

OPFFA WSIB COMMITTEE DIRECTION TO ROFFA MEMBERS

INTRODUCTION

It has been brought to the attention of the WSIB Committee that some ROFFA members have requested direction in navigating the process of submitting WSIB Occupational Disease and Presumptive claims. This document will serve to provide that direction and should facilitate the submission of these claims. This document will contain the following:

- A definition of a compensable occupational disease
- An introduction to the Presumptive Legislation
- Information on Noise Induced Hearing Loss (NIHL)
- How to file a claim with the WSIB
- List of contact information

Occupational Disease Defined

An occupational disease is a health problem resulting from exposure to a particular substance relating to a particular process, trade or occupation. It can also be a disease that is peculiar or characteristic of an industrial process, trade or occupation. The disease is caused by exposure to a workplace health hazard such as:

- Dust, gas or fumes
- Noise
- Toxic substances
- Vibration
- Radiation
- Infectious germs or viruses
- Extreme hot or cold temperatures
- Extremely high or low air pressure

These health hazards can cause three kinds of reactions in the body:

- **Immediate or acute** - can be caused by a onetime event and are not usually permanent
- **Gradual** - worsen and persist when exposed over days, weeks or months- last for a longer time
- **Delayed** - take a long time to develop like cancer or loss of hearing. Can be caused by long-term exposure to a substance or work activity. These reactions can be noticed long after the job is over.

PRESUMPTIVE LEGISLATION

The Presumptive Legislation which was introduced to the Ontario Legislature in 2007 recognizes the unique hazards present in firefighting and presumes that certain cancers are work related. Initially the legislation recognized eight types of cancers but in 2014 the Provincial Government added six more totalling fourteen.

This legislation applies to all full time, part time and volunteer fire fighters and fire investigators with a minimum number of years of eligible service. The eligible years are the sum of all employment periods prior to diagnosis, whether consecutive or non-consecutive. The presumption applies to health conditions diagnosed on or after January 1, 1960. Usually certain criteria must be met for the legislation to apply; those criteria are listed in both the ROFFA and WSIB websites. In the event that a medical diagnosis does not meet those criteria, a claim may still be submitted and will be determined by the WSIB based on its individual merit.

NOISE INDUCED HEARING LOSS

NIHL is a permanent bilateral hearing loss from being exposed to high levels of noise over a long period. It is one of the most common occupational diseases and in most cases preventable. If you have been diagnosed with work related NIHL, the WSIB may provide hearing related health services, hearing aids and other benefits.

The WSIB has established specific criteria to allow for a NIHL claim including factoring in presbycusis or normal hearing loss due to aging. However, the WSIB will accept claims that do not meet the criteria based on the individual merits of the claim.

Retired workers may be eligible and the WSIB will consider the entire work history and exposure to noise. You should file a claim as soon as you become aware that you have been diagnosed with work related NIHL. You can file a claim through your doctor, audiologist, employer, union advocate or yourself. It is advisable to have your family doctor refer you to an audiologist for testing rather than making your own appointment. By doing so, your testing should be covered by OHIP thereby preventing the incurrence of costs.

How to file a claim for NIHL:

- Download and complete a Workers Report of Occupational NIHL and mail/fax it to the WSIB or call the WSIB at 1800-387-0750 or
- Your doctor or Audiologist can set up a claim by faxing the medical report/audiogram to the WSIB or
- Your employer or union representative can assist you with filing your claim

HOW TO FILE OCCUPATIONAL DISEASE CLAIMS

You can file a claim through your doctor, union advocate or yourself and there is no time limit for filing an occupational disease claim. There are three ways to set up a claim:

1. Fill out and submit a Workers' Report of Injury/Disease Form 6 online or by calling WSIB at 1800-387-0750. The form 6 is the document that registers your claim with the WSIB.
2. Your doctor can send a Health Professional Form 8 to the WSIB. Ensure that you inform your doctor of any substances or conditions that you were exposed to at work.
3. Have your union advocate assist you with filling out the Workers' Report of Injury/Disease and filing your claim. Regardless of how you file your claim, you should contact the OPFFA WSIB Committee or the Association Office and obtain and fill out a Cancer and Occupational Disease Registry Form. This form will be sent to the Ontario Professional Fire Fighters Association Occupational Disease representative who may assist you with your claim.

After submitting your claim, you will be assigned a claim number and an adjudicator to your case. The adjudicator will require information about your exposures and medical treatment. It may facilitate your claim if you can provide information about your symptoms and when they began, a list of the substances you were exposed to and the type of work you did. They may also ask you for the names and addresses of the medical professionals you attended as well as the dates of your appointments.

STEPS TO FILING YOUR CLAIM

1. Obtain a medical diagnosis that supports your claim
2. Contact the OPFFA WSIB Committee/Association Office for specific direction. Obtain and fill out the Cancer and Occupation Disease Registry form. Your union advocate will forward this form to the Provincial Association.
3. Contact the Ontario Professional Firefighters Association Occupational Disease representative for guidance and resources in processing your claim. This contact can be initiated through your WSIB Committee and we can continue to act as liaison between yourself and the Provincial Association.

4. From the WSIB website, obtain and fill out the WSIB Workers' Report of Injury/Disease Form 6. This may be done with the assistance of your union advocate or the Provincial Association.
5. Contact and inform your former Employer about your claim. This can also be done through either through your union advocate or the Provincial Association once they obtain your Registry form and discuss your claim with you.

CONTACT INFORMATION

OPFFA WSIB Committee:

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Peter Barton - pbarton@ottawafirefighters.org

Neil McMillan - nmcmillan@ottawafirefighters.org

OPFFA Association Office - 613 -526-1454 - fax - 613-526-1206

City of Ottawa Employee Health and Wellness/WSIB representative:

Janet Timmons-Holice - 613-580-2424 ext.43547 -

Ontario Professional Firefighters Association Occupational Disease Representative:

Andrew Lee - 416-315-8953 - alee@ontariofirefighters.org or 4alee4@gmail.com