

POLICY NUMBER: POL-65

**Chapter:
CLAIMS**

**Subject:
OCCUPATIONAL DISEASE**

**Effective Date:
August 23, 2001**

**Last Updated:
September 12, 2016**

PURPOSE STATEMENT:

The purpose of this policy is to describe how the Workers Compensation Board determines whether a disease is considered to be compensable as an occupational disease.

REFERENCE:

Workers Compensation Act R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 1 (1) (u), 6, 84.
Workers Compensation Board Policy, POL-61, Pre-existing Conditions.
Workers Compensation Board Policy, POL-71, Arising Out Of And In The Course Of Employment.

DEFINITION:

In this policy:

“Occupational disease” means a disease arising out of and in the course of employment resulting from causes or conditions peculiar to or characteristic of a particular trade or occupation, or peculiar to the particular employment. It does not include an ordinary disease of life.

“Ordinary disease of life” means a disease that can be commonly acquired from a variety of life situations. A disease will not be considered to be an ordinary disease of life if the risk of contracting the disease through the employment can be shown to be greater than the risk associated with ordinary living experience.

“Peculiar to or characteristic of a particular trade or occupation” means a disease with scientific evidence to support a conclusion that the nature of the work processes or environment have significantly increased the likelihood of causing a particular disease in the workers who work in that trade or occupation.

“Peculiar to the particular employment” means a disease with identifiable factors in that workplace that are known to cause the disease, or there is scientific evidence acceptable to the Workers Compensation Board that the particular workplace is the cause of a significantly increased risk of the disease even though the cause has not been identified.

POLICY:

1. An occupational disease normally occurs from exposure to a cause in a work environment, or one that manifests itself following a latent period after exposure to a cause.
2. The Workers Compensation Board will assess the degree of exposure or effect on the disease by both work and non-work causes, and will determine, based on the medical evidence, including the latency, progression, and nature of the disease and the degree of exposure, which is related to work causes.

Non-work causes such as hobbies, medical conditions, and industries or employment not covered under the Act, while not compensable, can also contribute to a disease and must be considered in any adjudication.

3. Where an occupational disease occurs that is, in the opinion of the Workers Compensation Board, due in part to the employment of the worker and in part to a cause or causes other than the employment, the Workers Compensation Board may determine that the occupational disease is the result of an accident arising out of and in the course of employment only where, in its opinion, the employment is the dominant cause of the occupational disease.
4. If it is determined that the disease is not an occupational disease, but the claim should be adjudicated as an accident, the Workers Compensation Board will review the claim pursuant to Workers Compensation Board policies, POL-61, “Pre-existing Conditions” and POL-71, “Arising Out Of And In The Course Of Employment”.

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5. Where an occupational disease results from employment in more than one Canadian jurisdiction, including Prince Edward Island, the claim may be adjudicated through the use of agreements established between the Workers Compensation Board of Prince Edward Island and other jurisdictions.
6. A worker or a worker's dependants (in the case of death caused by occupational disease) shall be entitled to compensation as if the disease was a personal injury by accident and the contracting of the disease were the happening of the accident.
7. The date of accident for an occupational disease is outlined in Workers Compensation Board policy, POL-90, "Time Frame Limitations for Claims Filing and Invoicing."

HISTORY:

September 12, 2016 - Non-substantive changes to reference Workers Compensation Board policy, POL-90, "Time Frame Limitations for Claims Filing and Invoicing."

January 1, 2014 - Amended to reflect the revisions made to the *Workers Compensation Act* that became effective January 1, 2014.

July 31, 2008 - Amended to add #6, which clarifies what the WCB considers to be the date of accident for occupational disease.

December 14, 2006 - The policy was updated as a result of the 60 month policy review process.

Board of Directors Approval Date: August 23, 2001