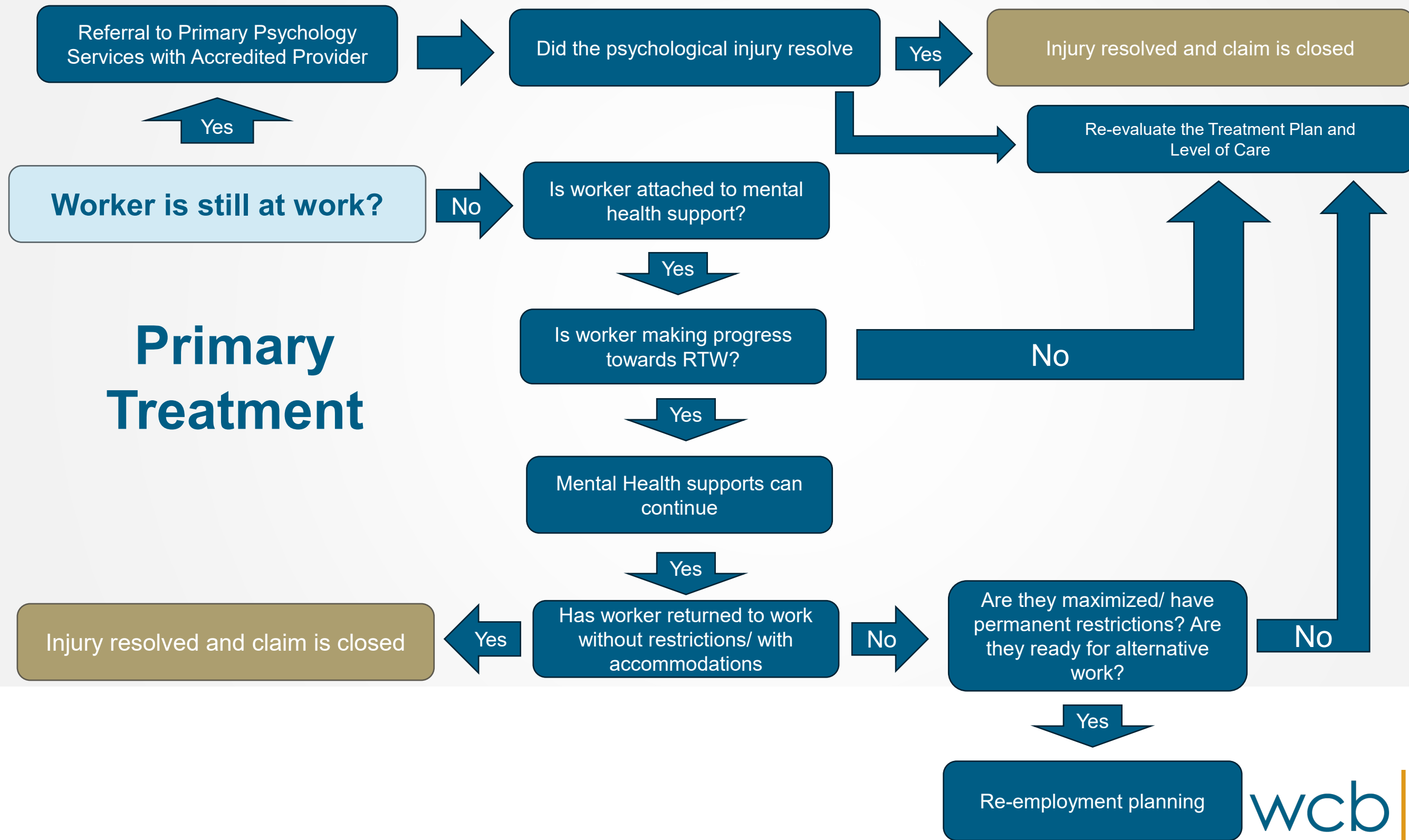


# Claim Volumes, Types and Costs



# Worker Submits a Psychological Claim to WCB

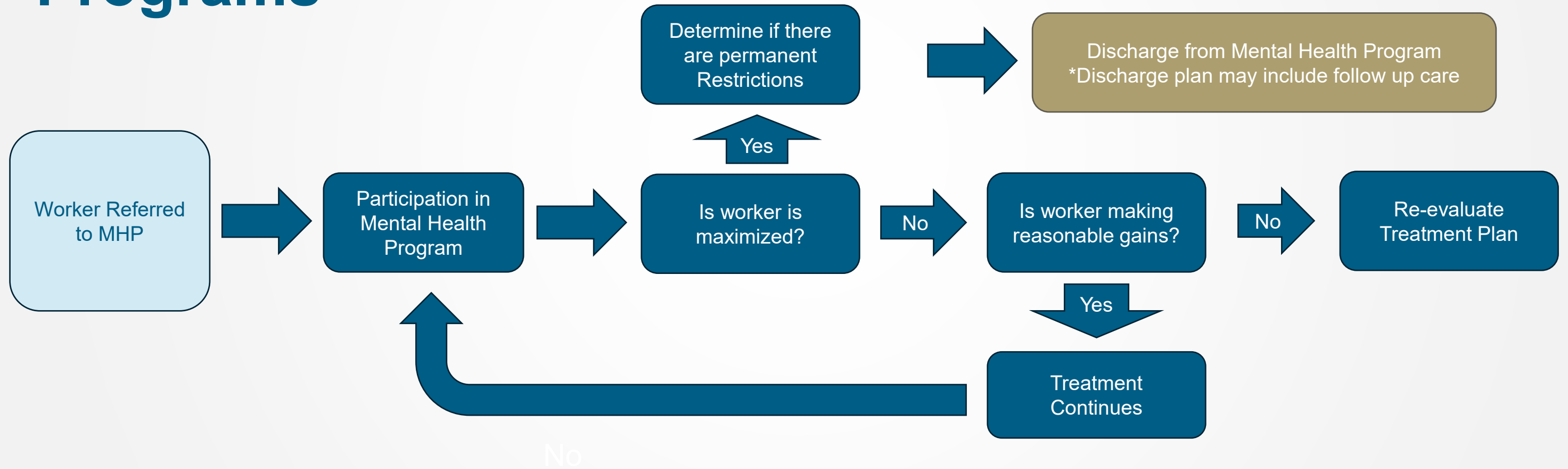




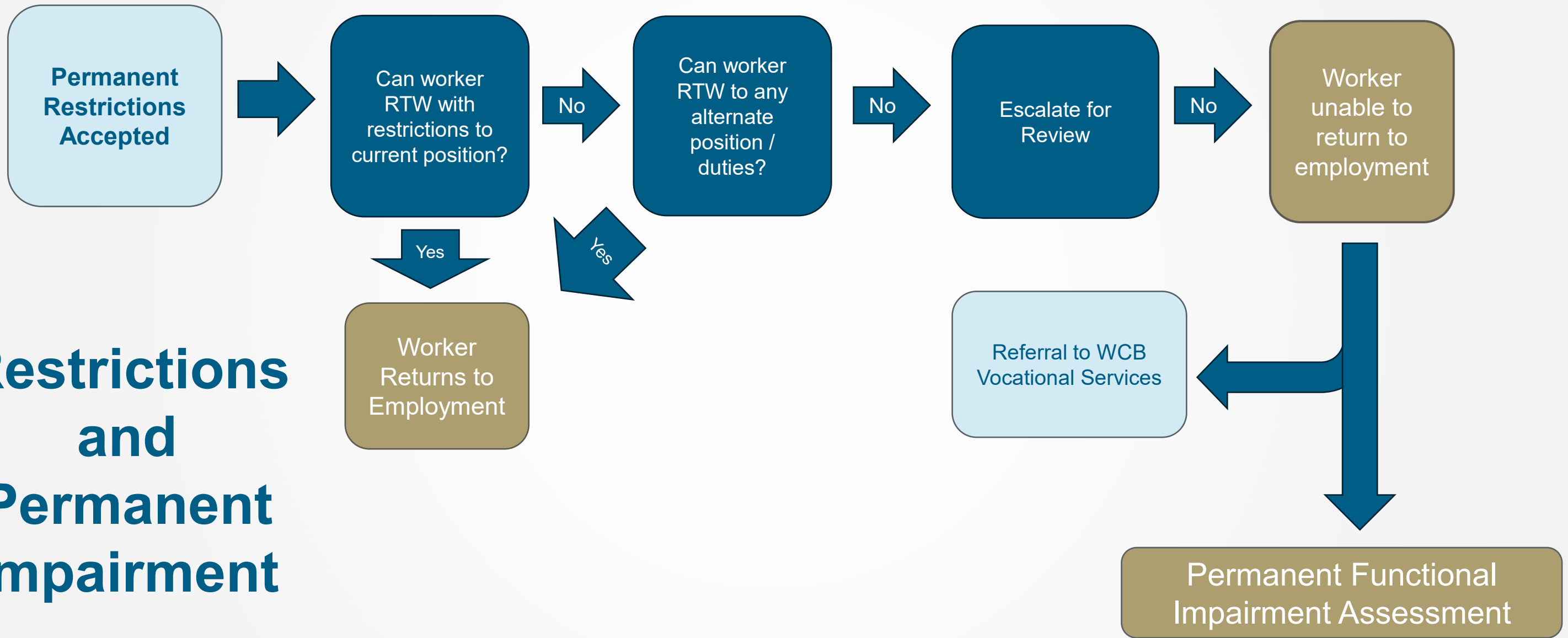
# Factors that influence whether a worker would attend a Primary or Mental Health Program

- Is the worker at work?
- Are they connected to a mental health provider?
- Reported functioning in their Activities of Daily Living (ADLs)?
- Reported challenges with the workers ability to function at work?
- Capacity and timeliness in accessing treatment?
- Care Provider recommended treatment plan?

# Mental Health Programs



# Restrictions and Permanent Impairment



# Resources for employers



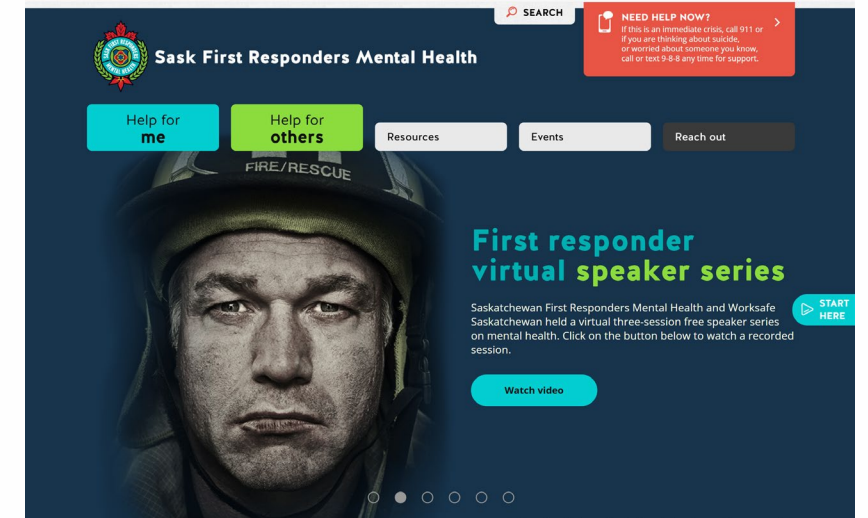
# Resources



## [Return-To-Work-Toolkit.pdf](#)



## [Saskatchewan First Responders Mental Health](#)



## [Psychological Health & Safety Resource Centre – WorkSafe Saskatchewan](#)



Welcome to the Psychological Health and Safety Resource Centre.

## [MYWORKPLACEHEALTH - Workplace Psychological Health & Safety \(PH&S\)](#)



# Resources



Psychological injury policies overview  
WCBSask.com

The **Saskatchewan** Workers' Compensation Board

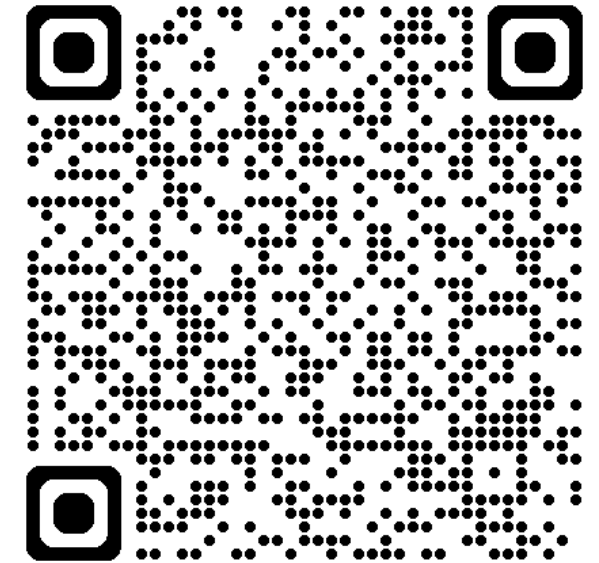

## Psychological injury policies

overview and scenarios

Workers' compensation insurance is a provincial responsibility. Each Canadian province and territory has its own workers' compensation legislation. The Saskatchewan Workers' Compensation Board (WCB) operates like an insurance company. We provide guaranteed benefits and programs to injured workers in industries covered by *The Workers' Compensation Act, 2013* and we protect registered employers from lawsuits when a workplace injury happens.

**wcb** | Saskatchewan Workers' Compensation Board

\* POL/PRO 11/2025 – Psychological Injuries – Psychological Injury Presumption Section 28.1, The Workers' Compensation Act, 2013  
POL/PRO 12/2025 – Psychological Injuries – General Injury Presumption Section 27, The Workers' Compensation Act, 2013



# For more information contact

- Claims Operations
  - Manager of the Psychological Injuries Unit
  - Director of Specialized Claims
- Prevention Department





THANK YOU