

Psychological Injuries Caused by Work-Related Harassment

Has the WCB expanded compensation coverage for psychological injuries?

On January 1, 2025, compensation coverage in PEI will include psychological injuries caused by work-related harassment. This could be an acute reaction to a single occurrence or the cumulative effects of repeated work-related harassment.

The current coverage already includes compensation for psychological injuries diagnosed following work-related exposure to a traumatic event. Traumatic events are defined as actual or threatened death, serious injury, or sexual violence.

Is a diagnosis required for a psychological injury claim to be accepted?

All psychological injuries must be diagnosed by a psychologist or a psychiatrist.

What is the definition of workplace harassment?

The definition of workplace harassment can be found in the WCB's Psychological or Psychiatric Condition Policy (POL-01) and in the Workplace Harassment Regulations of the Occupational Health and Safety Act (OHS Act). The definition is the same in both reference documents.

"Harassment" means any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action or gesture or the bullying knows, or ought reasonably to know, could have a harmful effect on a worker's psychological or physical health or safety, and includes:

Conduct that is based on any personal characteristic such as, but not limited to:

- Race, creed, religion, colour
- Sex, sexual orientation, gender identity
- Marital status, family status, pregnancy
- Disability, physical size or weight
- Age, nationality, ancestry or place of origin

Inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome. Inappropriate sexual conduct includes, but is not limited to:

- Sexual solicitation or advances
- Sexually suggestive remarks
- Jokes or gestures
- Circulating or sharing inappropriate images
- Unwanted physical contact

For greater certainty, harassment as defined above includes both:

- Repeated inappropriate conduct, comments, displays, actions or gestures or incidents of bullying that have a harmful effect on the worker's psychological or physical health or safety.
- A single occurrence of inappropriate conduct, comment, display, action or gesture or bullying that has a harmful effect on the worker's psychological or physical health or safety.

What are some examples of behaviours or comments that might constitute workplace harassment?

Behaviours or comments that might constitute workplace harassment include, but are not limited to:

- Making sexually suggestive remarks or advances.
- Verbal aggression or insults, calling someone derogatory names.
- Threatening a person or repeated occurrences of threats.
- Unwanted gestures or insults, inappropriate jokes, circulating inappropriate images.
- Spreading gossip or rumors.
- Using electronic communication to send threatening or intimidating messages.
- Vandalizing personal belongings.
- Making personal attacks based on someone's private life and/or personal traits.
- Isolating the worker.

What situations would not be considered harassment?

All reports of workplace harassment should be taken seriously. However, not every unpleasant interaction, instance of disrespectful behaviour, or workplace conflict is considered workplace harassment.

Expressing differences of opinion, offering constructive feedback, guidance or advice about work related behaviour, if undertaken in an appropriate manner, is not considered workplace harassment but may turn into harassment if steps are not taken to resolve the conflict.

Workplace harassment should not be confused with exercising managerial authority. Managers and supervisors have a broad range of responsibilities and are permitted to take reasonable action relating to the management of workers.

When done reasonably and fairly, the following actions should not be considered workplace harassment:

- With good reason, changing work assignments and job duties.
- Scheduling and workloads.
- Inspecting the workplace.
- Implementing health and safety measures.
- Delivering work instructions.
- Assessing and evaluating work performance.
- Disciplinary actions.
- Any other reasonable and lawful exercise of a management function

Will eligible work-related harassment claims be limited to incidents solely involving workers and coworkers?

Each claim will be considered based on the specific details of the situation. In some cases, incidents involving clients and members of the public may be accepted.

Here are some examples of potential claim scenarios. These fictional scenarios help to demonstrate what's likely to be covered.

Scenario 1

Tim can't stand one of his co-workers. Their desk is messy, they're lazy, and Tim has to carry their weight on team projects, but the supervisor refuses to fire the co-worker. Tim is fed up. Tim is diagnosed with Generalized Anxiety Disorder.

Likely claim outcome: Probably not accepted. Interpersonal conflict is not considered work-related harassment.

Scenario 2

Sandra is a nurse who works in a health care facility. Sandra and the other nurses in her work unit are social media friends. Michelle, Sandra's co-worker has been posting pictures of the clothes Sandra wears to social media with sarcastic remarks about them. The other nurses are adding their own remarks to social media as well. This continues for months, and Sandra is diagnosed with Adjustment Disorder with Anxiety.

Likely claim outcome: Probably accepted. The harassment although taking place on social media involves the members of the work unit and extends to the workplace.

Other examples are available in the [Psychological Injuries section](#) of the WCB website wcb.pe.ca

[How does the WCB confirm incidents of work-related harassment?](#)

We understand it may be difficult to share details of what happened when it comes to work-related harassment. However, the WCB will need to have this information in order to make a decision on your claim.

When the WCB receives a claim for a psychological injury caused by work-related harassment, it will ask to confirm the details of the event, or events, by examining some or all of the following sources of information:

- WCB claim form for work-related harassment psychological injuries
- Available documentation like emails, texts, etc.
- Direct witness interviews and statements
- Employer investigation results
- Employer interview and statements

[How will the WCB navigate the challenges of access to mental health services?](#)

The WCB has a psychological care process in place to support timely diagnosis and treatment of work-related psychological injuries which includes access to psychologists and a network of counsellors.

[How is the WCB preparing?](#)

We are preparing in a number of ways, including by:

- Creating a team that will be dedicated to assessing claims for psychological injuries caused by work-related harassment.
- Developing new decision-making processes for assessing psychological injury claims.
- Contracting mental health service providers including psychologists and counsellors.
- Designing a comprehensive training program for WCB team members that includes trauma-informed care.
- Sharing information about psychological injury coverage update on the WCB website wcb.pe.ca.
- Consulting on the draft policy that resulted into the changes in psychological injury coverage.

For more information

If you have questions that aren't covered here or if you need more information, please contact us.



902-368-5680 or toll-free in Atlantic Canada at 1-800-237-5049



workerservices@wcb.pe.ca



wcb.pe.ca