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Factsheet #27
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INTRODUCTION TO OCCUPATIONAL DISEASES

Occupational diseases were formerly called industrial diseases, and you will see this term used in older workers' compensation claims. There are other Factsheets on activity-related soft tissue disorders (ASTDs), hearing disorders, contagious diseases, arthritis/heart conditions, allergies, respiratory illnesses, and chemical sensitivities. These conditions are often considered to be occupational diseases. If you have any of these conditions, you may want to read the relevant Factsheet.

What is an occupational disease?

When you get certain diseases or disorders as a result of the nature of your work, they are called occupational diseases. For example, if you suffer a loss of hearing as a result of your exposure to loud industrial machinery for long periods, that hearing loss is an occupational disease. A repetitive strain injury that results from performing repetitive physical tasks at work is also an occupational disease. A miner exposed to silica dusts at work may develop the lung disease, silicosis, as an occupational disease.

Occupational disease may also be caused by exposure to toxic materials in the workplace. For example, a farm worker suffers an occupational disease if poisoned through pesticide exposure at work. An industrial plant worker exposed to toxic chemicals such as lead, mercury, cadmium, or manganese may also develop an occupational disease if his or her health problems exist because of that exposure.

If you contract a contagious disease because of the nature of your work, this may also be considered an occupational disease. For example, if you are a health care worker and contract a disease such as hepatitis B while caring for others with the disease, that may be classified as an occupational disease (please read the Factsheet called Contagious Diseases for more information).

For more information:
Website: www.labour.gov.bc.ca/wab



Lower Mainland/Fraser Valley/Kootenays: 1-800-663-4261
Northern & Central Interior: 1-800-663-6695
Vancouver Island: 1-800-661-4066

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Can I get workers' compensation if I have an occupational disease?

Under the *Workers Compensation Act*, if you have an occupational disease, you can receive workers' compensation. If your disease is caused by work but you have **not lost time from work**, you can claim for medical costs and treatment for the occupational disease.

WorkSafeBC may pay wage loss benefits, give you rehabilitation assistance, and a permanent disability award if:

- Your disease is caused by work; **and**
- You are unable to earn your full wages due to the disease.

There are exceptions for certain diseases, such as hearing loss, asbestosis, silicosis and pneumoconiosis, where you do not have to be disabled from earning full wages from your job in order to get benefits other than health care.

If a worker dies of an occupational disease, then the worker's dependent spouse or children may claim workers' compensation.

Do you have a specific disease or disorder?

In order to answer this question, WorkSafeBC must receive a doctor's diagnosis that you have the disease or disorder.

Getting diagnosed is not always simple. For example, diagnosis of some occupational diseases may be difficult because it requires proof that a particular substance caused the disease and the substance does not remain in the body (e.g., poisoning by organic solvents). Sometimes there is not enough medical or scientific evidence to arrive at a diagnosis. This makes it difficult to get a claim accepted. Be sure to speak to your doctor about your symptoms. Additional tests or information may increase the odds of being accurately diagnosed.

Is your disease or disorder caused by work?

WorkSafeBC must establish whether or not your disease is occupational, that is, caused by work activities. WorkSafeBC divides occupational diseases into three groups:

1. Diseases listed in **Schedule B** of the *Workers Compensation Act*;
2. Diseases recognized by Regulation as occupational; and
3. Diseases not previously recognized as occupational (individual cases).

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The group your disease is in determines how WorkSafeBC decides your claim. The three groups are explained below.

Diseases listed in Schedule B

In the *Workers Compensation Act* there is a list, called **Schedule B**, which names various types of occupational diseases that WorkSafeBC accepts as being caused by doing certain kinds of work. **Schedule B** lists, beside each disease, the type of industry or work process that WorkSafeBC acknowledges as causing the disease. For example, **Schedule B** recognizes cancer of the larynx as an occupational disease if you work in an environment where you are exposed to airborne asbestos dust. WorkSafeBC also recognizes some other cancers as caused by work done by firefighters.

WorkSafeBC will need a medical diagnosis of your disease. After receiving the opinion of your doctor or specialist, WorkSafeBC will then gather information from you and your employer about the nature of your work to find out if it fits the description in **Schedule B**.

If you have a disease listed in **Schedule B** and your work situation fits the description in **Schedule B**, then WorkSafeBC will presume that your disease is occupational, unless proven otherwise.

If you have a disease or disorder listed in **Schedule B**, but your work situation is **not** the same as what is listed in **Schedule B**, you can still make a claim for compensation. However, WorkSafeBC will not presume your disease is occupational. You will have to show why your particular type of work is likely to have caused the disease. You need a written statement from your doctor or specialist saying that your work was a significant cause of the disease or disorder, and explaining why he or she thinks so.

If your claim has been turned down because your work does not fit the kind of work listed in **Schedule B**, you may have good reasons for an appeal if your doctor can provide evidence that your job was the most likely cause of your disease.

2. Diseases recognized by Regulation as occupational

There are other specific diseases or disorders that WorkSafeBC recognizes as sometimes caused by work, but that cannot be conclusively related to a particular industry or work process.

If you have one of these diseases or disorders, WorkSafeBC does **not presume** that your disability is caused by work (as with **Schedule B** diseases), but it does recognize that it is often **medically likely**. You will need to show how your work caused the disease. You should obtain a written opinion from your doctor or specialist stating that your work was likely a significant cause of your disease or disorder, and explaining his or her reasons for saying so.

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Occupational diseases recognized by Regulation include:

- Emphysema;
- Heart Disease;
- Rubella;
- Thoracic Outlet Syndrome;
- Toxoplasmosis;
- Typhoid;
- Vinyl Chloride-Induced Raynaud's Phenomenon, and
- Yersinios.

In addition, various contagious diseases and ASTDs are recognized by regulation. Please read the Factsheets called Contagious Diseases and Activity-Related Soft Tissue Disorders for further information on those types of diseases.

3. Diseases not previously recognized as occupational (individual cases)

If you have a disease not listed in **Schedule B** or recognized by regulation, you can still file a claim. WorkSafeBC will decide your case on an individual basis, based on information from you, your employer, and other sources (including scientific studies about occupational diseases or your particular disease).

You will need to obtain a written opinion from your doctor or specialist stating that your disease is due to your work and outlining the reasons for that opinion.

If satisfied that the chances are at least 50 percent that you suffer from an occupational disease, WorkSafeBC will accept your claim.

Who makes WorkSafeBC decisions about claims for occupational diseases?

A special unit called Occupational Disease Services (ODS) at WorkSafeBC in Richmond makes most decisions about claims for occupational diseases. ODS is centralized because of the need for staff to have access to specialized training, resources, and medical advice.

A WorkSafeBC officer may come to your workplace to investigate before making a decision.

When would compensation for an occupational disease start?

Usually, WorkSafeBC treats the date on which you are unable to earn your full wage as the beginning of your disability or as "the date of injury", where the law or work policy refers to that concept. That date is the one

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from which your compensation for lost wages or a permanent partial disability award starts. You can get health care benefits even if you are still able to earn your full wages.

Can I get vocational rehabilitation if I have an occupational disease?

If your claim for an occupational disease is accepted, you may get assistance from a Vocational Rehabilitation Consultant to find suitable work, provided that you are unable to return to your regular job because of your occupational disease.

What can I do if WorkSafeBC denies my claim for an occupational disease?

You must discuss the cause of your occupational disease with your doctor or specialist. If your doctor thinks your work caused your condition, you need:

- a diagnosis of a specific occupational disease found in **Schedule B** or recognized by regulation, or a clear diagnosis and a very detailed report about how your disease relates to your work; **and**
- a detailed account of your any physical activities, as well as exposures to chemical or infectious substances, that you experience at work that are relevant to your disease.

What if I disagree with a decision?

If you do not agree with WorkSafeBC's decision, you have the right to request a review. You must request a review within **90 days**. If you disagree with the Review Division decision you have **30 days** to file an appeal to the Workers' Compensation Appeal Tribunal.