

Submission on WSIB's Chronic Mental Stress Policy Draft

July 7, 2017

As written, this proposed policy will continue to discriminate against workers filing chronic mental stress claims. It is merely a change in wording from the WSIB's current policy and practice, which has been found to be in violation of the Charter of Rights and Freedoms three times already by the Workplace Safety Insurance Appeals Tribunal.

This proposed policy once again violates the well-established and long-upheld 'thin skull' legal principle.

Any policy that requires different qualifying factors for mental health claims, compared to physical health claims, is inherently discriminatory and therefore should not be allowed to proceed.

This proposed policy is a prime example of systemic discrimination against people with mental health problems. It further entrenches the social stigma against sufferers of mental illness that is still too prevalent in Ontario.

This proposed policy is not written in good faith with, nor will it accomplish, the Ontario government's requirement, under Bill 127, to amend the Workplace Safety Insurance Act "to provide that a worker is entitled to benefits under the insurance plan for chronic or mental stress arising out of and in the course of the worker's employment."

Therefore, this policy must be re-written to comply with Bill 127, the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code.