

State of California  
Department of Industrial Relations  
Division of Workers' Compensation

## **Preventing Psychiatric Injuries**

Per Labor Code 3208.3 (i): “When a psychiatric injury claim is filed against an employer, and an application for adjudication of claim is filed by an employer or employee, the division shall provide the employer with information concerning psychiatric injury prevention programs.”

The Division of Workers' Compensation records indicates that an employee of your organization has filed a psychiatric injury claim. Authority for resolution of the claim now rests with the Workers' Compensation Appeals Board.

*This sheet gives information on psychiatric stress and what you can do to prevent it in your workplace.*

### **Psychiatric Injuries are Compensable under California Law**

California law permits compensation for a wide range of disability resulting from job related mental stress. Psychological stress may produce mental disorder, physical disorder or both.

Recent changes in the law have tightened eligibility and created a higher threshold of evidence in proving cases of mental stress related disability.

For instance, psychiatric stress injuries caused by normal personnel actions are no longer compensable. Typically, a worker must have been employed at least 6 months to claim cumulative mental stress injuries.

More psychiatric stress cases involve expensive litigation, and costs of providing treatment, evaluation and compensation can be extremely high.

### **What employers can do to prevent Psychiatric Stress Claims**

For victims of traumatic, violent or frightening events, critical incident debriefings and trainings are appropriate as soon as possible after the incident. Post trauma support groups and individual counseling may also be helpful.

Employers can reduce stress caused by workplace changes by ensuring effective communication with employees through:

- Newsletters, staff meetings, and individual communication from supervisors to workers.

- Establishing internal complaint procedures and informal dispute resolution systems. These give employees outlets for getting their concerns heard and addressed.
- Soliciting input from employees, both formally and informally, about ways to make the work environment more productive and less stressful.

Employers can improve the management of job-related injury cases so that physical injuries do not lead to psychiatric stress injuries as well.

Employers should learn about effective ways of dealing with employees with pre-existing mental problems or stress issues that may be subject to complications at the workplace.

In addition to consideration of modified duty adjustments and rehabilitation needs for injured workers, employers can assist in resolving problems or personal issues that do not directly relate to the injury but can impact on the employee readiness to return to work.

Firms should implement confidential employee assistance programs that acknowledge the interrelationship of work and family problems and should encourage stressed employees to seek help.

Managers and supervisors should be trained on the basics of effective supervision. Here are some helpful tips:

- Set realistic goals for workers.
- Make sure workers have the resources and authority to meet assigned responsibilities.
- Give individuals an opportunity to have input on actions that affect their jobs.
- Monitor and document workers' performance.
- Let workers know how they are doing and what the expectations are for improvement.
- Reinforce and reward good job performance.
- Learn how to cooperate with resolution efforts.
- Maintain confidentiality.
- Learn constructive confrontation of troubled employees.
- Identify behavior patterns that may indicate problems that require professional assistance.
- Make effective referrals to employee assistance programs.
- Comply with legal restrictions against any form of sexual harassment or discrimination.

## Employees need to know

What changes are coming in the organization, especially around job transfers or reduction, changes in workload, changes in supervisors,  
Where to go to for help:

- Employee Assistance Programs
- Ombudsperson
- Family counselor
- Union Representatives
- Support Groups
- Other confidential sources

How to use stress awareness and stress reduction techniques – an individual’s stress level is a composite of the effects of all sources of stress; reducing the effects of stress in one area may increase the capacity to tolerate increased stress in another.

### Where to go for Help in Preventing Work-related Psychiatric Injury

**Cal/OSHA Consultation Unit** -- [www.dir.ca.gov/dosh/consultation.html](http://www.dir.ca.gov/dosh/consultation.html)

|                        |              |
|------------------------|--------------|
| San Francisco Bay Area | 510-622-2891 |
| Northern California    | 916-263-0704 |
| Central Valley         | 559-454-1295 |
| San Fernando Valley    | 818-901-5754 |
| Los Angeles/Orange     | 714-562-5525 |
| San Bernardino         | 909-383-4567 |
| San Diego              | 619-767-2060 |

**National Institute on Occupational Health & Safety (NIOSH)** – [www.cdc.gov/niosh](http://www.cdc.gov/niosh)  
1-800-232-4636 or [cdcinfo@cdc.gov](mailto:cdcinfo@cdc.gov) (e-mail address)

**Employee Assistance Professional Association, Inc** – [www.eapassn.org](http://www.eapassn.org)

4350 North Fairfax Drive, Suite 740  
Arlington, VA 22203-1624  
703-387-1000

**California Psychological Association** – <https://www.cpapsych.org/default.aspx>

1231 I Street, Suite 204  
Sacramento, CA 95814-2933  
916-286-7979

**California Psychiatric Association** – [www.calpsych.org](http://www.calpsych.org)

1029 K Street, Suite 28  
Sacramento, CA 95814-3821  
916-442-5196

**California Society for Clinical Social Work** – <https://www.clinicalsocialworksociety.org/>

P.O. Box 1151

Rancho Cordova, CA 95741-1151

916-560-9238 or 855-985-4044

**Service Employees International Union** -- <http://www.seiu.org/>

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800-424-8592