

Work Comp Insights

NYSIF: Your Workers' Compensation Partner

Workers' Compensation and Post-traumatic Stress Disorder

Post-traumatic stress disorder (PTSD) is a mental health condition that can develop in people after they experience a very stressful, scary or distressing event. Since mental health disorders can significantly impact someone's ability to work, employees diagnosed with PTSD from a work-related cause may look to file a workers' compensation (WC) claim to receive coverage for associated medical bills and lost wages. While PTSD has long been an occupational issue—particularly among first responders—the COVID-19 pandemic has put a spotlight on the potential for workers to contract PTSD from their employment, especially in the health care field.

This article discusses the signs of PTSD, how state legislatures are handling eligibility for WC benefits for PTSD and how employers can support employees suffering from mental health issues.

Signs of PTSD

Anyone can develop PTSD at any age, and according to the National Center for PTSD, about 6 out of every 100 people will have PTSD at some point in their lives. To be diagnosed with PTSD, symptoms in adults generally must last for more than a month and be severe enough to interfere with relationships, work or other components of daily life. While symptoms of PTSD typically begin within three months of a traumatic incident, they can sometimes begin years later. The duration of the illness varies by individual and, in some cases, can become chronic.

Some signs of PTSD include:

- Having flashbacks of the traumatic event, bad dreams and frightening thoughts
- Staying away from places, events or objects that are reminders of the traumatic experience
- Being easily startled, feeling tense, and/or having angry outbursts
- Having negative thoughts, feeling guilt or blame, and/or losing interest in enjoyable activities

State Legislation

WC benefits eligibility requirements for PTSD vary between states. The pandemic has accelerated the rate at which many state legislatures have been considering establishing or expanding the eligibility for WC benefits to those suffering from work-related PTSD. However, since it can be difficult to objectively measure mental health conditions or prove they were caused by employment, obtaining WC benefits can be an uphill battle for workers in some instances. WC benefits are more likely to be rewarded if:

- The worker can prove the mental health condition was caused primarily by their work
- A mental health professional diagnosed the condition
- The mental health condition stems from a work-related injury or unusually traumatic event
- The worker is a first responder

Jurisdictions may operate under one of three standards regarding psychological and mental injuries, each carrying its own burden of proof. These standards are:

- Physical/mental—Jurisdictions that operate under this standard require a worker who seeks to have a psychological injury recognized as work-related to prove that their work-related physical injury caused the mental condition.
- Mental/physical—The worker must establish that a work-related psychological stimulus caused a resulting physical injury.
- Mental/mental—The burden of this standard is much higher for cases in which a worker is required to establish that a psychological stimulus caused a mental injury.

As health care workers and first responders continue to carry a heavy burden of the COVID-19 pandemic, states are passing legislation to protect their well-being under the mental/mental standard. Eligibility requirements for receiving PTSD-related WC benefits are expanding, so certain occupational groups may see an impact on overall WC costs.

Employer Support

To minimize the number of WC claims, employers should proactively minimize psychiatric stress while providing support to employees who suffer from mental health issues. Since employees may choose not to divulge their mental health concerns to their employers, it's important for employers to have the resources available to anyone who

may need them. Employers should cultivate a work climate and culture that supports and encourages help-seeking behavior, including treatment for mental health conditions. Since there is no one-size-fits-all solution to managing an employee with PTSD, employers must remain flexible and be open to feedback. They should be sure to:

- Maintain a dialogue. People with PTSD may feel embarrassed to ask for help, so employers should take the initiative to learn how they can best support them.
- Meet their needs. Ask what changes could be made to improve their work environment, and then implement those changes.
- Deal with problems promptly. Deal with issues as soon as they arise to help workers complete their tasks successfully.
- Provide team training. Raise awareness of PTSD and its symptoms within the workplace and encourage workers to be patient and sensitive to their colleagues' needs.

Since PTSD can have serious medical, psychological and emotional consequences, seeking the advice of a qualified professional may be necessary. For more information on WC benefits, contact us today.



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