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Factsheet #06
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RESPIRATORY ILLNESSES

Respiratory illness can be accepted by WorkSafeBC as injury or occupational disease. It is recommended that you read the Factsheet *Introduction to Occupational Diseases* before reading this Factsheet.

What is acute respiratory illness?

An acute respiratory illness is damage to or malfunction of the respiratory system, including throat and lungs, due to a short-term exposure to some physical or chemical irritant.

Will WorkSafeBC accept my claim for acute respiratory illness?

According to Schedule B, if someone is exposed to a high concentration of fumes, mists, gases, vapours or dusts of substances which are accepted by WorkSafeBC as having irritating or inflammatory properties, WorkSafeBC will presume that certain acute respiratory illnesses (upper respiratory inflammation, pharyngitis, laryngitis, tracheitis, bronchitis, pneumonitis, or pulmonary edema) are due to that workplace exposure.

In order for WorkSafeBC to presume that the workplace exposure caused the acute respiratory illness, symptoms have to occur within 48 hours of the exposure (unless the irritating substance was nitrogen dioxide or phosgene, in which case the symptoms must occur within 72 hours). Symptoms can range from a mild burning in the eyes, nose and throat, to respiratory distress or dyspnea (shortness of breath).

In all cases, WorkSafeBC will determine if the substance you were exposed to was in a "high concentration", based on the particulars of your case, including the medical and scientific information available on the substance, as well as information regarding you and your workplace.

Any claim for a long-lasting respiratory illness that you develop as a result of your exposure will be decided by WorkSafeBC without the benefit of the presumption for Schedule B. This means that you will need evidence to establish that your long term illness is at least as likely as not to be related to the exposure. You should obtain a diagnosis for the respiratory illness that you have, as well as medical information confirming that the exposure you had was consistent with the development of that illness.

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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What if my respiratory illness resulted from breathing in a hot substance?

If you suffered injury to your respiratory system by breathing in a hot substance (steam, hot ash, etc.), WorkSafeBC will decide your claim based on its policies regarding personal injury, as it would for any other claim involving thermal burns.

What if my respiratory illness resulted from long-term exposure to an irritant or inflammatory substance?

Your claim may still be accepted as an occupational disease. However, generally, there will be no presumption in your favour, and you must establish that it is at least as likely as not that your respiratory illness is due to your job duties. Be sure to have your illness diagnosed, and obtain medical information stating that the exposure you had was consistent with the development of that illness.

There are a number of exceptions for diseases that are recognized as occupational under **Schedule B**. These are discussed below.

What if I have had long term exposure to silica dust?

Under **Schedule B**, WorkSafeBC will presume that silicosis (fibrosis of the lungs caused by inhaling silica dust) resulted from your work if you have been exposed to airborne silica dust. Commonly, mining related industries involve that kind of exposure.

Most workers in mining related occupations can be able to work and still claim compensation for silicosis, although they need to establish that they have some noticeable effect of the silicosis. However, in order to qualify, these workers must:

- have lived in British Columbia for at least three years before becoming disabled by silicosis, or had at least two thirds of his or her exposure to silica dust in British Columbia;
- have been free from silicosis and tuberculosis before first being exposed to silica dust in the mining sector in British Columbia; and
- have been exposed to silica dust in the mining sector for at least three years before becoming disabled, unless all of the worker's exposure to silica dust has been in British Columbia.

In determining the date of disability, if the worker has been able to work and there is no better basis for determining a date, WorkSafeBC may use the date of the medical report identifying the worker as having silicosis with some noticeable effect.

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Once these conditions are satisfied, WorkSafeBC will pay the entire benefit due to the worker, regardless of the amount of exposure the worker had outside of British Columbia before coming to work within the province.

What if I have had long-term exposure to other irritant dusts?

WorkSafeBC also recognizes pneumoconiosis (lung diseases that result from the deposition of particulate matter in the lungs) as occupational diseases under **Schedule B**.

If your pneumoconiosis results from exposure to something other than a coal, beryllium, tungsten carbide, aluminum dust, or any other dust known to cause fibrosis of the lungs, you will not receive the benefit of the presumption. In such cases, the medical evidence will have to show that your condition was at least as likely as not resulting from the particulate exposure at work.

Furthermore, in all cases, in order to qualify for benefits, you must:

- have lived in British Columbia for at least three years since before becoming disabled by pneumoconiosis, or had at least two thirds of your exposure to the material that caused your pneumoconiosis in British Columbia;
- have been free from pneumoconiosis and tuberculosis before first being exposed to the material that caused your pneumoconiosis in British Columbia; and
- have been exposed to the material that caused your pneumoconiosis for at least three years before becoming disabled, unless all of the worker's exposure to silica dust has been in British Columbia.

What if I have had long-term exposure to asbestos?

Under **Schedule B**, WorkSafeBC will presume that your asbestosis is work-related if you were exposed to airborne asbestos dust at work. Note that you do not need to have worked directly with asbestos; it is enough, for example, to have worked at a job site where there was decayed or friable (crumbly) asbestos insulation exposure.

If you have not been diagnosed with asbestosis but have been diagnosed with overall pleural thickening (not just in one specific location), WorkSafeBC will presume the pleural thickening is an occupational respiratory disease if you have been exposed to airborne asbestos dust, and where there is no history of infection, injury or disease capable of causing pleural thickening (such as collagen disease, chronic uremia, drug-induced fibrosis or tuberculosis).

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Under **Schedule B**, WorkSafeBC also presumes that benign pleural effusions are occupational respiratory diseases, if you have been exposed to airborne asbestos dust, and where there is no history of infection, injury or disease capable of causing benign pleural effusions (such as collagen disease, chronic uremia or tuberculosis).

Mesothelioma will also be presumed to be work-related if you have been exposed to airborne asbestos dust, according to **Schedule B**.

Will WorkSafeBC accept my claim for asthma, when I had never been diagnosed with asthma prior to my workplace exposure to airborne substances known to cause asthma??

Asthma is a disease that is recognized under **Schedule B** of the *Workers Compensation Act*. Under **Schedule B**, WorkSafeBC will presume that your asthma is due to your work if your work has exposed you to one of the following:

- Western red cedar dust,
- Isocyanate vapours or gases, or
- Dusts or fumes of other chemicals or organic materials known to cause asthma.

WorkSafeBC acknowledges that a wide variety of substances, to which people can be exposed both at work and away from work, can cause asthma in previously-unaffected people. To determine whether you are affected by any of these substances, WorkSafeBC will attempt to list any such substances that you have been exposed to at work, determine how and when you are or were exposed, and attempt to see if your symptoms correspond with the exposure periods. WorkSafeBC may also order a range of lung and skin sensitivity tests on you to determine if you react to any particular substance.

Will WorkSafeBC accept my claim for disability from asthma, when I was diagnosed with asthma or had symptoms of asthma before I had any workplace exposure to airborne irritants?

While WorkSafeBC accepts that a wide variety of substances can trigger asthmatic symptoms in people who already have asthma, it will only accept your claim if your work has significantly aggravated, enhanced or accelerated your pre-existing asthma. It is not enough that something you are exposed to both at work and outside of work has aggravated, enhanced or accelerated your asthma – it must be something that you are exposed to only at work.

There must also be evidence that something you were exposed to at work aggravated, enhanced or accelerated your asthma. It is not enough to assert that there was nothing outside of work that affected your pre-existing asthma.

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What benefits will I receive if WorkSafeBC accepts my claim for asthma?

You may receive wage loss, health care and Vocational Rehabilitation benefits, as you normally would with any other claim. For more information on these benefits, please refer to relevant Factsheets from the Workers' Advisers Office.

You can also receive a permanent disability award for your asthma, if an exposure at work caused you to develop that disease and WorkSafeBC is satisfied that it is a permanent condition. If your pre-existing asthma was permanently aggravated, enhanced or accelerated by a workplace exposure, you can get a permanent disability award for the portion of your asthma that can be related to the workplace exposure.

If you develop asthma due to a workplace exposure and your symptoms resolve, you may still receive a permanent disability award if you are left with a permanent allergy or sensitivity and, as a result, must avoid certain workplaces where the substance you are allergic or sensitive to is present (but not at levels that would irritate anyone, whether or not they had the same allergy or sensitivity). You may also be entitled to Vocational Rehabilitation benefits to assist you to find alternative work in which you are not exposed to these substances. WorkSafeBC will determine if you must avoid certain workplaces depending on medical evidence, including the nature of your sensitivity and the risk that you will have an asthmatic reaction if you should come in contact with the substance that you are allergic or sensitive to.

What other respiratory illnesses can WorkSafeBC accept claims for?

While bronchitis and emphysema are recognized as occupational diseases by regulation, it is rare for them to result from work. In order to have your claim for bronchitis or emphysema accepted, medical evidence will have to establish that your work was at least as likely as not to be the cause of your respiratory illness. In almost all cases, anyone with a significant or heavy history of smoking will have his or her claim denied.

What sorts of compensation are available for dependants of a worker who dies as a result of a work-related lung illness or a heart condition which developed as a consequence of the lung illness?

If a worker is under 70 years old when he or she dies of non-traumatic heart or lung illness that results from an occupational disease that impacts lung function, WorkSafeBC will presume that the worker died as a result of his or her occupational disease.

In deciding whether the worker suffered from an occupational disease that impacts lung function, WorkSafeBC will not stand by previously-allowed or disallowed claims. Instead, a new decision must be made, likely with any better evidence available from an autopsy.

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If the worker was 70 years-old or older at the time of his or her death, or does not otherwise qualify for the presumption laid out above, compensation may still be paid to the worker's dependants where the medical evidence shows that it is at least as likely as not that the occupational disease was a significant cause in the worker's death. This medical evidence will likely include a diagnosis of an occupational disease, a specific cause of death, and a clear relationship between the two that shows that the disease was a significant cause of death.

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.