

News

First Revision in 12 Years of Industrial Accidents Recognition Criteria for Mental Disorders: Customer Harassment and Continuous Engagement in Work with High Risk of Infection are Newly Added

The number of workers' compensation insurance claims of mental disorders has been increasing along with changes in the social situation in Japan. The Ministry of Health, Labour and Welfare (MHLW)'s Review Meeting on Workers' Compensation Recognition Criteria for Mental Disorders (chaired by Nobuo Kuroki, Emeritus Professor at Toho University) published a report in July 2023 after examining the criteria for all aspects for the first time in twelve years, since the 2011 revision. Based on the Report, the MHLW set out new Recognition Criteria for mental disorders, and, after the public comment, issued a notification to the Directors General of Prefectural Labour Bureaus in September 2023.

Mental disorders are incorporated into the list of occupational diseases covered by Japan's Industrial Accident Compensation Insurance Act. The aims of reviewing the Recognition Criteria for mental disorders cases were ensuring facilitating the application procedure, speeding up the examination process, and more appropriate evaluation of stress caused by work. The Review Meeting proposed to improve the Assessment Table of Psychological Burden due to Work and newly added "specific examples" of events concerning "customer harassment" (intimidating behavior and annoying conduct of customers) and "work with a high risk of a disease (including infection) or incident" as requirements to be considered when recognizing industrial accidents. It also indicated the necessity to review the scope of cases for deciding where deterioration of a mental disorder is found attributable to work, as well as to improve the efficiency of collecting medical opinions.

I. How has the Recognition Criteria been developed?

The number of claims for compensation insurance benefits filed due to mental disorders has been increasing year by year, reaching 2,683 in the fiscal year 2022 (Figure 1). The factors behind this trend may be changes in the social situation such as diversification of working styles and changes in the workplace environment. Since December 2021, the Review Meeting had held discussions for fourteen times on the recognition requirements and criteria with reference to the latest medical knowledge and past administrative or judicial decisions.

II. What are the focal points of the revision?

1. Objective assessment of facts and concretization of incidents

The Assessment Table has the following categorizes of "objective events": (1) experience of an accident or injury, (2) work failure, imposition of excessive responsibility, (3) quantity and quality of work, (4) change in the role or position, (5) "power harassment," (6) relationships with others, and (7) sexual harassment. For each objective events, it indicates the "specific examples" of events that could occur during work so that the workers' psychological burden experienced can be judged "mild," "moderate," or "severe." In order to be recognized as experiencing an industrial accident, a worker is required to have suffered a "severe" psychological

burden within about six months before the onset of a mental disorder. When judging whether a mental disorder is attributable to work, the following steps are taken: first, identifying the event that actually occurred to a corresponding event among those specific examples indicated in the Assessment Table, and second, assessing the intensity of the burden (stress) caused by the relevant event according to the Table.

The Report presented a new Assessment Table. It added sample cases of events that should be subject to assessment responding to changes in the social situation. Some subdivided items were merged to eliminate overlapping items to the extent possible. As a result, facts can be assessed objectively for each item with clear and concrete criteria.

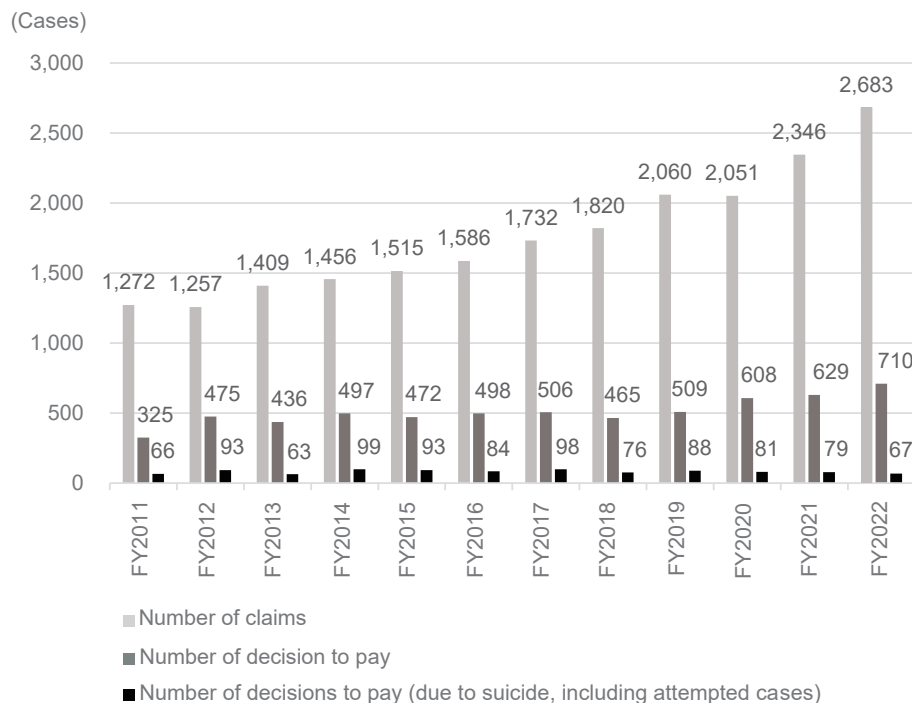
The assessment items for measuring the psychological burden (stress) follows the manners in the old Assessment Table. The comprehensive

assessment of the burden is described as “severe” in the case where an excessive burden due to work is observed, and “moderate” or “mild” if an excessive burden is not observed. The burden is described as “mild” in cases of burden that people experience in everyday life or burden that is generally expected. As for those described as “moderate” (the burden is greater than the “mild” but is not recognized as “severe”), the frequency of experience varies.

2. Added recognition criteria for “customer harassment”

Conventionally, an event which can be recognized as giving an intense psychological burden regardless of the situation after the event because the event itself involves an extremely heavy psychological burden is considered as an event with a “severe” psychological burden. The situation where a worker is unable to secure the minimum physiologically required amount

Figure 1. Number of workers’ compensation insurance claims and decisions to pay for mental disorders



Source: Based on the “Status of Industrial Accident Compensation in Cases Related to Mental Disorders” (Reference 2) from MHLW’s “FY2022 Status of Industrial Accident Compensation for *Karōshi* [death from overwork],” <https://www.mhlw.go.jp/content/11402000/001113802.pdf> (Japanese).

Note: The number of decisions to pay is decisions by which a mental disorder was recognized as a “work-related injury.”

Editor’s note: “Work-related injury” is often translated as “employment injury” in the government’s documents.

of sleep for a period of several weeks is considered as an event which can be recognized as giving an intense psychological burden in the form of “extremely long working hours” by indicating the number of working hours during that period. In the new Assessment Table, these are regarded as “unusual events” (cases where the event itself giving the worker an extremely high psychological stress) and judged as “severe” in the comprehensive assessment of psychological burden. As for “events other than ‘unusual events,’” the intensity of the average burden assumed for each event is described by the three stages, I, II, and III (from mild to severe). After the judgement of the stage, the intensity of the psychological burden is judged either as “mild,” “moderate” or “severe.” The Table provides specific examples of such cases.

As a specific event in the “relationships with others” category, an event of “experiencing extremely annoying conduct of a customer, client, or facility visitor” (generally called “customer harassment”) has been newly added. The intensity of the average psychological burden of this event is assessed as “II.” The new Assessment Table indicated some specific examples to clearly show that customer harassment can be the cause of an industrial accident: such as where the “worker suffered violence from a customer, etc. at a level that requires medical treatment” or the “worker experienced violence inflicted by a customer, etc. persistently (repeatedly or continuously).” The psychological burden in such cases is judged as “severe.” In the case where the worker suffered violence at a level that does not

Revision history of the Industrial Accident Recognition Criteria for mental disorders

February 1984

Reactive depression suffered by a design engineer was recognized as a work-related injury.

September 1999

“**Guidelines for Determining the Work-Relatedness of Mental Disorders Caused by Psychological Stress**” were established out of the necessity to clarify criteria for processing these claims promptly and properly, against the backdrop of the increasing number of claims for industrial accident compensation insurance benefits due to mental disorders. The guidelines indicate requirements to assess the intensity of psychological burden based on the Assessment Table of Psychological Burden at Workplace (“the Assessment Table”).

“**Handling of Suicide due to Mental Disorders**” was issued. A suicide by a worker who suffered a mental disorder during the work was presumed to be attributable to work.

April 2009

The Assessment Table was revised (by adding causes of psychological burden such as “suffering serious harassment, bullying or violence”).

December 2011

Recognition Criteria for Mental Disorders due to Psychological Burden” was issued.

-Due to the significant increase in the number of claims for industrial accident compensation insurance benefits due to mental disorders, the Recognition Criteria were established to further speed up and streamline the examination process, which embodied and clarified the old Recognition Criteria.

-Specific examples of the “severe,” “moderate,” or “mild” psychological burden were provided in the Assessment Table.

-The number of working hours that constitutes extremely long working hours or overtime working hours causing “severe” psychological burden was specified.

-If a worker's mental disorder became worse due to a particularly “severe” psychological burden, the disorder should be treated as a work-related disease.

-Sexual harassment was established as an independent category with points to note in assessment clarified.

May 2020

“Power harassment” was included as a new item in the Assessment Table, clearly indicating the example cases.

August 2020

Injury with multiple work-related factors was covered.

Source: Report published by the MHLW's Review Meeting on Workers' Compensation Recognition Criteria for Mental Disorders (July 2023), Table 1.

require medical treatment and violence was not repeatedly or continuously inflicted, the psychological burden is assessed as “moderate.”

3. Newly covered engagement in work with a high risk of infection or incident

Based on the experience of the COVID-19 pandemic, the case where the worker” engaged in work with a high risk of being subjected to disease (including infection) or incident” has been added to the new Assessment Table as a specific event concerning the “quantity and quality of work” category. As in the case of customer harassment, the intensity of the average psychological burden of this event is assessed as “II.”

More specifically, the intensity of the psychological burden is judged as “severe” in the case where the “worker was suddenly ordered to engage in work with a high risk of contracting an emerging infection, and while taking protective measures through the trial-and-error process, the worker felt the fear of death due to the spread of infection within the workplace but continued to work.” The intensity of the psychological burden is judged as “moderate” in the case where the “worker engaged in work with a high risk of being subjected to a disease (including infection) or incident and protective measures required a certain level of burden, but the risk posed on workers was reduced by implementing established measures.”

4. Psychological attack in relation to sexual orientation or gender identity added to the scope of conduct assessed as “power harassment”

Psychological attack in relation to sexual orientation or gender identity has been included in the scope of conduct assessed as “power harassment.” More specifically, the new Assessment Table provides specific examples of all of the six categories of power harassment, namely, (1) psychological attack, (2) physical attack, (3) excessive demands, (4) insufficient demands (underutilization), (5) isolation from human relationships, and (6) violation of privacy. In addition, specific examples for intensity levels have been added properly to the events for

which only limited examples had been provided.

5. Necessity to review the recognition scope of deteriorating mental disorder cases, and to introduce the efficient method for collecting medical opinions

The old Recognition Criteria basically targeted the occurrence of mental disorder. As the deterioration of the state of mental disorder which had been occurred outside of work was limitedly qualified, the recognition standard was considered particularly high in such cases. The review this time made the standard easier when the state worsens, and the area of coverage of help would expand. Conventionally, the deterioration of mental disorder was not found to be attributable to work unless the worker experienced an “unusual event” within about six months before their mental condition worsened. However, the Report stated that if the worker did not experience an “unusual event” within about six months before the deterioration but the worker’s mental condition worsened due to an intense psychological burden related to work, the worsened part of the mental condition would be found to be attributable to work.

The Report also mentioned the revision of the method for collecting medical opinions for determination. Under the old Recognition Criteria, it was necessary to collect opinions from a panel of three specialist physicians in the case where whether the psychological burden due to work should be recognized as “severe” is uncertain, or the case of suicide by the worker who had no record of receiving treatment for mental disorder. The Report proposed to authorize a single specialist physician to plan a decision, except in cases where a high level of medical examination is required to determine whether the worker suffered a mental disorder due to work.

It should be noted that the diseases subject to the Recognition Criteria discussed herein are mental disorders classified in 10th Revision of the International Statistical Classification of Diseases and Related Health Problems (ICD-10, specifically, Chapter V “Mental and Behavioral Disorders”), and that organic mental disorders and mental disorders

induced by hazardous substances are excluded. Mental disorders that may be developed in connection with work are mainly those classified as F2 to F4 of

ICD-10. Psychosomatic diseases are not included in the scope of mental disorders subject to this Recognition Criteria.