

*Adjudication of Occupational Disease Claims (Policy 44.20) and  
Occupational Diseases Regulation*

**Frequently Asked Questions (FAQs)**

Q. How does the WCB currently adjudicate occupational disease claims?

A. The WCB currently adjudicates all of its occupational disease claims on a case-by-case basis using the "dominant cause" standard of causation. This means the WCB must be satisfied work activities or exposures are the main or primary cause of the worker's occupational disease before accepting the claim.

"Dominant cause" is more stringent than the "but for" standard of causation applied to other injury claims where work must be a necessary cause of the worker's injury for the claim to be accepted, but need not be the main or primary ("dominant") cause.

Q. Why does the WCB apply a more stringent standard of causation to occupational disease claims than other types of injury claims?

A. Occupational diseases are often caused by a combination of factors, some work-related and some not. There can also be a long time lag between workplace activities and exposures, and a worker contracting an occupational disease.

This unique character is why the WCB applies the "dominant cause" standard of causation to occupational disease claims. It is important to ensure the worker's occupational disease is attributable to their employment.

Q. Why is the WCB changing its approach to adjudicating occupational disease claims?

A. The Manitoba government appointed a committee to review *The Workers Compensation Act* (the Act) in 2016/17. One of its recommendations was that the WCB adopt a two-tiered approach to occupational disease adjudication, which exists in several other Canadian jurisdictions.

The committee found, in some cases, there is scientific evidence demonstrating a strong causal connection between workplace activities and exposures in a particular industry, trade or process, and an occupational disease. Some Canadian jurisdictions have recognized this, responding by developing a schedule of occupational diseases where they list diseases that meet these criteria.

If a worker contracts a disease listed in the schedule, and has been employed as described in the schedule, then a causal connection between the worker's employment and their disease is presumed.

The Manitoba government and the WCB have since taken the necessary steps to amend the *Act*, develop the regulation and adjust WCB policies to implement the two-tiered approach.

Q. [What do you mean by a "two-tiered" approach to adjudication?](#)

A. . For the occupational diseases listed in the regulation, there is no need to establish a causal connection between the disease and the worker's employment.

For all other occupational diseases, the WCB will need to establish this connection on a case-by-case basis.

It will continue to adjudicate occupational disease claims that do not fall within the parameters of the schedule on a case-by-case basis using the dominant cause standard of causation.

Q. [What specific legislative and policy amendments have been made to support the two-tiered approach?](#)

A. On January 1, 2022, the *Act* was amended to allow the WCB to establish a schedule of occupational diseases by regulation and to introduce a "rebuttable presumption" for the occupational diseases listed in the schedule.

At the same time, the WCB also amended its *Disease/General* policy to provide guidance on the two separate adjudicative approaches to adjudicating occupational disease claims. The policy was re-named the *Adjudication of Occupational Disease Claims* policy.

On September 1, 2023, the WCB's new *Occupational Diseases* regulation will come into effect, creating a schedule of occupational

diseases, and the WCB will begin adjudicating occupational diseases claims using the two-tiered approach.

Q. You have said that the new occupational disease presumption is "rebuttable." What does that mean?

A. It means that for diseases on the schedule, connection between the worker's employment and the disease will be presumed, **unless the contrary is proven**. In other words, if there is sufficient evidence to prove that workplace activities or exposures were not the dominant cause of the occupational disease listed in the schedule, the presumption will not apply.

An absence of evidence is not enough to rebut (i.e., disprove) the presumption.

Q. Where do I find the schedule of occupational diseases?

A. The schedule is part of regulation 69/2023 that comes into force on September 1, 2023, and can be found on the provincial government website at <https://web2.gov.mb.ca/laws/regs/current/069-2023.php>.

Q. How did the WCB decide which occupational diseases are listed in the schedule? Will more be added in the future?

A. The WCB reviewed the schedules of other provincial workers compensation systems, reviewed studies and consulted with key stakeholders to develop Manitoba's schedule of occupational diseases.

The WCB stays current on occupational disease research and will monitor and revise the schedule over time.

Q. Does the WCB still adjudicate occupational diseases on a case-by-case basis like before?

A. Yes. If the presumption cannot be applied, the WCB will consider the claim on its own merits and gather evidence to determine if work is (or is not) the dominant cause of the occupational disease.

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