Disability and the Perception of Injustice

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where he works extensively with First Responders, Veterans, and other survivors of psychological trauma.

He is a member of the Canadian Academy of Psychologists in Disability Assessment. He earned his

doctorate at the University of Windsor, and completed his internship at University Hospital, London. He

just completed term as President of the Ontario Psychological Association, and continues to advocate for

access to psychological services through his current role as Past President.

When you’re injured in a car accident in Ontario, the insurance provider has the right to request an

assessment from a provider they have selected. I used to do a lot of insurance examinations. Typically, I

was asked to see people who didn’t seem to be progressing fast enough, two years after the accident.

Most had some combination of both physical injuries and psychological issues, including depression,

anxiety, trauma, and pain disorders.

Back in 2008, when I had done about 100 of these (almost always of a driver who had been injured—for

some reason, injured passengers were rare), I began to notice a pattern…something that didn’t quite

make sense.

Since most accidents involve two vehicles, if these drivers were randomly distributed, I’d expect there to

be roughly a 50/50 split between the at-fault and not-at-fault drivers injured in accidents.

That was not what I found when I did a rough, very non-scientific review of my sample. What I saw was

that I had assessed the at-fault driver about 5% of the time. That means that 95% of my sample was the

driver who was in the wrong place at the wrong time. Ninety-five percent.

What was going on here? I began to go through the psychological research, but I couldn’t find the right

keywords to answer my question…because I didn’t know how to ask it.

It took a year to find the paper I was looking for. Its primary author, Dr Michael Sullivan, had nailed the

phrase for me: “Perceived Injustice.”

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And in his paper, he demonstrated that his simple little 12-item

questionnaire on the sense of injustice following a physical injury did a remarkable job of predicting the

persistence of post-traumatic symptoms. The more injustice the individual perceived, the more likely

their Posttraumatic Stress Disorder (PTSD) was to last, and the more likely they were to be depressed

and unable to work a year after the injury—independent of how severe the physical injury was originally.

Bear in mind: The concept of “perceived injustice” is not about malingering or delusion. While

perception can be inaccurate, that’s not automatically being implied here; all experience is perceived. It

might just as easily be called “experienced injustice.” When a person feels that they have been treated

unjustly, that’s what sets the wheels of this vicious cycle in place, regardless of whether they’re right or

wrong.

There are two themes in Sullivan’s questionnaire: “Blame/Unfairness” (someone did this to me; I’m

suffering, and it wasn’t even my fault) and “Severity/Irreparability” (no one gets how bad this is; I might

never get better).

It’s a great start, and it’s been extended with some interesting work, mostly with respect to how it

interacts with physical injuries. But, with all due respect to Dr Sullivan and those who are exploring this

idea further, there is so, so much more to this ground-breaking concept.

Dr Sullivan’s questionnaire is very brief, and it was originally focused on motor vehicle accidents and

workplace injuries. So it misses some features of physical or emotionally traumatic events which, in my

experience, seem to enhance the perception of injustice: Being injured as a victim of a crime; betrayal of

trust, as when a doctor abuses a patient; the failure of the perpetrator to accept responsibility; the mere

presence of a child, even if the child wasn’t injured.

But one of the biggest sources of Perceived Injustice has its own label: Sanctuary Trauma

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. That’s what happens when those who were supposed to support you following your injury failed to be there for you.

The boss who dismissed your concerns; the failure of workplace insurance or long-term disability to

accept the claim; the insurance adjustor who refuses your request for treatment, and puts you under

surveillance; the campus police who refused to take your sexual assault seriously; the military service

that misplaced your service records so that your pension application can’t proceed…

In some cases, the failure of The System is worse than the injury caused by the original accident or

crime. When the people who are supposed to help you turn you away, doubt your story, or drop the

ball, the result can be devastating.

This is a concept that goes so much further than injuries in motor vehicle or industrial accidents. It

speaks to a fundamental truth of human psychology: We get better when we feel heard and supported;

if we feel invalidated and rejected, our bitterness, and the need to constantly prove that we’ve been

injured, can cause us to double down on our symptoms. And that’s not just consciously inflating

symptoms…it’s an unconscious process that can actually make the injury and impairment worse, like a

placebo effect in reverse.

And this isn't just about the psychological injury. Perceived Injustice causes physical injuries to take

longer to heal, and it's associated with longer periods of disability from employment. Perceived

Injustice carries a huge cost, economically and in quality of life.

I’ve developed this theory of how Perceived Injustice seems to work.

Think of someone running a stop sign by mistake…a stupid thing that, admit it, we’ve pretty much all

done.

There’s a variety of outcomes to this. Usually, there’s nothing at all; you look around, hope no one saw

you, and drive away. There’s getting a ticket. There’s a close call, and subsequent embarrassment.

There’s a minor accident; an accident causing injury; and worst of all, an accident causing death.

Clearly, it’s much worse to run a stop sign and kill someone than to run a stop sign and hit nothing,

right? Bigger injury=bigger injustice.

Except, of course, that the error is the same in all those outcomes. Once the driver has made the error,

the outcome is determined by physics, timing, and probability. Running a stop sign is a bad thing to do

because it increases the probability of a bad outcome; but the driving error is the same whether that

outcome is neutral or severe.

But that’s not what we feel! We feel that the greater the injury, the greater the injustice that’s been

perpetrated. My life is ruined, and all that other guy got was a ticket for running a stop sign!!

The greater the injury, the greater the injustice. And here we have the seeds of an unconscious, but

potentially devastating conflict: If I were uninjured, there’d be no injustice. My injury is the proof of the

injustice I’ve endured. I need to prove my injury in court, to the insurer, to Veterans Affairs, to worker’s

comp. They keep screwing me over. But my suffering and impairment show them how wrong they are.

My injury is proof of the injustice I’ve endured.

And even if there’s no legal battle, there’s a psychological battle. The anger and bitterness towards that

other driver, perhaps, or towards the insurer who refuses to pay. My injury proves that what you did

was horribly wrong. If I get better, it’s like I’m letting you off the hook!

So…how can I get better, when my injury is the proof of what’s been done to me, and my injury is proof

that my anger and bitterness is justified? And how can I get better, when the only way I can get

compensated is if I prove, in assessment after assessment, that I’m still suffering?

And the deeper that sense of injustice, the more persistent the physical and psychological injuries will

be, the greater the anger and bitterness…and the more ridiculous words like “acceptance” and

“forgiveness” will sound. “Letting go” won’t seem like much of an option.

When the anger and bitterness of Perceived Injustice are added to the mix, the injury, whether it’s

physical or psychological, is going to be a hell of a lot less likely to heal.

Psychologists can help people find their way out of Perceived Injustice, by helping them learn that

"acceptance," "forgiveness" and "letting go" aren't something you do for the perpetrator or The System;

they're something you do for yourself.

But it would be an awful lot easier to achieve that if more people experienced more compassion when

they seek the help they need.

The great irony is, The System usually treats people badly in an effort to save money—to avoid fraud, or

to reduce the cost of a claim. In reality, The System may be costing itself millions, by creating the

conditions in which people are least likely to heal.

This is one of the reasons that Bill 163, which directs the Workplace Safety and Insurance Board (WSIB)

to presume that PTSD is work-related in First Responders, is so helpful—it validates the suffering; it

reduces the stigma; it quickly gives the injured worker a helping hand, instead of the experience of being

scrutinized.

We heal faster when we feel heard and supported.

Maybe The System can learn…Compassionate care saves money.

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Sullivan, M.J., Pascal, T., Simmonds, M.J., Miloto, M., Cantin, A., & Velly, A.M. (2009). Pain, perceived injustice

and the persistence of post-traumatic stress symptoms during the course of rehabilitation for whiplash injuries.

Pain, Vol 145(3), 325-331.

ii

Sullivan, M.J., Yakobov, E., Whitney, S., & Tait, R. (2014). Perceived injustice and adverse recovery outcomes.

Psychological Injury and Law, Vol 7(4), 325-334.

iii

Guscott, R. (2009). Personal communication.