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Ontario MOL Roundtable Report Focuses on Prevention and Support for Workers Experiencing Traumatic Mental Stress

On October 7, 2014, the Ministry of Labour announced the release of its report entitled "[Roundtable on Traumatic Mental Stress: Ideas Generated](#)". The Roundtable Report is the most recent example of a rising focus by government, tribunals and non-government organizations on work-related Traumatic Mental Stress (TMS).

Recent developments have included:

1. The Ontario WSIAT in April 2014 refusing to apply the restrictions on granting traumatic mental stress (TMS) benefits to situations where the worker experienced an "acute reaction to a sudden and unexpected traumatic event". This limitation on compensation for mental injury was found unconstitutional pursuant to s. 15 of the Charter and was not applied. This follows a similar decision from B.C. in 2009; and
2. Publication of the Canadian Standards Association (CSA) Standard on Psychological Health and Safety in the Workplace in January, 2013. This is an expansive Standard suggesting systems and steps which go beyond current OHS, human rights and other legislated requirements in Canada which provide protections to workers from discrimination, harassment, bullying and violence in the workplace. Numerous employers have publicly stated their support for and adoption of the CSA Standard. In a recent example, the Toronto Police announced they are considering the adoption of the Standard (in the wake of numerous incidents of officer suicides).

The roundtable was composed of employer and labour representatives from a variety of organizations in sectors where traumatic events are more likely (e.g. police services, correctional services, transit, nursing, emergency medical services) and focused on gathering insights into means of preventing TMS, reducing stigma, and helping persons who suffer mental stress in the workplace. The goals of the roundtable were promotion of awareness of work-related TMS and sharing best practices across various sectors. The Report describes some of the themes that emerged during discussions and presents numerous ideas for preventing and addressing work-related TMS.

From the perspective of employers, some of the more significant ideas generated and discussed in the Report include the following:

- Ensuring TMS is a priority for the Ministry of Labour's Chief Prevention Officer (this would be added to existing OHS goals for the CPO);
- Making it mandatory for employers to provide training to key staff on return to work, disability prevention principles, supports and recovery practices related to mental stress;
- Government funding of workplace programs focused on preventing TMS; and

- Requiring employers to adopt the CSA Standard on Psychological Health and Safety in the Workplace. This Standard involves development of a psychological health and safety system, including extensive assessment, training and other steps set out in detail in the Standard. Should this recommendation gain traction, employers would be required to take steps to attempt to improve psychological health in the workplace as broadly defined under the Standard in many ways not currently found in Canadian human rights or OHS legislation.

We will continue to closely monitor these developments and provide further updates on how these issues may affect employers.

These ideas are not binding on the government or any other party. However, Premier Wynne's recent [mandate letter](#) to Labour Minister Kevin Flynn, referred to in the MOL News Release identifies support of workplace mental health in general and in particular the expansion of employer-provided TMS services as a key priority. This suggests that employers may be affected by some of the roundtable's suggestions in the very near future.

If you have any questions about work-related TMS, or any other questions relating to workplace law, please do not hesitate to contact a Mathews Dinsdale lawyer or CompClaim consultant.

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