

**Alberta WCB
Policies &
Information**

Chapter:

WORK-RELATEDNESS

Subject:

**ARISES OUT OF AND OCCURS IN THE COURSE
OF EMPLOYMENT**

Authorization

BoD Resolution 2014/01/02

Date:

February 4, 2014

APPLICATION 7 – CAUSATION

1. *Why is causation important?*

Workers' compensation compensates workers only for injuries and diseases that are work related (arise out of and occur in the course of employment). Therefore, it is a legislative requirement that the injury or disease be caused by work so, in every case, WCB must determine the cause of the injury or disease.

In many cases, causation is clear and easily understood; for example, if a construction worker falls off a ladder at work and breaks his arm.

In other cases, causation is more difficult to determine, particularly when there are multiple risk factors that *may* have caused or contributed to the injury or disease.

2. *What factors does WCB consider when determining causation?*

In determining causation, WCB considers a number of factors. These can be grouped into three categories:

- Medical diagnosis – what is the diagnosis? Is it a recognized medical diagnosis? Is the diagnosis clearly established in this particular case?
- Work factors – what are the conditions at the workplace? What are the worker's duties? What are the physical demands? What type and extent of exposures are there?
- Personal Factors – does the worker's medical condition predate the accident? Are there non work-related risk factors that may have caused the injury or disease?

WCB reviews all these factors to determine if the worker's injury or disease is work related (meets the standard of causation).

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3. *What is a standard of causation?* A standard of causation is the legal standard or legal test that is applied to determine whether the injury or disease is caused by work (that is, to have arisen out of and occurred in the course of employment).
4. *What standard of causation does WCB apply?* The standard of causation used by WCB is the “*but for*” test, except when specifically stated otherwise.
5. *What is the “but for” test?* The “but for” test is a finding of fact – the work exposures were *necessary* for the accident and injury to occur. In other words, if not for the work exposures, the injury or disease would not have happened.
- In some cases there may be several causes that meet the “but for” test that work in combination to cause an injury. Work does not have to be the only factor, or even the primary one, for the injury to be compensable. It must, however, be a necessary factor; if the injury or disability would have happened anyway, regardless of the work factor, it is not compensable.
- The finding of fact is based on the evidence and accepted medical knowledge, not on a speculative connection.
6. *How does the balance of probabilities apply when determining causation?* The balance of probabilities is the standard of proof used by WCB-Alberta.
- For example, when adjudicating a claim where the standard of causation is the “but for” test, WCB weighs all the evidence and determines if it is *more likely than not* that, but for the worker’s employment, the injury would not have occurred (see also Policy 01-03, *Benefit of Doubt*).

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7. Under what circumstances does WCB use a standard of causation other than the “but for” test?

WCB uses a modification of the “but for” test or, in some cases, a different standard of causation for occupational diseases and injuries in the following circumstances:

Presumptions

Certain occupational diseases are covered by presumptions contained in the Act and Regulations (see sections 24(6), 24.1, and 24.2 of the Act; s.20 and Schedule B of the General Regulations; and the *Firefighters’ Primary Site Cancer Regulation*). When the criteria set out in the Act and Regulations are met, it is presumed that the “but for” test has been met and the disease or condition was caused by the worker’s employment. A presumption may be rebutted if the evidence shows that, in a particular case, the disease was caused by a non-work exposure.

If the disease or condition is listed in the presumptions but the criteria are not met in a particular case, the case is adjudicated on its own merits, using the appropriate standard of causation as set out in the other sections of this policy.

Chronic Onset Stress

Due to the multifactorial nature of chronic stress and the interaction of those multiple factors, WCB accepts that the “but for” test is met when all the criteria set out in policy are met and occupational exposures are the predominant cause of the chronic onset stress (see Policy 03-01, Part II, Application 6).

Predominant cause means that the occupational exposures are the prevailing, strongest, chief, or main cause of the injury. It is not necessary that the proportion attributable to the occupational exposures is a certain percentage, such

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as 50% or more, provided that the occupational exposures are the strongest cause.

*Multiple Risk Factors
and Actual Cause
Cannot be
Determined*

There are some diseases, primarily cancers, where it is impossible to determine the actual cause. An individual may have several risk factors, any one or any several of which may have caused the disease. There is an element of chance or randomness as to which of the risk factors caused the disease in a particular individual.

The “but for” test is a finding of fact. In this situation, it cannot be factually determined which of the risk factors caused the disease in the individual, so WCB must use a different causation test.

For these diseases, WCB determines whether work factors materially contributed to the risk that the individual would develop the disease.

Epidemiological studies identify the risk factors and provide an estimate of the probability that a particular risk factor, if present, would have caused the disease. WCB considers all the available epidemiological evidence regarding the relative risk (likelihood) that an occupational exposure was the cause of a particular disease in a particular individual. Where an occupational exposure has been established, a relative risk of 2.0 or higher makes it more likely than not that the worker’s occupational exposure materially contributed to the worker’s risk of developing the disease.

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8. *What is the relationship between this policy and other WCB policies that address causation?* This policy (Policy 02-01, Part II, Application 7) provides a framework for all causation decisions; however, it must be read in conjunction with the criteria for specific situations, as set out in policies such as Policy 03-01, *Injuries*; Policy 03-02, *Aggravation of a Pre-existing Condition*, Policy 04-08, *Fatalities*; and the other provisions in Policy 02-01. These policies contain criteria for specific situations that must be taken into consideration when applying the appropriate causation test.
9. *When is this application effective?* This policy application (Application 7 – Causation) is effective April 1, 2014, and applies to all decisions made on or after that date, except when noted otherwise in a specific policy section(s).

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