Burnout Claims Require Proof of Causation

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Authors

Fernanda Nasciutti

Matheus Henrique Silva Xavier

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One of the most significant developments in the World Health Organization's (WHO) 11th revision of the International Classification of Diseases (ICD-11) is the recognition of burnout syndrome as an occupational phenomenon. As Brazil moves forward with implementation of ICD-11, the effects of that recognition are becoming increasingly apparent in the growing number of claims by employees seeking to hold their employers liable for mental health conditions allegedly related to work.

This trend calls for caution on two fronts. In Brazil, employers must identify, assess, and manage psychosocial risks in the workplace, as required under Regulatory Standard 1 (NR-1), which was recently updated by the Ministry of Labor and Employment. At the same time, healthcare professionals and Labor Courts must exercise particular care before concluding that a condition is work-related, especially in cases involving burnout. Failure to do so risks trivializing an issue that is as important as mental health.

The value of a diagnosis or clinical assessment made by a treating physician is not in question. However, determining that a condition is work-related requires clear evidence of a causal link between the illness and the employee's working conditions. That determination must be based on the technical criteria established by the applicable medical regulations.

Such caution is necessary because mental illness is multifactorial and increasingly prevalent in modern life. Brazil's Ministry of Health, echoing the World Health Organization, observes that "mental health problems arise from collective conditions and require public policies, protection networks, improved living conditions, food security, and community support." WHO data point in the same direction. Brazil has the highest prevalence of anxiety disorders in the world, which only reinforces the point that psychological distress may arise from factors beyond the workplace.

The need for caution is also reflected in Resolution 2.323/2022, which sets out standards issued by Brazil's Federal Medical Council (CFM – *Conselho Federal de Medicina*) for physicians performing occupational health assessments. Under the Resolution, workplace conditions must be assessed before a causal link can be established between an employee's medical condition and their work activities. The Resolution expressly recognizes that evaluating the work environment, the organization of work, and the experience of other employees is essential to identifying the risk factors that may contribute to burnout. Only after such an investigation, conducted in accordance with the technical requirements set out in CFM Resolution 2.430/2025, can it be determined, from a medical point of view, whether a condition is directly related to work or whether its causes lie elsewhere.

The medical regulations make clear that burnout should not automatically be presumed to be work-related. A cautious approach is

especially important because ICD-11 confines burnout to the occupational context and treats it as a diagnosis of exclusion, meaning that other possible mental health conditions must be ruled out first. Whether burnout is ultimately found to be work-related therefore depends on a careful assessment of the circumstances in which it arose, and particularly the conditions in which the individual performed their work.

The challenge is far from straightforward. Despite the availability of technical standards, Brazil's Labor Courts have generally been reluctant to undertake the detailed examination of workplace conditions that is essential to establishing causation in cases involving mental health conditions allegedly related to work. This creates uncertainty about how such claims will be assessed and risks trivializing burnout.

The safeguards serve a common purpose: ensuring that conditions genuinely related to work are correctly identified, without automatically attributing responsibility to employers whenever mental health issues arise. Achieving that balance is the real challenge. As attention to mental health in the workplace continues to grow, the goal must be to ensure that greater awareness does not come at the expense of the technical rigor required to determine whether a condition is truly work-related.

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Fernanda Nasciutti



Matheus Henrique Silva Xavier