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**Occupational Disease  
Information Session**

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June 2008

**Presentation Overview**

- **WSIB Occupational Disease Policies**
  - Occupational Disease Advisory Panel (ODAP) History
  - Review of Recommendations from Chair's Final Report
  - Implementation of the ODAP Report
  - Draft Occupational Disease Policies
- **Scientific Advisory Committee on Occupational Disease (SACOD)**
- **WSIB Research Program**
  - Overview
  - OD Research
  - Centres of Research Expertise
  - Proposed Occupational Cancer Centre

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## ODAP History

- To support the timely adjudication of occupational disease claims, the WSIB established the Occupational Disease Advisory Panel in 2001
- Independent chair with panel of stakeholder representatives from:
  1. Labour /Injured Workers (5)
  2. Employers (5)
  3. Medical and scientific community (2)
  4. WSIB staff from legal, adjudication, research and policy areas (5)
- Chaired by Brock Smith



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## ODAP History

- Panel's mandate was:
  - To recommend guidelines for the use of scientific evidence and legal principles for amending Schedules 3 and 4, policy development and individual claims adjudication
  - To ensure guidelines are consistent with highest scientific and legal standards
  - To provide a transparent process whereby stakeholders gain understanding and have input into guidelines
  - No mandate to recommend changes to current legislation



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## ODAP History

- Panel met for 2 years, but in early 2003 it was clear that the Panel could not reach consensus
- Chair consolidated areas of consensus from Panel discussions into Chair's Draft Report and attached additional stakeholder comments into appendices
- Decision to proceed with Chair's Draft Report for public consultation in 2004



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## Summary of 2004 ODAP Public Consultation

- 100 oral and 70 written submissions received
  - Submissions from across the province, including many worker and employer stakeholder groups
- The *Final Report of the Chair of the Occupational Disease Advisory Panel* was approved for implementation by the WSIB Board of Directors on June 9, 2005



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## ODAP Consultation Overview

- Presentations and briefs expanded on the stakeholder positions presented in the draft report
- **Employers**
  - Opposed the adoption of the “significant contribution” test
  - Advocated for stricter criteria for scheduling diseases
  - Opposed the establishment of a permanent body to advise on future occupational disease policy
  - Concerned about increased costs and funding
- **Labour/Workers**
  - Supported “significant contribution” test
  - Concerned about the emphasis on scientific evidence
  - Advocated greater use of schedules rather than policy
  - Advocated for the establishment of a permanent body to advise on policy and conduct research
  - Proposed workers’ exposure surveillance system established
  - Community groups and individual workers focused on time delays and adjudication issues



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## ODAP Chair’s Final Report

- Final report substantively the same as draft report, plus
- Additional recommendations that reflect new information or concerns raised in the public consultation



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## Recommendations from Chair's Final Report

### Establishing work-relatedness in claim adjudication

- **Causation Test**
  - Test of "Significant Contribution" should be explicit in statement of legal principles
- **Burden of Proof**
  - The responsibility for collecting information rests with the decision maker
- **Standard of Proof**
  - Balance of Probabilities
    - Is it more likely than not that this worker's employment was a significant contributing factor in the development of the occupational disease?
- **Benefit of the Doubt**
  - Where evidence for or against an issue is approximately equal, the issue should be resolved in favour of the claimant
    - Provision is related to decisions on issues, not the final decision

## Recommendations from Chair's Final Report

### Role Of Evidence

- **Legal Principles as Guide**
  - Should require consideration of other types of evidence in the claim file
- **Continuous evaluation of Scientific Evidence**
  - Epidemiology – well-conducted studies offer the most persuasive evidence
  - Other scientific evidence, e.g. toxicology
- **Other Relevant Evidence in the Adjudication of Claims**
  - Employment and Exposure History: should be assessed
  - Individual Medical History

## Recommendations from Chair's Final Report

### Standards for Adjudicative Channels

- When to schedule a disease
  - Schedule 4 (provides non rebuttable presumption of work- relatedness of disease)
  - Schedule 3 (provides rebuttable presumption of work- relatedness of disease)
- When to develop policy
- When to do case-by-case adjudication

## Recommendations from Chair's Final Report

### General And Specific Causation

- **General Causal Inference**
  - Bradford Hill Criteria should be incorporated into guidelines
  - Causality inference from scientific literature
- **Work-relatedness in a claim**
  - Develop an approach to apply decision-making criteria to adjudication

## Recommendations from Chair's Final Report

### Future Consultation

- Establish an advisory committee to play an advisory role in the area of Occupational Disease Policy
- Members from scientific community, legal and other policy experts (N.B. Recommends no stakeholder involvement)
- Minimal cost and no permanent staff
- Creation of *ad hoc* advisory panels on specific issues



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## Recommendations from Chair's Final Report

### Additional Recommendations Resulting from Public Consultation

- Monitoring of occupational disease costs & consideration of alternative funding strategies
- Alternative funding formulas & possible report by WSIB staff



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## Implementation of the ODAP Report

- *“Taking ODAP into the Future” - A protocol for occupational disease policy development and claims adjudication*
  - Supporting document for the Chair’s Final Report
  - Describes how the WSIB implements the principles and concepts developed in the ODAP Report in its day-to-day business
  - Not formal policy, but provides guidance for adjudication prior to approval of operational policies



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## Implementation of the ODAP Report

- In 2005, 70 occupational disease adjudicators and appeals resolution officers received training to reinforce the principles and concepts from the Chair’s Final Report in their daily work
  - New decision quality assurance measures were developed
- Three new policies were drafted to formalize the principles from the Chair’s Final Report



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## Draft Occupational Disease Policies

Draft policies are based on the ODAP Report:

1. *Principles in Occupational Disease Claims Adjudication*
2. *Occupational Disease Claims Adjudication*
3. *The Role of Scientific Evidence in Occupational Disease Scheduling and Policy Development*



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## Draft Policy 1: Principles in Occupational Disease Adjudication

- Formalizes adjudicative principles into policy
  - **Significant contribution** – employment or work processes are influential in the development of disease
  - **Standard of proof** – is it more likely than not that the worker's employment make a significant contribution to the development of the disease?
  - **Burden of proof** – the decision-maker is responsible for collecting the relevant information
  - **Benefit of doubt** – when the evidence for or against a particular issue is about equal in weight, the issue is decided in favour of the person claiming benefits



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## ***Draft Policy 2: Occupational Disease Claims Adjudication***

- The WSIB gathers, analyzes and weighs a variety of information to make a decision
  - Determination of application of either Schedules 3 or 4 or operational policies
  - Where there is no policy or schedule that can be appropriately referenced, the decision-maker determines entitlement based on the facts of the claim
- The lack of scientific evidence linking exposure to disease or equivocal scientific evidence, does not automatically lead to a denial of entitlement
  - Decision-maker considers all the evidence in the claim



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## ***Draft Policy 3: The Role of Scientific Evidence in Occupational Disease Scheduling and Policy Development***

- Systematic scientific reviews are used when developing occupational disease schedule entries or policies
  - Evaluates whether a disease-exposure association is likely by assessing the findings of many research studies
- Causal associations between work exposures and disease are determined using a number of approaches including the Bradford Hill Criteria



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### **Draft Policy 3: The Role of Scientific Evidence in Occupational Disease Scheduling and Policy Development**

- Standard for Schedule 4
  - Requires both strong and consistent scientific evidence
  - High risk of disease linked to a single occupational cause
- Standard for Schedule 3
  - Requires both strong and consistent scientific evidence
  - High risk of disease in a defined group of workers
- Standard for policy development
  - Requires the same standard of evidence for Schedule 3, but no process can readily define the groups at risk
  - Policies can focus on subgroups of workers



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### **ODAP Policy Consultation**

- Public consultation on three draft occupational disease policies
  - Consultation period from June 4 until July 31, 2008
    - Draft policies are posted online
  - Written submissions welcome by:
    - Email
    - Mail
  - More information on WSIB website
    - [www.wsib.on.ca](http://www.wsib.on.ca)



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## Next Steps

- Creation of the Scientific Advisory Committee on Occupational Disease (SACOD)
- Address 7 outstanding Occupational Disease Panel (ODP) Reports
- WSIB will continue its usual process for consulting on future occupational disease and benefits policies

## Scientific Advisory Committee on Occupational Disease (SACOD)

- Based on recommendation in ODAP Chair Report

### Purpose:

- To provide ongoing expert scientific advice to the WSIB and ODPRB at various stages in its scheduling of occupational diseases and its development of OD policies

### Accountability:

- Committee Chair will provide updates of progress of committee to WSIB Executive Committee and BoD

## **Scientific Advisory Committee on Occupational Disease (SACOD)**

### **Membership:**

- VP, Strategic Communications, Policy and Research (Chair)
- Director, ODPRB
- WSIB Senior Legal Counsel
- Five external scientific advisors:
  - Dr. Benjamin Amick, Institute for Work & Health
  - Dr. Philip Bigelow, University of Waterloo
  - Dr. Ronald House, St. Michael's Hospital
  - Dr. Gary Liss, University of Toronto
  - Dr. James Purdham, University of Toronto



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## **Scientific Advisory Committee on Occupational Disease (SACOD)**

### **Committee will provide advice on:**

- Scope and approach of scientific reviews in order to answer specific OD questions
- Potential experts to conduct research if the review is externally commissioned
- Possible peer-reviewer(s) and clarification of reviewers' comments
- Assessment and potential options in cases of contradictory opinions
- General occupational disease issues



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## WSIB Research Program Overview

The WSIB research program was established in 1998 to achieve the following objectives:

- Provide funding for top quality OHS research proposals focused on Ontario priorities
- Expand Ontario's OHS research capacity
- Establish centres of research expertise in key priority areas
- Consult with stakeholders on Ontario's research needs
- Promote the use of research findings throughout the Ontario OHS system



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## WSIB Research Program Overview

Key program features:

- The program's research priorities are determined through wide-ranging stakeholder consultation
- The program is overseen by an independent, multi-stakeholder Research Advisory Council (RAC), composed both of researchers and representatives of workers, employers, health and safety associations, the Ministry of Labour, the Institute for Work & Health, and the WSIB
- Proposals are reviewed by external experts for scientific soundness, and by the RAC for relevance to Ontario's research needs



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## Occupational Disease Research

Since 1999, the WSIB RAC has funded occupational disease research that has focused on, among other topics:

- occupational cancer
- occupational asthma
- contact dermatitis
- metalworking fluids
- diesel filter systems
- organic solvents
- hand-arm vibration syndrome
- manganese accumulation
- melatonin levels in shift workers



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## Centres of Research Expertise

In addition, the RAC has created three Centres of Research Expertise in three priority areas, one of which is occupational disease:

- The Centre of Research Expertise in Occupational Disease (CREOD) at St. Michael's Hospital and the University of Toronto
- The Centre of Research Expertise for the Prevention of Musculoskeletal Disorders (CRE-MSD) at the University of Waterloo
- The Centre of Research Expertise for Improved Disability Outcomes (CREIDO) at University Health Network



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## CREOD

CREOD was established in 2004, and is directed by Dr. Linn Holness. Its four dimensions of research are:

- The identification of exposure response relationships and underlying mechanisms of disease
- Exposure assessment
- The development of diagnostic and treatment strategies
- Development and evaluation of prevention strategies

CREOD's current research is focused on:

- Occupational lung disease
- Occupational skin disease
- Hand-arm vibration syndrome (HAVS)
- Biological hazards

[The Centre does not research occupational cancer]



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## CREOD

Like all WSIB Centres of Research Expertise, CREOD has established an Advisory Committee to help shape its strategic direction, composed of representatives of:

- Workers
- Employers
- Health and safety associations
- The WSIB
- The Research Advisory Council

CREOD's website is <http://www.creod.on.ca>



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## The Proposed Occupational Cancer Centre

### Core elements will include:

- Surveillance of occupational cancers, exposures
- Research into causes of cancer in the workplace
- Intervention research to develop and test prevention approaches and exposure reduction
- Review and synthesis of research literature to support best practices, regulatory standards and compensation policies
- Building capacity for interdisciplinary and applied occupational cancer research
- The production of new knowledge to support community action, prevention efforts, legislation and policy development



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## The Proposed Occupational Cancer Centre

### Founding Steering Committee:

- Lorraine Marrett, Cancer Care Ontario
- Linn Holness, U of T, St. Michael's Hospital, CREOD
- Roland Hosein, GE Canada
- Andy King, United Steelworkers
- Sylvia Leonard, Canadian Cancer Society
- Gary Liss, Ministry of Labour
- Anthony Miller, U of T
- Alice Peter, WSIB



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**For further information on  
the WSIB Research Program**

Contact the WSIB Research Secretariat:

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416-344-6913

(800) 387-0750, ext. 6913

Also see the WSIB website:

[www.wsib.on.ca](http://www.wsib.on.ca)



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