



Saskatchewan College of Psychologists

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Membership Advisory

Workplace Injury - Working With Individuals Who Experience Psychological Distress

The COVID19 pandemic has resulted psychological stress and distress for many of the Saskatchewan public. Those working on the front line treating those who are ill with the disease are particularly vulnerable. Members of the College need to be aware of their responsibilities in providing services to health care workers who may make a workplace injury claim through the Worker's Compensation Board (WCB). The WCB recently provided the College with important information regarding injuries on the job. The Worker's Compensation Act 2013 (Act) requires employers to report workplace injuries, including mental health injuries. The duty to report is a legal one that compels employers to report. The WCB note that if "a mental health injury has occurred through performance of job duties the injury must be reported" to the WCB. The legislation now allows for "presumptive acceptance of mental health injury" in that the injury is "presumed to have arisen in the course of work on a prima facie basis, i.e., if there is a clear context for a mental health injury, or an incident." It "is expected" for that reason "that in most cases, psychological care for healthcare workers related to the COVID19 pandemic will be covered under WCB". Additional information regarding psychological claims can be found at <http://www.wcbask.com/ptsd/>.

Legal counsel for the College noted that the employer has a duty to report a workplace injury of an employee should they be made aware of it. If an injury claim has been filed, and a Psychologist has been consulted about, they have a responsibility to provide the WCB with any reports / information in their possession relevant to the injury claim. **Sections 55, 56 & 57** of the Act outlines the duties of healthcare professionals who may see the client in relation to the injury:

Duties of attending health care professional

55 Any health care professional who attends to or is consulted with respect to an injury to a worker shall:

- a) furnish the board with any reports with respect to the examination or treatment of the worker that are relevant to the injury for which compensation is claimed;
- b) give all reasonable and necessary information, advice and assistance to the injured worker or the worker's dependants in making an application for compensation; and
- c) furnish any certificates and proofs that the board may require.

Reports by attending health care professional

56 Reports required pursuant to clause 55(a) must be furnished at the times and in the form that the board may require.

Duties of health care professionals, hospital officials

57 Every health care professional or hospital official who attends to, is consulted with respect to or has care of an injured worker:

- a) shall furnish the board with any reports that:
 - (i) deal with the examination or treatment of the worker that are relevant to the injury for which compensation is claimed; and
 - (ii) are required by the board; and
- b) may charge a fee for a report furnished pursuant to clause (a) in an amount that the board may determine.

Members are cautioned to be mindful of their ethical and legal responsibilities in providing services to workers who may file an injury claim with WCB. As part of the informed consent process members should provide the client with full information regarding their professional and legal obligations, as well as any exceptions to confidentiality. Members are reminded that they need to ensure that they are in compliance with all prevailing legislation including the Health Information and Protection Act (HIPA), and as such should not release a client's personal health information without their consent unless compelled to do so by law. Even in such cases the professional responsibility would be to be clear and transparent about any required disclosure.

- WCB Email Correspondence April 1, 2020
- Merrilee Rasmussen, Q.C., SCP Legal Counsel