

Does Workers Comp Cover COVID-19 Mental Stress?



Being forced to work during the pandemic doesn't qualify for mental stress benefits, says BC case.

When this pandemic is finally over, we may find that the mental damage is just as devastating as the physical toll. It's not just the COVID-19 burnout we're all going through. Consider the legions of essential employees who had to come to work even as infection was breaking out all around them and the rest of us were bunkered at home. And that got me thinking about a question, one of enormous economic significance to employers: Can these essential workers get workers comp benefits for the mental stress they suffered as a result of working through COVID?

If the first case to address this question is any indication, the answer is NO. The case whose indistinctive name of Review Reference #R0269567 belies its significance came out of BC and involved a prison food service worker who claimed she developed mental disorders as a result of being forced to work longer hours despite the series of outbreaks that raged across the facility. Ultimately, the BC Review Division rejected her claim. As in other jurisdictions, in BC, mental stress benefits are reserved for traumatic events, either acute like witnessing a co-worker's death, or chronic stress like constant bullying, threats or harassment. But it doesn't cover the kind of stress employees feel when their work conditions change or their jobs are in jeopardy. And that will probably make future COVID-19 mental stress claims hard to sustain.

Still, employers should be thinking about their employees' mental health and wellness and about taking steps to help them deal with mental stress. Of course, they should also be prepared to deal with workers comp claims for mental stress due to COVID that are sure to come.

Help Your Workers Handle COVID-19 Stress and Burnout

Here are some of the resources on the HRI site you can use to help your workers cope with COVID stress and burnout and manage the potential workers comp liability it can lead to:

- How the pandemic is affecting workers' mental health

- Presentation on helping workers deal with COVID-19 burnout
- Workplace stress prevention checklist
- Workplace stress prevention infographic
- Pandemic fatigue and the duty to accommodate
- Analysis of workers comp coverage of mental stress
- How to make the business case for managing mental stress
- Workplace stress costs calculations worksheet