

OCCUPATIONAL (INDUSTRIAL) DISEASE – DEFINITIONS, POLICY, SCHEDULES, REGULATION AND LEGISLATION

	DEFINITION	METHOD OF ADJUDICATING OCCUPATIONAL DISEASE CLAIMS	POLICY	SCHEDULE/REGULATION	Sections of Act
AB	<p>In the Alberta <i>Workers' Compensation Act</i>, "occupational disease" is included in the definition of "accident". Specifically, section 1(1)(a) provides that an "accident means an accident that arises out of and occurs in the course of employment in an industry to which this Act applies and includes...(iv) a disabling or potentially disabling condition caused by an occupational disease." "Occupational disease" is defined in the regulations as "(a) a disease or condition listed in Column 1 of Schedule B that is caused by employment in the industry or process listed opposite it in Column 2 of Schedule B, and (b) any other disease or condition that the Board is satisfied in a particular case is caused by employment in an industry by employment to which the Act applies." The Regulations also state that for the purposes of the above subsection (a), employment in an industry or process listed in Column 2 of Schedule B, and in the manner and circumstances set out in Column 2 of Schedule B shall, unless the contrary is proven, be deemed to be the cause of the specified disease or condition listed opposite it in Column 1 of Schedule B.</p>	<p>There are two main methods the Alberta WCB uses to adjudicate occupational disease claims. The first method is by the use of Schedule B in the regulations. Schedule B has two columns. Column 1 contains a description of a disease or condition. Ten diseases or conditions are recognized in Column 1 of Schedule B which is included in Appendix B of this document.</p> <p>Column 2 describes the process or industry which has historically caused the particular disease listed opposite to it in Column 2. Schedule B is a presumptive schedule and, therefore, if a worker is employed in an industry or process and in the manner set out in column 2, that employment will be deemed to be the cause of the disease listed opposite to it in Column 1.¹ The <i>Workers' Compensation Act</i>, however, contains an additional requirement for the presumption to apply. That is, the legislation requires that the worker must have been employed in the industry or process that gave rise to the disease in the previous 12 months if the presumption that the disease was caused by employment is to apply.²</p> <p>The second method of adjudicating occupational disease claims is on a case-by-case basis where the Board is satisfied that a disease is caused by employment in an industry to which the Act applies. This method can be used to compensate for diseases which are not listed in the Schedule or which are listed in the Schedule but do not meet the requirements of Column B. The disease will be compensable if it is established that it is one arising out of and in the course of the employment.</p>	<p>POLICY: 03-01 PART II (Occupational Disease)</p>	<p>Workers' Compensation Regulation – Alberta Regulation 325/2002 (s. 20, Schedule B)</p> <p>Firefighters' Primary Site Cancer Regulation (A.R. 102/2003)</p>	<p>Workers' Compensation Act (s. 1, 24, 24.1, 89, 153)</p>

1 A.R. 325/2002, s.20(2).

2 See: s.24(6).

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BC	<p>"Occupational disease" is defined in British Columbia's <i>Workers Compensation Act</i> as:</p> <p>(a) a disease mentioned in Schedule B,</p> <p>(b) a disease the Board may designate or recognize by regulation of general application,</p> <p>(c) a disease the Board may designate or recognize by order dealing with a specific case, and</p> <p>(d) the disease referred to in section 6.1 (1.1) or a disease prescribed by regulation for the purposes of section 6.1</p> <p>(2), but only in respect of a worker to whom the presumption in either of those provisions applies, unless the disease is otherwise described by this definition,</p> <p>and "disease" includes disablement resulting from exposure to contamination.</p> <p>Section 6.1 sets out the firefighter occupational disease presumption.</p>	<p>There are four basic ways in which the Board may recognize occupational disease claims:</p> <ol style="list-style-type: none"> 1) under Schedule B; 2) under Sec. 6(4.2) as a disease peculiar to or characteristic of a particular process, trade or occupation; 3) by regulation of general application; or 4) by order dealing with a specific case. <p>Schedule B is a presumptive schedule, as outlined in Section 6(3) of the <i>Workers Compensation Act</i>. In Schedule B, the Board lists a disease in connection with a described process or industry wherever it is satisfied from the expert medical and scientific advice it receives that there is a substantially greater incidence of the particular disease in a particular employment than there is in the general population. The questions to be addressed include: is the disease common in that particular employment, and not common amongst the general public? Is it something specific to the employment?</p> <p>Section 6(4.2) gives the Board flexibility in its designation or recognition of occupational diseases other than by listing it in Schedule B. The Board may designate or recognize a disease as being a disease peculiar to or characteristic of a particular process, trade or occupation with respect to future claims in a broad sense, or it may impose a much more limited designation or recognition by specifying whatever terms or conditions or limitations it deems appropriate. There is only one disease recognized this way at present: osteoarthritis of the first carpo-metacarpal joint of both thumbs for physiotherapists who perform deep friction massage.</p> <p>The <i>Occupational Disease Recognition Regulation</i>, pursuant to Section 1 of the British Columbia <i>Workers' Compensation Act</i>, lists a number of diseases which the WCB recognizes as occupational diseases.</p> <p>The order in a specific case method allows the Board to recognize a condition as an occupational disease where the merits and justice of the case warrant it, and where the condition may not have previously been recognized due to weak or a complete absence of scientific evidence linking the condition with employment. The condition is recognized as an occupational disease limited to the specific facts of the individual case.</p>	Chapter 4 of the <i>Rehabilitation Services & Claims Manual</i> - Compensation of Occupational Disease	<p>Workers Compensation Act (Schedule B)</p> <p>Occupational Disease Recognition Regulation, B.C. Reg. 71/99</p> <p>Firefighters Occupational Disease Regulation B.C. Reg 125/2009</p>	<p>Workers Compensation Act (ss. 1, 6, 7, 6.1)</p>

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MB	<p>Under <i>The Workers Compensation Act</i>, occupational disease is included in the definition of accident. "Accident" is defined in subsection 1(1) as a chance event occasioned by a physical or natural cause; and includes ... (c) an occupational disease ...</p> <p>Occupational disease is defined as a disease arising out of and in the course of employment and resulting from causes and conditions</p> <p>a) peculiar to or characteristic of a particular trade or occupation; or b) peculiar to the particular employment;</p> <p>but does not include</p> <p>c) an ordinary disease of life; and d) stress, other than an acute reaction to a traumatic event.</p>	<p>The Act does not include a schedule listing occupational diseases that are presumed to be due to employment unless the contrary was proven. The WCB has a general policy dealing with the adjudication of occupational disease claims.</p> <p>By applying criteria under the <i>Act</i> and this policy, the WCB will determine if the occupational disease is compensable. The Policy Manual also contains policies on specific occupational diseases.</p> <p>In May 2002, amendments to the Manitoba <i>Workers Compensation Act</i> recognized the link between the exposure to hazards faced by full-time firefighters and certain diseases. These amendments include a rebuttable presumption that if a full-time firefighter employed for a minimum period gets a certain type of cancer, the dominant cause of the cancer is the employment as a fire-fighter.</p> <p>In June 2005, further amendments to the Manitoba Act expanded the rebuttable presumption to include primary site colorectal or ureter cancers and primary site lung cancer in non-smoking firefighters. Heart injury within 24 hours after attendance at an emergency response is also presumed to be an employment-related accident.</p> <p>In June 2009, Bill 17, The Workers Compensation Amendment Act, received royal assent. Bill 17 adds primary esophageal cancer and primary site testicular cancer to the list of presumptive firefighter cancers under subsection 4(5.5).</p> <p>The list of presumptive cancers for firefighters was expanded in June 2011 to include multiple myeloma, primary site prostate cancer, primary site skin cancer and primary site breast cancer. In that same month, the cancer and heart injury presumptions were extended to personnel of the Office of the Fire Commissioner (OFC).</p> <p>The rebuttable presumption for certain cancers was extended to include part-time, volunteer and casual firefighters and OFC personnel. However, this presumption among part-time, volunteer and casual firefighters and OFC personnel applies to accidents that happen on or after June 9, 2005. The presumption for full-time firefighters applies to accidents on or after January 1, 1992.</p> <p>Meanwhile, the heart injury presumption applies to all firefighters who have accidents on or after June 9, 2005.</p>	<p>Policy 44.20, Disease/General</p> <p>Policy 44.20.10.40, Spondylolysis/Spondylolishesis</p> <p>Policy 44.20.30.60, Laryngeal Cancer</p> <p>Policy 44.20.50.20, Hearing Loss</p> <p>Policy 44.20.60, Psychological Conditions</p> <p>Policy 44.20.65, Gastro-Intestinal Cancer</p>	<p>Manitoba Regulation 160/2005R, Firefighters' Minimum Periods of Employment and Non-Smoking Regulation</p> <p>Manitoba Regulation 108/2011, Firefighters' Minimum Periods of Employment and Non-Smoking Regulation, Amendment</p>	<p>Workers Compensation Act (s. 1, 4, 17, 81, 105)</p>

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NB	<p>The definition of "accident" in New Brunswick includes reference to occupational disease, as follows:</p> <p>...and also includes a chance event occasioned by a physical or natural cause, as well as disablement caused by an occupational disease and any other disablement arising out of and in the course of employment, but does not include the disablement of mental stress or a disablement caused by mental stress, other than as an acute reaction to a traumatic event.</p> <p>"Occupational disease" is further defined as:</p> <p>... any disease, which by the regulations, is declared to be an occupational disease and includes any other disease peculiar to or characteristic of a particular industrial process, trade or occupation.</p>	<p>WorkSafeNB's approach to adjudicating claims is the same whether the disease is listed in regulation or not. In general, adjudication of claims for occupational disease or 'disablement arising out of employment' (i.e., not resulting from a single specific event or exposure with immediate injury), is as follows:</p> <p>In order to accept a claim for compensation, WorkSafeNB must determine that the disease is an occupational disease that arose out of and in the course of employment. To determine this, WorkSafeNB:</p> <ul style="list-style-type: none"> Evaluates scientific and medical literature to determine that there is a probable causal association between the exposure reported and the disease; and Weighs other information, such as medical evidence specific to the claim, to evaluate if the particular exposure and the disease reported is work-related. 	<p>Policy No. 21-100, Conditions for Entitlement – General Principles</p> <p>Policy No. 21-111 – Conditions for Entitlement – Occupational Diseases</p>	<p>New Brunswick Regulation 84-66 to the Workers' Compensation Act (O. C. 84-263) (s. 13)</p>	<p>Workers' Compensation Act (s. 1, 85)</p>
NL	<p>Newfoundland's definition of "injury" (1) includes "industrial disease" arising out of and in the course of employment and includes a recurrence of an injury and an aggravation of a pre-existing condition, but does not include stress other than stress that is an acute reaction to a sudden and unexpected traumatic event. (2) Notwithstanding paragraph (1), stress that may be the result of an employer's decision or action relating to the employment of a worker including a decision to change the work to be performed or the working conditions, to discipline the worker or to terminate the worker's employment does not constitute an injury.</p> <p>In addition, there is a definition for "industrial disease" as follows:</p> <p>"industrial disease" means a disease prescribed by regulation under section 90 and another disease peculiar to or characteristic of a particular industrial process, trade or occupation.</p>	<p>The process of adjudication in disease claims involves the issue of causation. The same standard of proof applies as in injury cases. Comparing the evidence of employment exposure to harmful material with the exposure outside the employment may be necessary. The latency period between the time of the first exposure to the employment hazard and the time the symptoms of the disease appear must be established.</p>	<p>Policy EN-12, Hearing Loss</p> <p>Policy EN-13, Occupational Chest Disease</p> <p>Policy EN-14, Asbestos Related Claims</p> <p>Policy EN-15, Peripheral Vascular Disease</p> <p>Policy EN-16, Scleroderma</p>	<p>Workplace Health, Safety and Compensation Regulations – Regulation 1025/96 (s. 23)</p>	<p>Workplace Health, Safety and Compensation Act (s. 2, 90, 90.1, 91)</p>

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NT/NU	<p>The <i>Act</i> defines disease as "an unhealthy condition of the body or mind."</p> <p>Policy 03.06 defines 'occupational disease' as follows: "Occupational diseases are usually the result of cumulative exposure, occurring after initial exposure(s) and a latent period (e.g., asbestosis, cancers, and asthma). The disease becomes apparent with the passage of time."</p>	<p>The WSCC recognizes there may be multiple causes of disease; however, the work environment and/or activities must have contributed in a material way to the worker contracting the disease.</p> <p>To determine eligibility for compensation from an occupational disease, there must be current medical or scientific evidence of a causal link between the exposure, the disease, and the employment. To establish the causal link, the WSCC uses <i>Hills Criteria of Causation</i> (A. Bradford-Hill, <i>The Environment and Disease: Association or Causation 1965</i>), specifically developed for use in occupational medicine. The characteristics considered are as follows:</p> <ol style="list-style-type: none"> 1. Strength of the association. How large is the effect? 2. The consistency of the association. Has the same association been observed by others, in different populations, using a different method? 3. Specificity. Does altering only the cause alter the effect? 4. Temporal relationship. Does the cause precede the effect? 5. Biological gradient. Is there a dose response? 6. Biological plausibility. Does it make sense? Is there a logical and theoretical basis to accept the association? 7. Coherence. Does the evidence fit with what is known regarding the natural history and biology of the outcome? 8. Experimental evidence. Are there any clinical studies supporting the association. 9. Reasoning by analogy. Is the observed association supported by similar associations? 	Policy 03.06 – Occupational Disease	N/A	Workers' Compensation Act (s. 1, 10, 12, 13, 14)

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NS	<p>Section 2(v) of the Nova Scotia <i>Workers' Compensation Act, An Act to Reform the Law Respecting Compensation for Workers</i>, provides a generic definition of occupational disease:</p> <p>"occupational disease" means a disease arising out of and in the course of employment and resulting from causes or conditions</p> <p>(i) peculiar to or characteristic of a particular trade or occupation, or</p> <p>(ii) peculiar to the particular employment,</p> <p>and includes silicosis and pneumoconiosis.</p> <p>The definition of "accident" also includes entitlement for occupational disease. Section 2(a) states:</p> <p>"accident" includes ...</p> <p>(iii) disablement, including occupational disease, arising out of and in the course of employment,</p> <p>but does not include stress other than an acute reaction to a traumatic event.</p>	<p>Industrial Disease claims in Nova Scotia are adjudicated on a case-by-case basis relying on general legal principles:</p> <ul style="list-style-type: none"> - causation test (material contribution); - burden of proof (investigative role resides with the WCB to gather necessary evidence to make a decision); - standard of proof (balance of probabilities); and - benefit of the doubt (where evidence equally weighed the issue is resolved in the worker's favour). <p>A case-by-case adjudicative approach requires the following information gathering:</p> <ul style="list-style-type: none"> - worker's complete employment history and exposure history (i.e. employment history; description of work processes; level, duration and frequency of exposure; MSDS data; description of chemical agents used, etc); - the worker's medical history; and - relevant scientific evidence (i.e. epidemiology; expert opinion, occupational hygienist reports, use of Bradford Hill criteria is recommended). 	<p>Policies 1.2.1R and 1.2.1A, Automatic Assumption</p> <p>Policy 1.2.2, Fee Schedule Assessment – Automatic Assumption Claims</p> <p>Policy 1.2.3, Voluntary Autopsy Reports – Deceased Pneumoconiosis Pensioners</p> <p>Policy 1.2.4R, Carpal Tunnel Syndrome</p> <p>Policies 1.2.5R1 and 1.2.5AR, Occupational Hearing Loss</p> <p>Policy 1.2.6R, Workplace Noise Levels,</p> <p>Policy 1.2.7R, Lead Poisoning</p> <p>Policies 1.2.8 and 1.2.9, Lung Cancer</p> <p>Policy 1.2.10, Medical Conditions from Coke Oven Workers other than Lung Cancer</p> <p>Policy 1.2.11, Lung Cancer in Asbestos Workers</p> <p>Policy 1.2.12, Mesothelioma in Asbestos Workers</p> <p>Policy 1.2.13, Laryngeal Cancer – Asbestos and Nickel Workers</p>	<p>Firefighters' Compensation Regulations - (s. 2)</p> <p>Workers' Compensation General Regulations (Appendix B)</p>	<p>Workers' Compensation Act (s. 2, 10, 12, 13, 14, 15, 16, 17, 18, 35, 35A, 83)</p>

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ON	<p>Section 2(1) of the <i>Workplace Safety and Insurance Act</i> defines "occupational disease" as follows:</p> <p>"occupational disease" includes,</p> <p>a) a disease resulting from exposure to a substance relating to a particular process, a trade or occupation in an industry,</p> <p>b) a disease peculiar to or characteristic of a particular industrial process, trade or occupation,</p> <p>c) a medical condition that in the opinion of the Board requires a worker to be removed either temporarily or permanently from exposure to a substance because the condition may be a precursor to an occupational disease, or</p> <p>d) any of the diseases mentioned in Schedule 3 or 4.</p> <p>e) a disease prescribed under clause 15.1 (8) (d) [firefighters]</p>	<p>There are four different methods to adjudicate occupational disease claims:</p> <ol style="list-style-type: none"> 1) by reference to Schedules 3 or 4³ of the regulation to the Act; 2) through the operation of sections 15.1 and 15.2 of the Act (firefighters) 3) by reference to policy guidelines; 4) on a case-by-case basis. <p>Ontario Regulation 175/98 contains Schedule 3, which describes thirty occupational diseases with associated processes, and Schedule 4, which describes four occupational diseases and processes. Occupational diseases associated with specified processes in Schedule 3 are provided a rebuttable presumption of work-relatedness, while those in Schedule 4 are irrebuttably presumed to be work-related.</p> <p>There are approximately 40 published operational policy documents to assist the adjudication of disease claims relating to acute and long-term exposures.</p> <p>Adjudication of diseases that are not listed in the published policies or schedules may proceed under either the occupational disease or injury by accident provisions of the Act. This also applies when a worker has a disease listed in Schedule 3 or 4 but was not employed in the related process specified in the schedule. Case-by-case adjudication in these claims is based on assessment of the evidence of causal connection between the work and the disease.</p>	<p>Policies in Section 16 of the OPM, Long Term Exposures</p> <p>Policies in Section 23 of the OPM, Occupational Diseases</p>	<p>General Regulation to Workplace Safety and Insurance Act – O. Reg.175/98 (Sch. 3 and 4)</p> <p>Firefighters Regulation (Ontario Regulation 253/07)</p>	<p>Workplace Safety and Insurance Act (s. 1, 2, 15, 15.1, 15.2, 94, 183)</p>
PE	<p>In Prince Edward Island's <i>Workers' Compensation Act</i>, the definition of "accident" includes a reference to occupational disease. "Accident" is defined in section 1(1) as:</p> <p>... a chance event occasioned by a physical or natural cause; and includes</p> <p>... (iii) an occupational disease,</p> <p>and as a result of which a worker is injured.</p> <p>"Occupational disease" is defined as:</p> <p>... a disease arising out of and in the course of employment and resulting from causes and conditions</p> <p>(i) peculiar to or characteristic of a particular trade or occupation; or</p> <p>(ii) peculiar to the particular employment;</p> <p>but does not include</p> <p>(iii) an ordinary disease of life.</p>	<p>All claims for occupational disease are adjudicated on a case-by-case basis.</p>	<p>POL-65, Occupational Disease</p> <p>POL-66, Respiratory Diseases</p> <p>POL-09, Hearing Loss</p> <p>POL-67, Cardiac and Circulatory Diseases</p>	<p>Occupational Diseases are not listed in Schedules or Regulations in Prince Edward Island.</p>	<p>Workers Compensation Act (s. 1, 6, 84)</p>

³ The Ontario *Workplace Safety and Insurance Act* contains a conclusive schedule (Schedule 4) as well as a presumptive schedule. Under this conclusive schedule, a disease listed in the schedule which meets the requirements of column 2 'shall be conclusively deemed to have been due to the nature of the employment.' That is, the presumption cannot be rebutted. See: s.15(4).

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QC	<p>The Quebec Workers' Compensation Commission, "Commission de la santé et de la sécurité du travail du Québec" (CSST), includes in their Act (<i>An Act respecting Industrial Accidents and Occupational Diseases</i>) definitions (interpretations) for "employment injury" and "occupational disease", as follows:</p> <p>"employment injury" means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation.</p> <p>"occupational disease" means a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work.</p>	<p>When adjudicating occupational disease claims, Quebec has a Rehabilitation and Compensation Policy which includes a detailed description for occupational diseases. It states:</p> <p><u>Policy 1.01 La lésion professionnelle (Occupational Injury)</u></p> <p>1.3 A disease is recognized as an occupational disease when it is "contracted out of or in the course of work" and it is "characteristic of that work or directly related to risks peculiar to that work".</p> <p>There are two types of cases:</p> <p>1. If the disease is listed in Schedule I of the Act, the worker is presumed to be suffering from an occupational disease from the moment that he demonstrates that:</p> <ul style="list-style-type: none"> • he has contracted a disease; and • he holds or has held a position corresponding to this disease according to Schedule I. <p>2. If the presumption in section 29 does not apply or the disease is not the result of an industrial accident, nor of an injury or a disease caused by an accident, the worker must demonstrate that:</p> <ul style="list-style-type: none"> • he has contracted the disease; • he suffers from a disease contracted out of or in the course of his employment; <p>and this disease is</p> <ul style="list-style-type: none"> • characteristic of the work he has carried out; or • directly related to the risks peculiar to that work. <p>In all cases, the Commission must first ensure that it is neither a disease resulting from an industrial accident nor an injury or disease caused by an accident.</p> <p>To make a decision on the eligibility of such a claim, the Commission takes into consideration:</p> <ul style="list-style-type: none"> • the report prepared by the physician in charge of the worker, particularly his diagnosis; • all other factors with respect to the facts and circumstances surrounding the appearance of the new injury; and • all proof with respect to the cause-effect relationship. 	<p>Policy 1.01 The filing of a claim and its admissibility (Politique 1.01 Le dépôt d'une réclamation et sa recevabilité)</p> <p>Policy 1.02 Admissibility of an occupational injury (Politique 1.02 L'admissibilité de la lésion professionnelle)</p>	<p><u>Act Respecting Industrial Accidents and Occupational Diseases</u> (Schedule I)</p>	<p><u>Act Respecting Industrial Accidents and Occupational Diseases</u> (s. 7, 29, 30, 226-233)</p>

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		<p>We must note that if the physician in charge of the worker points out a connection between the new injury and prior care or activities prescribed to the worker, even though his opinion will be considered as evidence, the Commission is not bound by this opinion to process the claim of a worker.</p> <p>2.5 The worker who produces a medical report attesting that he suffers from a disease listed in Schedule I of the Act, and who demonstrates that he carries out or has carried out work corresponding to this disease according to the Schedule, is presumed to suffer from an occupational disease. The effect of this presumption is to dispense the worker from providing any further proof to support his claim. The employer, the Commission, or any employer who is entitled to access the file can overturn the presumption by demonstrating that the disease affecting the worker was not contracted out of or in the course of his work.</p> <p>2.6 When the presumption stipulated in Section 29 does not apply, in addition to proving that he has contracted the disease, the worker must also conclusively prove, by whatever means he has at his disposal, the connection between his disease and his work (Section 30). He must demonstrate in particular that:</p> <p>a) his disease is characteristic of the work he carried out.</p> <p style="padding-left: 40px;">This can be proven particularly by establishing an abnormal prevalence of this disease in people carrying out the same employment.</p> <p>b) his disease is directly related to the risks peculiar to that work.</p> <p style="padding-left: 40px;">The worker would in this case emphasize the specific risks of his work rather than the abnormal prevalence of the disease.</p> <p><u>Policy 1.02 Les présomptions (Presumptions):</u> Occupational lung diseases</p> <p>In the particular case of occupational lung diseases, presumption applies when two elements are present: the special committee's opinion (section 231) and a work experience "corresponding to the occupational lung disease" under the schedule of the Act. The Commission must therefore await the special committee's report (sections 231 and 233) before deciding the eligibility of the claim.</p>			

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SK	<p>The Saskatchewan <i>Workers' Compensation Act, 1979</i> defines occupational disease as:</p> <p>a disease or disorder that arises out of, and in the course of, employment and that results from causes or conditions that are:</p> <p>(i) peculiar to or characteristic of a particular trade, occupation or industry; or</p> <p>(ii) peculiar to a particular employment.</p> <p>Occupational disease has been recognized as an injury in the <i>Workers' Compensation Act</i> (Section 2(k)(ii.1)) defined as "a disabling or potentially disabling condition caused by an occupational disease" that has arisen out of and in the course of employment.</p>	<p>Effective February 1999, the Saskatchewan WCB approved a policy (POL07/1999, superseded by POL11/2003 in November 2003) that established the guidelines for occupational disease injuries. To determine entitlement when a claim for occupational disease is made, each claim will be reviewed on its own merits and justice. It is noted that simply working in employment peculiar to an occupational disease will not result in automatic acceptance but should be considered when weighing the evidence to support the claim. Policy POL11/2003 notes that:</p> <ol style="list-style-type: none"> 1. As a requirement of both the definition of injury and occupational disease, the development of a claim must include the determination of whether the condition or disease has arisen out of and in the course of employment. 2. When a number of claims are submitted for a disease or condition from the same trade, occupation, industry or employer, and the employment environment provides exposure to the causative agent, a record of these trades, occupations, industries or employers is to be maintained and referenced for any future claims of the same disease or condition. 3. When the WCB staff member assesses the cause or origin of the disease or condition and whether it has occurred as the result of exposure or incident in employment, he or she will determine if it is one which is peculiar to any trade, occupation, industry or employer. 4. Where the worker's exposure to a causative agent is peculiar to a trade, occupation, industry or employer, staff shall make inquiries to determine if any non-work causes exist and if none are present the claim shall be accepted. 5. Where there are both work and non-work causes, staff will assess the degree of exposure or effect on the disease by both and determine, based on such things as: the latency, progression and nature of the disease, degree of exposure and medical support of the cause, whether to accept a claim. 6. Employers may be provided cost relief if the circumstances of a claim meet the criteria defined under either the Disaster and Occupational Disease Reserve or the Second Injury and Re-employment Reserve. 	<p>Policy POL11/2003, Injuries – Occupational Disease</p> <p>PRO 13/2007 – Occ. Disease</p> <p>POL/PRO 12/2007 – Injuries – Cardiac</p> <p>POL 11/2007 – Injuries – Fire Fighters</p> <p>POL & PRO 01/2010 – Injuries - Hearing Loss</p> <p>POL & PRO 23/2010 – PFI - General</p>	<p>Occupational Diseases are listed in appendices A-H of PRO 13/2007.</p>	<p>Workers' Compensation Act, 1979 (s. 2, 29.1)</p>

Source: Association of Workers' Compensation Boards of Canada – 2011

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	DEFINITION	METHOD OF ADJUDICATING OCCUPATIONAL DISEASE CLAIMS	POLICY	SCHEDULE/REGULATION	Sections of Act
YT	<p>The Yukon <i>Workers' Compensation Act</i> does not define "occupational" or "industrial disease", nor does it define "accident". However, occupational disease is in the definition for injury. Injury" is defined as follows:</p> <p>Injury means</p> <ol style="list-style-type: none"> an injury as a result of an even, or series of events, occasioned by a physical or natural cause, an injury as a result of a wilful and intentional act, not being the act of the worker, a disablement, but does not include the disablement of mental stress or disablement caused by mental stress, other than post-traumatic stress, an occupational disease, which includes a disease from causes and conditions peculiar to or characteristic of a particular trade or occupation or peculiar to the particular employment; but does not include an ordinary disease of life, or death as a result of an injury. 	<p>The adjudication of occupational disease claims is performed in the same manner as all claims for compensation.</p>	<p>Policy EN-01 Arising Out of and In the Course of Employment;</p> <p>Policy EN-06 Hearing Loss;</p> <p>Policy EN-07 Pre-Existing Conditions;</p> <p>Policy EN-08 Gradual Onset Musculoskeletal Disorder;</p> <p>Policy EN-12 Permanent Impairment</p>	<p>Occupational Diseases are not listed in Schedules or Regulations in Yukon.</p>	<p>Workers' Compensation Act (section 3 – definition of "Injury")</p>

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