

**POLICY NUMBER: POL-65**

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**Chapter:**  
**CLAIMS**

**Subject:**  
**OCCUPATIONAL DISEASE**

**Effective Date:**  
**August 23, 2001**

**Last Updated:**  
**February 12, 2019**

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**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.

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**REFERENCE:**

*Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1, Section(s) 1 (1) (u), 6, 84, 84.1  
Workers Compensation Board Policy, POL-61, Pre-existing Conditions  
Workers Compensation Board Policy, POL-71, Conditions for Entitlement  
Workers Compensation Board policy, POL-90, Time Frame Limitations for Claims Filing and Invoicing

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**DEFINITION:**

In this policy:

“Fire inspector” means an inspector as defined in the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11.

“Firefighter” means a full-time, part-time, casual or volunteer member of a fire department or fire brigade.

“Occupational disease” means a disease arising out of and in the course of employment

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**POLICY NUMBER: POL-65**

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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.

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**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.

**Work-relatedness**

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.

Presumptions for Firefighters

4. The presumption applies to claims for occupational disease with an accident date of January 1, 2019 or later.
5. Due to the risks associated with firefighting, specific occupational diseases presumed to be work-related for workers who:
  - were exposed to the hazards of a fire, other than a forest fire or wild fire, in the course of employment as a fire inspector or firefighter, and
  - have been or were employed as a fire inspector or firefighter for a minimum cumulative period of employment prior to the accident date.
6. The occupational diseases and prescribed minimum cumulative periods of employment under the presumption are as follows:

<b>Occupational Disease</b>	<b>Minimum Period of Employment</b>
Multiple myeloma	15 years
Primary leukemia	5 years
Primary non-Hodgkin's lymphoma	20 years
Primary site brain cancer	10 years
Primary site breast cancer	10 years
Primary site bladder cancer	15 years
Primary site colorectal cancer	15 years
Primary site esophageal cancer	25 years
Primary site prostate cancer	15 years
Primary site lung cancer	15 years
Primary site kidney cancer	20 years
Primary site skin cancer	15 years
Primary site testicular cancer	10 years
Primary site ureter cancer	15 years

**POLICY NUMBER: POL-65**

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7. For the presumption to apply to primary site lung cancer, medical information must support that the worker has been a non-smoker for ten years immediately prior to the accident date.
8. The Workers Compensation Board may require documentation, such as service records, to establish exposure and periods of employment.
9. Claims with a date of accident prior to January 1, 2019 and claims for diseases not specified under in the presumptive legislation will be adjudicated like other occupational disease claims, based on the merits of each case.

**Other Types of Disease**

10. 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, Conditions for Entitlement.

**Employment History**

11. 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.

**Entitlement to Compensation**

12. 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.

**Date of Accident**

13. 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.

**POLICY NUMBER: POL-65**

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**HISTORY:**

February 12, 2019 – Non-substantive changes to Reference section.

January 15, 2019 – Revised to reflect presumptive legislation for firefighters and fire inspectors, effective January 1, 2019.

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