



## Disclosure of Personal Health Information and Duty to Report: A Guide for Psychologists and Social Workers

**The Workers' Compensation Act** (the *Act*) aims to provide services and support (income and medical) to workers for injuries or illnesses resulting from employment. Workers rely on this support for prompt access to services and income assurance while they recover.

As a psychologist or social worker, you may be the first health care professional providing care when a workplace injury happens. To facilitate support for workers, the **Act** requires you to report work-related psychological injuries to WCB within 48 hrs. Reporting ensures WCB has good information on which to base entitlement decisions, and prompt access to necessary care.

### 1. When do you have a duty to report to WCB?

Under section 34(1) of the WCA, you must report to WCB if:

- your client reports their psychological condition, in whole or in part, was caused by something that happened at work, **and**
- your client's psychological symptoms have caused them to be off work for more than a day, causes them to be unable to perform their regular working duties, or are likely to.

While the section requires “physicians” to report, that term is defined in the WCA and includes anyone licensed or authorized under the [Health Professions Act](#) to practise any of the healing arts in Alberta.

Reports are required to determine if the psychological injury is covered by WCB, to coordinate treatment planning, or to establish a person's fitness for work. The requirement to report remains even if the client expressly refuses disclosure to the WCB.

If reporting is not received, WCB may contact you directly to request it.

### 2. How is the term psychological injury defined? Is my duty to report limited to diagnosable psychological issues?

While a psychological injury is defined as a DSM diagnosis, that is not necessary to provide WCB with a report. You may not be able to make a formal diagnosis after one client session. In that case, you may simply report symptoms, and/or use general terms such as work-related ‘stress’ or ‘psychological injury’ resulting in a client being off work.

A DSM diagnosis is needed for WCB to eventually accept a psychological injury under a claim. If you're unable to provide one, we can help arrange for an assessment.





### 3. What is the statute of limitations on reporting?

There is no statute of limitations on health care provider reporting. However, although there can be exceptions, clients normally have 24 months to make a claim after an injury. Providers are obliged to send a report to WCB within 48 hours once they suspect a condition is work-related.

### 4. Is there a reporting process I need to follow?

Please fill out the **Mental Health First Report** form (C1392) available on the WCB website. The form can be found here under Psychologists and clinical social workers:

<https://www.wcb.ab.ca/resources/for-health-care-and-service-providers/forms-and-guides/>.

The **Mental Health First Report** (C1392) is completed once per client.

### 5. What happens once a report is made?

Once WCB receives the initial report, a claim is created for the worker. An adjudicator will then contact the worker and employer to obtain more information. If the information gathered supports a compensable work-related condition, the claim is accepted and benefits and services begin.

Note: Not all claims are accepted as some work-related conditions are covered by workers' compensation Legislation and others are not. For example, stress resulting from the normal pressures and tensions of work (e.g., a performance evaluation) would likely not be covered. However, psychological symptoms following a traumatic event at work (e.g., being a victim of a robbery) may be.

### 6. What happens if a client refuses to release this information to WCB?

An injured worker cannot direct a regulated professional to not disclose required information to WCB. If this happens, please encourage them to contact WCB immediately.

Please see Section 20 of the *Personal Information Protection Act* (PIPA) and Section 34 (1) of the WCA for more detailed information about disclosure without consent pursuant to a statute or enactment.

### 7. Some industries/occupations are not covered under the Act. Do I have to report a work injury if I don't know if the industry is covered?

Meeting your obligation to report includes making reasonable efforts to confirm your client is a worker. Ask your client if they are covered by WCB. If you're unsure, call us toll-free at 1-866-922-9221 to find out. If in doubt, report and we will help you determine whether or not your client is a worker covered under the Act.





**8. What are the consequences of not reporting a work-related injury?**

WCB will always try to work with you to resolve any reporting challenges and will confirm any reporting requirements under the Act.

If reporting remains outstanding despite our efforts to work together, WCB may raise the concern to your College and/or withhold payment for your services until a report is received.

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You are an important source of expertise and information. Your help in proactive reporting, treatment planning, and return-to-work planning will help your client access help available through the workers' compensation system and achieve the best recovery and return-to-work success. If you have additional questions about your duty to report, please call us toll-free at 1-866-922-9221 and ask to speak to a WCB psychological consultant.

