

Burnout syndrome, Covid-19 and anxiety are workplace illnesses

The Ministry of Health announced on November 29th the update to the list of work-related illnesses. An ordinance was published that included 165 new pathologies responsible for damage to the physical or mental integrity of the worker. Among the main ones are: anxiety, depression, cancer, Burnout syndrome and Covid-19. With the update, the number of diagnostic codes increases from 182 to 347. The adjustments received a favorable opinion from the Ministries of Labor and Employment and Social Security and will come into effect in 30 days.

As a result, workers affected by diseases on the list now have the same labor and social security rights guaranteed in the case of other diseases related to professional activities.

Lawyer Lariane Del Vecchio, from the firm Aith, Badari e Luchin Advogados, highlights that the Burnout syndrome included in the list had already been recognized by the WHO (World Health Organization) as an occupational disease as of January 2022. “The Burnout syndrome has always been directly related to work, it is the chronic stress caused by work”, he states.

In the expert’s view, the inclusion of diseases on the list facilitates clear diagnosis and a more vigilant look by companies and the Ministries of Health and Labor themselves.

“Updating the list is necessary, as it had not been updated 24 years ago, but it is important to emphasize that just because a certain disease is on the Ministry’s list does not mean it is automatically considered a worker’s disease, it is necessary to prove the causal link , that is, the relationship between illness and company responsibility. New forms of contemporary work, influenced by algorithms, artificial intelligence, digital platforms, full-time connection, directly impact the work environment and worker health with the excessive increase in cases of diagnoses of anxiety, depression, chronic stress and so on. other mental illnesses”, he warns.

Marco Aurélio Serau Junior, lawyer, professor at UFPR and scientific director of leprev, highlights that the ordinance plays an important role in recognizing mental health illnesses and repetitive efforts. “This new ordinance is positive, as it contemplates the new scenario in the world of work, in relation to legal aspects, the use of new technologies and new work relationships. And the new list may even

facilitate access to social security benefits”, he points out.

According to experts, workers suffering from illnesses on the new list will be entitled to paid sick leave from the employer for a period of up to 15 days of absence.

In the event of absence for more than 15 days, the employee will be entitled to the social security benefit paid by the INSS, called accident sickness benefit, which provides for provisional stability, that is, after being discharged by the INSS, the employee cannot be dismissed without just cause. within 12 months after the end of accident sickness benefit. In the most serious cases of total incapacity for work, the employee will be entitled to disability retirement, after evaluation by the INSS medical expert.

According to Lariane, the list covers all workers, whether rural or urban, with formal or informal ties and the company’s liability can be excluded if the exclusive fault of the victim or the fault of third parties is proven.

“Occupational illnesses are equated to work accidents and generate costs for the State with hospitalizations in the single health system, granting of social security benefits and the impact on the whole of society that we have a worker failing to provide for his family, failing to consume, collecting taxes and failing to produce, thus representing a public health and financial issue. Therefore, worker health policies deserve close monitoring and unique action in seeking protection”, points out the lawyer.

<https://portugal.postsen.com/coronavirus/436242/Burnout-syndrome-Covid-19-and-anxiety-are-workplace-illnesses-%E2%80%93-12032023.html>

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