

## Client Services Policy Manual

Policy Number: **EN-13**  
Subject: **Occupational Chest Disease (Loss of Medical Certificate)**  
Chapter: **Entitlement**

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### Policy Statement

Occupational chest diseases are compensable on the same basis as any other work injuries. WorkplaceNL recognizes, however, that some workers have lost their medical certificates because of medical findings related to dust exposure; without there being evidence of functional impairment; and in some cases, without a specific industrial disease being diagnosed. In cases where the medical certificate is lifted by the appropriate authority, the worker is entitled to compensation benefits.

### General

The following criteria must be met in order to establish a basis for entitlement to benefits:

1. It must be medically documented that a worker has a diagnosis of occupational chest disease which reasonably justifies removal from the hazardous employment exposure; i.e. lifting of the miner's medical certificate.
2. It must be established that reasonable alternate work cannot be arranged by the employer. This requirement does not affect any award that may be payable for permanent functional impairment.
3. It must be reasonably shown that the worker is unemployed primarily because of the occupational chest disease, and not because of other factors.

Where the foregoing criteria has been met, consideration shall be given to the following benefits:

1. Earnings-loss benefits, payable to a worker during the initial diagnostic investigation relating to the suspected occupational chest disease.
2. A lump sum award for any permanent impairment of bodily function, based on the disability as certified, and rated by the Medical Advisory Committee on Industrial Diseases.
3. Rehabilitation services as considered necessary and appropriate.

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**Reference:** Workers' Compensation Act, R.S.N. 1990, c. W-11, Section 90  
Medical Surveillances Procedures  
(O.H. & S. Regulations)

### Amendment History

Original Effective Date            1987 06 25

## Client Services Policy Manual

### APPENDIX

#### MEDICAL SURVEILLANCE PROCEDURES OCCUPATIONAL HEALTH & SAFETY REGULATIONS

#### ATTACHMENT TO “THE CODE OF PRACTICE 1984 08 30 FOR THE PREVENTION OF SILICOSIS

Under the Sub-section 51(1) of the Occupational Health and Safety Regulations all workers in hazardous health occupations or applicants for employment in such occupations are required to undergo medical examinations by an appointed medical examiner as required by Sub Section 51(1)(d) initially, and 51(1)(g) for renewal on an annual basis.

The Division shall maintain a file of the chest radiographs ordered by the appointed medical examiner for each worker requiring a medical certificate.

The following protocol deals with the radiographic interpretation that forms part of the required medical examination.

1. The immediate screening of the current radiographs of each worker for non-occupational chest conditions shall be the responsibility of the Medical Examiner.
2. The current radiograph of each worker ordered by the medical examiner together with the relevant file of previous radiographs shall be forwarded to the Chief Occupational Medical Officer for screening for radiologic compatible with occupational lung disease.
3. The Chief Occupational Medical Officer will appoint a panel of radiologists. The Panel of Radiologist shall report all findings to the Chief Occupational Medical Officer, who in turn shall advise the Medical Examiner of both normal and abnormal radiographic findings.

## Client Services Policy Manual

4. A determination by the Panel of Radiologists of radiologic appearances compatible with occupational lung disease will constitute a prima facie case for recommending the further investigation of the worker.
5. The Medical Examiner when advising the worker with radiographic appearances suspicious of occupational lung disease shall recommend that the worker register a claim with the Workers Compensation Commission and the Medical Examiner shall notify the Chief Occupational Medical Officer to this effect.
6. The Workplace Health, Safety & Compensation Commission shall notify the Chief Occupational Medical Officer of all claims adjudicated for occupational lung disease and/or any restrictions placed on the worker's employment. The Commission will advise as to the degree of impairment

### **DEFINITIONS Radiologist:**

A Physician who by training or experience is qualified to interpret radiographs.

The Licensing Authority of Newfoundland (the Newfoundland Medical Board) stipulates the requirements for recognition as a Radiologist within its jurisdiction.

### **Occupational Lung Disease:**

Occupational Lung Disease for the purpose of this Code of Practice is one diagnosed as such by the Workplace Health, Safety & Compensation Commission.