

July 4, 2017

(via email: secretariat@wsib.on.ca)

Workplace Safety and Insurance Board Ontario
200 Front Street West
Toronto, Ontario M5V 3J1

Dear Sir/Madam:

Re: CAPP Comments – Work Related Chronic Mental Stress Policy Consultation

The Canadian Association of Petroleum Producers (CAPP) represents companies, large and small, that explore for, develop and produce natural gas and crude oil throughout Canada. CAPP's member companies produce about 80 per cent of Canada's natural gas and crude oil. CAPP's associate members provide a wide range of services that support the upstream crude oil and natural gas industry. Together CAPP's members and associate members are an important part of a national industry with revenues from crude oil and natural gas production of about \$120 billion a year. CAPP's mission, on behalf of the Canadian upstream crude oil and natural gas industry, is to advocate for and enable economic competitiveness and safe, environmentally and socially responsible performance.

CAPP and its members appreciate the opportunity to review and provide comments to Workplace Safety and Insurance Board (WSIB) Ontario regarding the above noted policy to support legislation (Bill 127) passed by the Ontario government on May 17, 2017, as part of its 2017 Budget which allows compensation for work-related chronic mental stress.

After review of the draft policy, the following specific comments are respectfully submitted to the WSIB for consideration.

Page 1 of 6, Policy

- Remove “and in the course of” from the first sentence.

Page 1 of 6, Guidelines, Traumatic Mental Stress, 2nd Paragraph

- We recommend adding “to the person or someone close to them in the course of their employment” at the end of the first sentence after the word “occurred”.

Page 3 of 6, Substantial Work-Related Stressor

- Require more definition and criteria to establish “substantial”.
- Our members also believe that a more objective criteria for definition of “substantial work related stressor” be established. “Normal” is subjective and an unclear comparator. As drafted, this would allow for benefits to be paid to anyone experiencing higher than “normal” work stresses. This is far too broad, and a clearer more objective definition is required.

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Page 4 of 6, Workplace Harassment

- 2nd Sentence - Insert after “in a workplace,” the words “that is known, or ought reasonably to be known to be unwelcome and” (continue with rest of the statement).

Page 4 of 6, Interpersonal Conflicts

- 2nd Sentence – remove the word “generally”. This word is not required and removal does not impact interpretation.

Page 4 of 6, Diagnostic Requirements

- CAPP and its members believe that diagnosis for the purpose of determination of entitlement should only be made by a psychiatrist or psychologist. General Practitioners and other regulated health care professionals who are not registered psychiatrists or psychologists should not provide DSM diagnosis for the purpose of entitlement.
- Whilst recognizing that some regulated health care professionals may have undertaken additional professional development in this area, medical advisors to CAPP members state that in their professional opinion only a psychiatrist can undertake DSM diagnosis, thus being the opinion to adjudicate on. Advice from members is that further consideration is still required regarding psychologists in this role.
- Determination of entitlement must occur correctly at onset, as additional assessment to confirm ongoing entitlement as can be stressful in and of itself for the claimant.

Page 5 of 6, 2nd section, Employer’s Decisions or Actions Relating to Employment

- 5th bullet, after the word “hours” add an additional bullet:
“changes to working environment, or”
- We would also like to see additional bullets added that reflect:
 - company organizational changes (divestment, safety)
 - discipline or workplace performance management activities (promotions / demotions)

CAPP and its members seek this opportunity to remind the WSIB that determination of entitlement to benefits for both traumatic or chronic mental health, and chronic mental stress, arising out of the workers’ employment, is complex, involves multiple issues, and that each case is unique.

Again, we appreciate the opportunity to provide comments. If you have any questions, please do not hesitate to contact (Rosa Fiorentino, Imperial Oil Resources, Chair, CAPP WCB Committee (905) 652-0108).

Yours sincerely,



Linda Clarke
H&S Analyst