

**Alberta WCB
Policies &
Information**

Chapter:

INJURIES

Subject:

GENERAL

Authorization:

BoD Resolution 2007/01/03

Date:

January 30, 2007

APPLICATION 1: RELATIONSHIP TO COMPENSABLE ACCIDENT

1. *Why is the relationship of injury to compensable accident important?*

To be compensable, an injury must be the result of an accident as defined under Policy 02-01, *Arises Out of and Occurs in the Course of Employment*. Therefore, when adjudicating the eligibility of a claim, WCB looks at the nature of the injury and its relationship to the compensable accident.

Often there is an obvious relationship between the nature of the injury and the compensable accident (e.g., a firefighter is burned when fighting a fire). However, the relationship is not always obvious. In these cases, there is a need for additional information, especially medical information, to establish the relationship to the compensable accident. For example, many occupational diseases have a long latency period. WCB's inquiries must establish whether the work-related exposure was sufficient to cause the condition (see Application 3, Occupational Disease).

2. *How does WCB adjudicate injuries?*

In general, every claim is subject to a similar adjudicative process. The relationship between the injury and the compensable accident is examined to determine entitlement. Additional medical advice is sought on an as-needed basis. Complex claims may require additional investigation to determine work-relatedness.

Special requirements for some types of injuries (e.g., cardiac, occupational disease) are given in Applications 2 to 8 and in the following questions.

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3. *What if there are differing medical opinions about the worker’s injury?*

This policy question is effective June 1, 2018, and applies to requests for medical panels made on or after that date.

There may be circumstances where there appears to be a discrepancy between medical opinions. This discrepancy, however, may be irrelevant to the case or may result from factors such as missing information or because examinations have been performed at different stages of recovery from the injury. WCB will attempt to resolve outstanding medical issues through consultation with the treating physician.

In certain circumstances, as set out in s.46.3 of the *WCA*, WCB may request a medical panel to resolve medical issues that affect a claimant’s right to compensation.

A worker or worker’s dependant may apply to the Appeals Commission to request a medical panel in the following circumstances:

- there is a difference of medical opinion, as defined in s.46.3(10) of the *WCA*, and a medical panel has not been established to deal with the matter; and
- the worker or worker’s dependant has exhausted his or her rights for review by the Dispute Resolution and Decision Review Body (DRDRB).

After reviewing the application, the Appeals Commission will request a medical panel to deal with the matter if, in its opinion, the necessary conditions have been met.

4. *How does WCB adjudicate hernia claims?*

WCB evaluates whether it is probable the hernia was caused or aggravated by a work-related incident or activity. There are several types of herniae and, other than inguinal, they are not normally caused by employment (e.g., hiatus, epigastric, incisional, diaphragmatic, etc.). Therefore, entitlement in such cases is determined on the basis of individual merit.

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Hernia claims (continued)

There are no pre-set limitations governing the period of entitlement, and compensation is paid in accordance with medical information.

Lay-off from work prior to surgical repair is not usually required in hernia cases. When lay-off is indicated either because the attending physician advises the worker to stop working or to engage only in light duties and these are not available, benefits are paid from the date of lay-off pending surgery.

Unless there is evidence of a new accident, WCB limits acceptance of responsibility for recurrent herniae to one year from the date of the previous compensable repair.

5. How does WCB determine entitlement on ganglion claims?

Entitlement on ganglion claims is based on the following criteria (the first focuses on work history; the second on medical evidence):

- a work history of prolonged highly repetitive movement of the area affected, usually the wrist, particularly if a weight is involved, or
- a well-established accident involving a blow to the area where the ganglion later appears. The accident should cause sufficient discomfort or incapacity that the worker reports the matter without significant or unexplained delay. The need for strapping or other early treatment of the injured part is not an essential requirement for acceptance. The time interval between the accident and the appearance of the ganglion is not of critical importance.

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6. *What if an accident affects a worker's pregnancy?*

WCB will consider compensation for the injured worker when a work-related accident results in premature termination of pregnancy (miscarriage or therapeutic abortion). WCB assumes no liability for the fetus.

To be compensable, termination must be attributable to at least one of the following circumstances:

- a traumatic accident
- potential damage to the unborn child through exposure to an industrial substance; an infectious disease that meets the eligibility criteria set out in Policy 02-01, Part II, Application 2, Question 11 (e.g., a hospital worker exposed to German Measles); or x-rays or other ionizing radiation
- a sexual assault resulting in pregnancy

WCB may consider compensation in other circumstances, based on the particular merits of each case.

Compensation is usually restricted to medical aid and temporary disability. Permanent disability awards are given only if permanent disability results from complications arising out of a premature termination of pregnancy.

7. *Under what conditions is sexual impairment compensable?*

WCB may pay a Permanent Partial Disability award* for sexual disability which is a direct result of occupational injury or disease. This includes both organic impotence and infertility, however, there are limitations:

- non-organic sexual disability is assessed as part of an overall psychological condition
- an age factor may affect the amount of an infertility

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(continued)*

award

- when a worker is receiving compensation for permanent total disability, WCB does not give additional awards for either impotence or infertility

*See WCB's approved rating schedule (Appendix D).

8. *When is this policy application effective?*

This policy application (Application 1 – Relationship to Compensable Accident) is effective February 1, 2007, except when noted otherwise in a specific policy section(s).

Previous versions

- [Policy 0301 Part II - July 2018](#)
- [Policy 0301 Part II - April 2018](#)
- [Policy 0301 Part II - August 2015](#)
- [Policy 0301 Part II - February 2007](#)
- [Policy 0301 Part II - January 2004](#)
- [Policy 0301 Part II - June 2002](#)
- [Policy 0301 Part II - June 2001](#)
- [Policy 0301 Part II - December 2000](#)
- [Policy 0301 Part II - March 1999](#)
- [Policy 0301 Part II - January 1998](#)
- [Policy 0301 Part II \(consolidated manual 1st Issue\) - February 1997](#)