

Presumptive Injury and the frontline

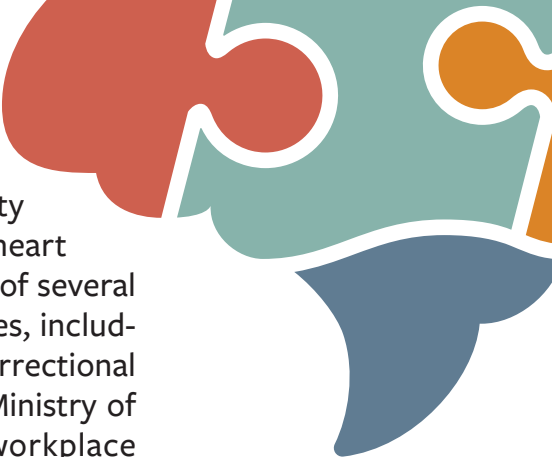


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SYNDICAT DES EMPLOYÉ-E-S DE LA SÉCURITÉ ET DE LA JUSTICE

USJE  **SESJ**

UNION OF SAFETY AND JUSTICE EMPLOYEES



Many of USJE's Public Safety Personnel—who are at the heart of the operational backbone of several key departments and agencies, including the RCMP, the federal Correctional Service of Canada, and the Ministry of Justice—are exposed to workplace trauma owing to the nature of their work.

However, for the most part, these employees are often not included in presumptive injury clauses embedded within provincial and territorial legislation. This means that, unlike first responders, despite their exposure to traumatic materials, incidents, and criminalized persons, their access to Workers' Compensation is not guaranteed, and often denied.

Ultimately, access to Workers' Compensation for federal public service employees is governed by the federal Government Employees Compensation Act (GECA). This is a piece of legislation that has not fundamentally changed since its establishment 50 years ago. As it is currently written, it leaves behind thousands of federal public safety personnel who suffer from psychological injuries owing to their efforts to keep Canadians safe from coast to coast to coast.

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As noted above, certain employees, such as first responders and other uniformed members, are presumed to be vulnerable to post traumatic stress injuries, or mental health injuries, by virtue of their work. In the event that they incur a mental health injury which is diagnosed by a qualified professional, their eligibility for Workers' Compensation is presumed.

In other words, if you are in a certain occupation and incur a mental health related injury, it is presumed that the injury was due to the conditions of work. Consequently, most (but not all) provincial or territorial legislation now recognizes the inherent right to Workers' Compensation as a result.

However, there are many Public Safety Personnel that are exposed to workplace trauma who are not included in presumptive injury definitions. This includes the approximately 20,000 federal public safety employees represented by USJE who should have access to the compensation they need and deserve.



The cost of inaction



In the absence of better coverage, federal public safety personnel suffer in silence longer and have to rely on sick leave. Some have no choice but to resort to the Government of Canada's Long-Term Disability Insurance program if their psychological injuries are not treated in a timely fashion, and with the right supports. Not only is this an expensive outcome for the federal government, but the premature departure of federal public service employees forfeits the well-established expertise and the experience so many federal public safety employees bring to the table.

This is not the desired route for the overwhelming majority of federal public safety personnel who, even after having incurred a mental health injury, are keen to return to the workplace if they can access the proper supports.

Facilitating access to presumptive injury coverage for federal public safety personnel is not simply about fairness; it is about fiscal foresight. Access to presumptive injury coverage will ensure that federal public safety personnel benefit from early intervention after being diagnosed with a mental health injury and are more likely to return to work to continue contributing to Canada's crucial public safety net.

By making simple but profound changes to the federal Government Employee Compensation Act, it will help to stabilize the retention of federal public safety personnel, and protect the corporate knowledge, training and individual expertise that has been developed.

Fiscal considerations

Research conducted by the Institute for Research on Public Policy has previously highlighted that “the federal public service has conspicuously stood apart for years for having a higher proportion of mental health related long-term disability claims than other employers.”

Mental health, led by depression and anxiety, has been by far the biggest driver of claims, followed by cancer as a distant second at 11.5 percent of claims.

As per the federal Disability Insurance Plan Board of Management Annual report in 2022, the total benefits paid out by the federal government for its Long-Term Disability Insurance Plan during 2022 amounted to \$421.8 million, compared to \$380.8 million in 2021.

When it comes to federal public safety personnel, the federal government would be better to prioritize investments in their mental health and well-being in order to address occupational stress injuries when they occur. Denying access to Worker’s Compensation will inevitably result in more disability claims in the long term, and the loss of invaluable knowledge and expertise, as well as an increased financial burden for the Government of Canada.

Recommendations

1. Implement USJE's proposed changes to GECA that would ensure that federal public safety personnel—many of whom are regularly denied worker's compensation by provincial/territorial boards for their injuries—would finally have access to the compensation and support they so deserve.
2. Check out USJE's proposal to expand the definition of Public Safety personnel in the modified federal legislation - <http://bit.ly/4o5aFc1>
3. Listen to USJE's podcast on Presumptive Injury featuring a USJE representative and leading Public Safety researcher Dr. Rose Riciardelli - unionsafetynet.ca

The Union of Safety and Justice Employees (USJE), which represents nearly 20,000 federal employees who work in public safety and justice, is seeking to change the federal government's approach to Workers' Compensation—so that USJE's federal public safety employees have access to the compensation they need and deserve.



*Keeping
Canadians
Safe*

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