



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Audit, Finance and Administration Committee
<b>COMMITTEE DATE:</b>	June 16, 2022
<b>SUBJECT/REPORT NO:</b>	Post-Traumatic Stress Disorder (HUR22007) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
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<b>SUBMITTED BY:</b>	Lora Fontana Executive Director Human Resources
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

In the April 7, 2022 Audit, Finance & Administration Committee, Council directed that staff report back with information in relation to the experience of the City regarding presumptive claims of Post-Traumatic Stress Disorder (“PTSD”).

## INFORMATION

In 2016, the Workplace Safety & Insurance Board (“WSIB”) released the updated policy direction based on legislative changes to the *Workplace Safety and Insurance Act, 1997* (“WSIA”) to include Post-Traumatic Stress Disorder (PTSD) as being presumed to be caused by work in emergency medical services. Claims could be accepted as “Presumptive PTSD” retroactive to April 1, 2014 if filed by April 6, 2016. In 2018, the Ontario government passed an amendment to the *WSIA*, allowing 6 new categories of other designated workers, including nurses, to access WSIA benefits under the presumptive policy.

If a first responder or other designated worker is diagnosed with PTSD and meets specific employment and diagnostic criteria, that first responder’s (or other designated worker’s) PTSD is presumed to have arisen out of and in the course of their employment, unless the contrary is shown.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

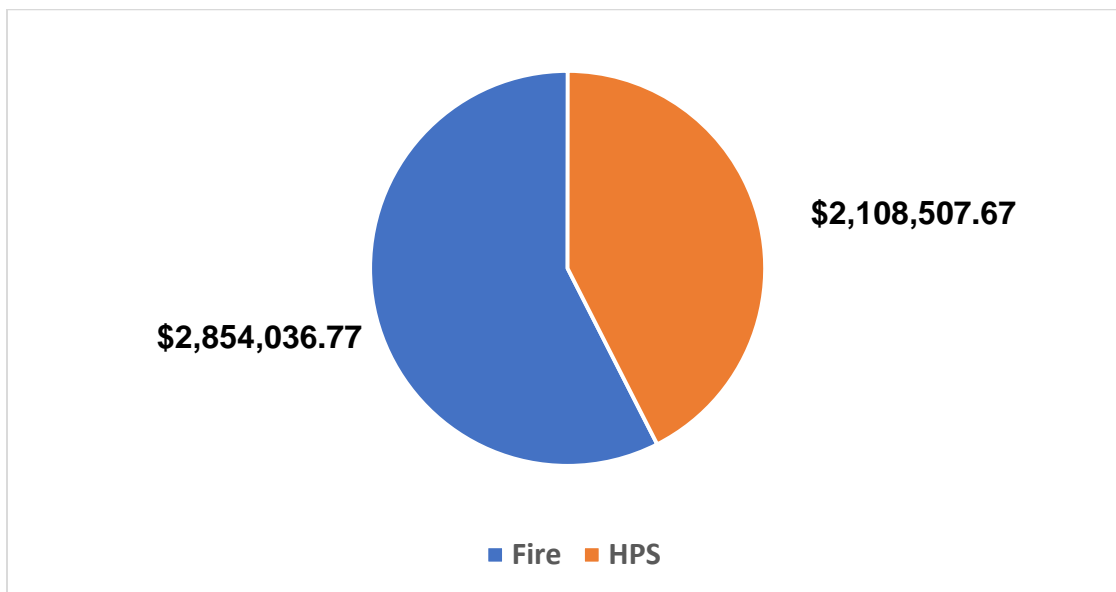
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

To date, all PTSD claims submitted under the “Post-traumatic Stress Disorder in First Responders and Other Designated Workers Policy” from January 1, 2015 to present are attributed to Fire and Hamilton Paramedic Service; no claims have been filed for other designated workers at the City of Hamilton (excluding Police, who are not addressed within this Report). As was noted earlier, relevant “Presumptive PTSD” costs in this Report are reflected in the retroactive application of that Policy. Accordingly, all the following data reflects claims made between April 1, 2014 and December 31, 2021.

All costs associated with any claim are determined in relation to the year in which the claim was initially made to the WSIB. This means that all costs associated with any claim are attributed to the year in which the incident occurred.

It should be noted that this Report does not contain an assessment of additional costs that arise as a result of the operation of collective agreements. This consideration only applies in the context of Hamilton Fire, where the collective agreement provides some additional compensation, which will be addressed in the relevant section below. For clarity, that “top up” cost/obligation under the collective agreement is not included in the costs provided in this Report.

### 1. Total WSIB Costs – Approved Presumptive PTSD Claims (2014-2021)



The overall direct costs assumed by the City in relation to presumptive cases of PTSD (approved by the WSIB) since the changes to legislation amount to a total of \$4,962,544.44. The overall proportion of expense for such claims is an approximate 58%/42% split between Fire and Hamilton Paramedic Service.

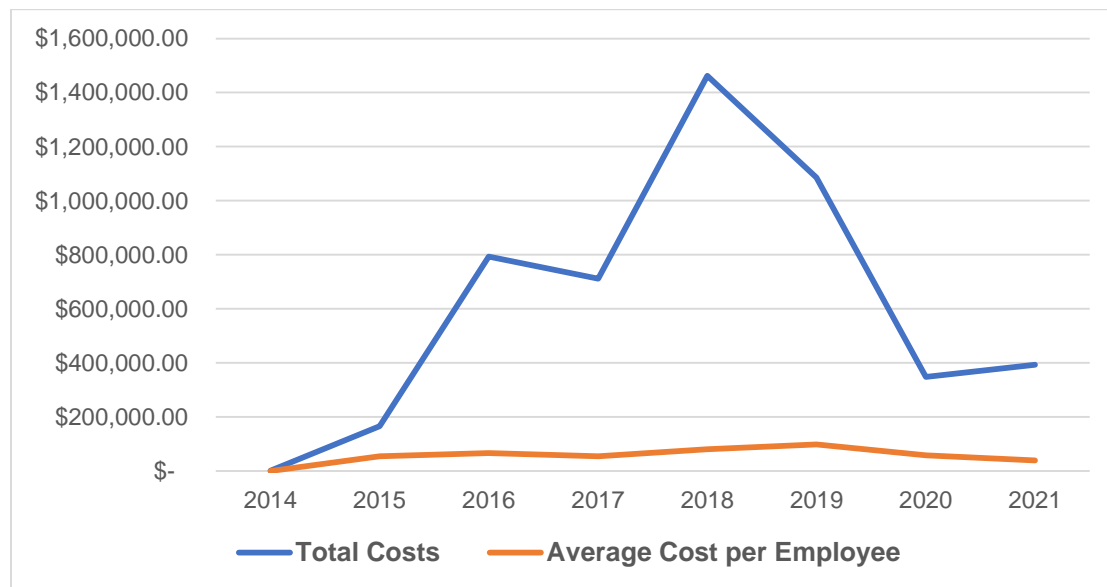
The following Table provides additional detail in the numbers of approved claims across the City (and in each of the emergency services further reviewed in this Report):

**2. WSIB Approved Presumptive PTSD Claims in Each Year**

	Hamilton Paramedic Service	Hamilton Fire	Total Approved Claims
2014	1	2	3
2015	2	1	3
2016	10	2	12
2017	9	4	13
2018	8	10	18
2019	3	8	11
2020	3	3	6
2021	5	5	10

As can be seen, after an initial increase in frequency in cases among Hamilton Paramedic Service in 2016, a corresponding increase in uptake by Hamilton Fire employees occurred in 2018. A similar decrease also occurred following these years of higher frequency.

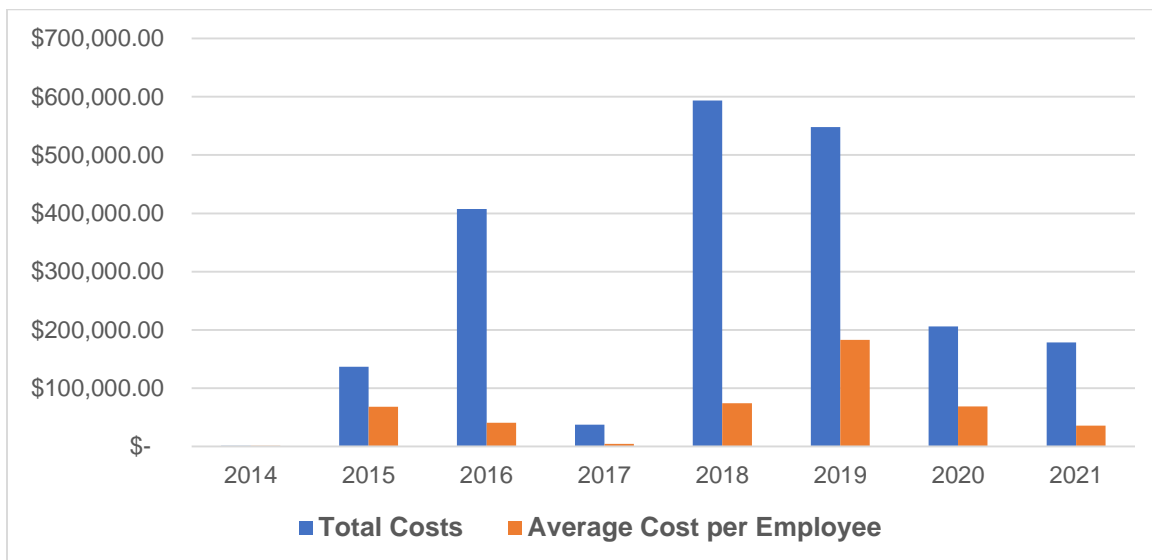
**3. Annual Total WSIB Presumptive PTSD Claims Costs (2014-2021)**



Costs associated with presumptive PTSD claims has risen steadily following the introduction of the aforementioned changes to legislation. This is in part due to increased awareness of presumptive claims in emergency service agencies/employee groups and medical practitioners. As awareness of this benefit to first responders become more widespread, employees experiencing such diagnoses more frequently availed themselves of this statutory benefit. This increase in uptake would arguably be further explained by the increased (and appropriate) reduction in stigma associated with claims related to mental health considerations. Finally, as a general comment, there will often be a significant degree of uncertainty in any analysis of such cases, as any such diagnoses are often accompanied by the presence of concurrent mental health challenges. It is for all of these reasons that caution is advised in drawing conclusions from the data presented.

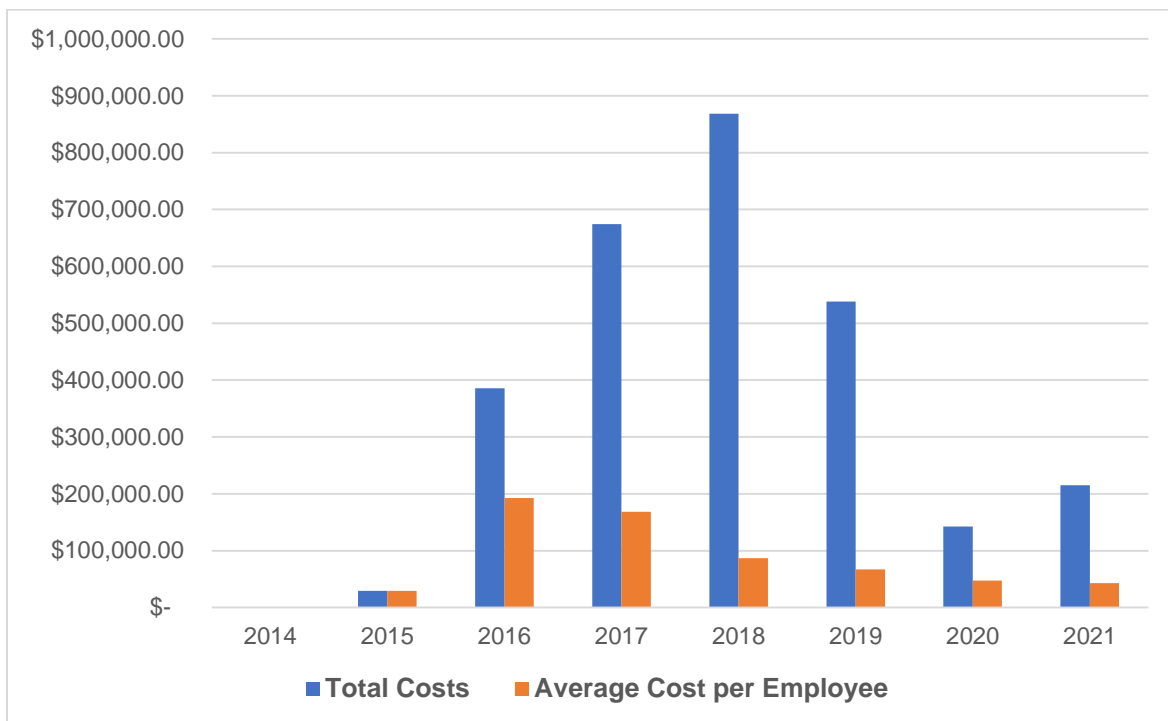
An encouraging trend is noted in the average total costs associated with each employee on approved PTSD claims, which has fallen to its lowest level since 2014 (which addresses only three quarters of 2014). For 2021, per claimant, the average cost of such claims was \$39,359.81.

#### **4. HPS (Hamilton Paramedic Service) - Annual WSIB Presumptive PTSD Claims Costs (2014-2021)**



As can be seen, the general trends in total costs of presumptive PTSD claims in Hamilton Paramedic Service follows the general trends in total costs since the change in the legislative landscape. While the 2017 data appears remarkable in that there are significantly lower costs that year, the lower costs in 2017 can be explained by the methodology used to create the above data visualization: in 2017, in Hamilton Paramedic Service, limited approved claims *in that year* result in the appearance of an abnormal year.

**5. Fire (Hamilton Fire) - Annual WSIB Presumptive PTSD Claims Costs (2014-2021)**



As with Hamilton Paramedic Service, the experience of Hamilton Fire parallels the overall experience of the City’s first responders (although there is a higher degree of claims costs associated with incidents which occurred in 2017). Comments made in relation to the general trends would apply in these circumstances, however, it would appear that the timing of the trends between the two operational areas was explored earlier in Hamilton Paramedic Service, with a similar increase in approved claims following approximately two years earlier than in Hamilton Fire.

The collective agreement between the City and the Hamilton Professional Fire Fighters’ Association contains a provision that provides some degree of “top up” to their WSIB entitlements, where the City assumes some additional costs in “topping up” Fire employees. The Fire cost data presented in this report excludes monies paid to provide employees with 100% of net earnings, as per the collective agreement.

## **6. Mitigation Efforts and Strategies**

It should be noted at the outset that while there are a number of strategies and mechanisms that can be employed to support City employees in the performance of their duties, it is ultimately not the City that makes the decision with respect to approval of such claims. Employers in general, including the City, have raised objections in particular cases, but these challenges are most often unsuccessful in the face of the legislated obligations regarding such claims. This means that the City has limited options to directly impact the costs associated with such a claim once approved by the WSIB.

In order to improve outcomes on behalf of the City, Return to Work Services in Human Resources has increasingly engaged third-party consultants specifically skilled at advocacy in WSIB matters. This has been done to ensure the appropriateness of outcomes by the WSIB, ensuring that all appropriate opportunities from diversion away from WSIB leaves of absence have been explored.

Given that even with additional third-party support there is limited opportunity to impact the costs associated with presumptive PTSD claims once approved, the most important mitigation strategy is the continued focus on preventive workplace mental health strategies. Consistent with the City's Mental Health and Wellbeing Strategy, there are a number of supports available to affected employees that are tailored to the unique needs of those who work in emergency services.

## **APPENDICES AND SCHEDULES ATTACHED**

Not applicable