

 Yukon Workers' Compensation Health and Safety Board	Part:	Entitlement	
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GRADUAL ONSET MUSCULOSKELETAL DISORDERS

GENERAL INFORMATION

The *Workers' Compensation Act* S.Y. 2008 (the "Act") states that those who experience work-related injuries are entitled to compensation. A gradual onset musculoskeletal disorder may be compensable if it arises out of and in the course of employment.

PURPOSE

This policy provides direction when a claim for compensation involves a gradual onset musculoskeletal disorder. All claims for compensation will be adjudicated in accordance with Yukon Workers' Compensation Health and Safety Board (YWCHSB) policies, "Arising Out of and In the Course of Employment" and "Merits and Justice of the Case".

DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

- 1. Gradual onset musculoskeletal disorders:** conditions in which symptoms develop in a part of the musculoskeletal system over time due to:
 - a) non-work-related factors including, but not limited to, age, genetics, previous trauma, inflammatory disorders, diabetes mellitus or non-work activities;
 - b) occupational activities involving situations with high force, high repetition, high vibration, extreme temperatures and/or awkward postures. Some examples of gradual onset musculoskeletal disorders include, but are not limited to, prepatellar bursitis from prolonged kneeling without adequate protection, epicondylitis from excessive use of forearm muscles or shoulder tendonitis from prolonged overhead work; or
 - c) a combination of (a) and (b).

Gradual onset musculoskeletal disorders are often referred to as multifactorial, arising as a result of a combination of environmental and/or genetic risk factors.

2. Multifactorial: involving more than one risk-factor.

3. Risk-factor: something that may increase the chance of developing a disorder, or change the rate at which the disorder develops. Some risk factors may be work-related (e.g. prolonged overhead work) and some may be non-work-related (e.g. diabetes mellitus).

PREVENTION

As with all workplace injuries, work-related gradual onset musculoskeletal disorders are preventable. When work-related, these disorders are often the result of poor workplace and equipment design, poorly maintained or inappropriate tools and improper work practices. Training, proper tools and equipment that are carefully maintained, rest periods and attention to workstation ergonomics are examples of ways that gradual onset musculoskeletal disorders can be prevented.

A strong focus on education is essential to prevent gradual onset musculoskeletal disorders. Workers need to learn how to avoid these disorders, and if a worker is diagnosed with a gradual onset musculoskeletal disorder, he/she needs to learn what can be done differently within his/her employment. Employers need to make the necessary changes to the work environment to prevent injury to their workers.

POLICY STATEMENT

Gradual onset musculoskeletal disorders are work-related when they are determined by the YWCHSB to have arisen out of and in the course of employment. Unlike sudden onset, where a single incident causing injury can be identified and considered by the decision-maker, gradual onset conditions require more investigation and information to make the determination of arising out of and in the course of employment.

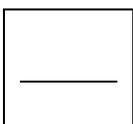
Some gradual onset musculoskeletal disorders may be non-work-related pre-existing conditions; that is, they were caused by risk factors having nothing to do with the employment. However, these disorders may still be work-related to the extent they have been aggravated or accelerated by a work-related incident. See YWCHSB policy, "Pre-Existing Conditions".

1. Claim Adjudication

a) Date of Injury

When adjudicating gradual onset musculoskeletal disorders, the date of injury will be deemed to be the *earlier* of:

- i) the date the claim was filed with the YWCHSB;



- ii) the date of the worker's most recent lost time from work as a result of the disorder; or
- iii) the date the worker first sought medical attention from a physician (or health care provider acceptable to the YWCHSB) as a result of the disorder.

b) Three Point Inquiry

Gradual onset musculoskeletal disorders can be extremely difficult to adjudicate due to their multifactorial nature and the lack of a straightforward mechanism of injury.

The following questions must be considered in cases of gradual onset musculoskeletal disorders:

- i) Could the work-related risk factors alone have been sufficient to have caused the disorder? If yes, the claim is accepted;

If no,

- ii) Is the condition being claimed the primary disorder, or is it secondary to some other underlying cause (e.g. carpal tunnel syndrome resulting from non-work-related diabetes mellitus)?¹

Then,

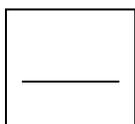
- iii) Having weighed all of the available evidence, and on the balance of probabilities, were the work-related risk factors more likely to have caused the disorder than the non-work-related risk factors? If yes, the claim is accepted. If no, the claim is denied.

2. Case Management and Return to Work

When it comes to gradual onset musculoskeletal disorders, early diagnosis and treatment is critical. If left untreated, these disorders can worsen, become increasingly difficult to manage, require a longer period of rehabilitation and where applicable, a longer absence from work.

For most of these conditions, time loss is not required as workplace accommodation is the preferable approach. The best management strategy for most of these

¹ Whenever a claim is made for a gradual onset musculoskeletal disorder, the decision-maker should make inquiries as to whether the injury being claimed is the primary injury, or whether it is secondary to some other underlying cause. This information will assist in the adjudication of the claim, as well as the claim's management if accepted. In all cases, this information will assist the worker and his/her health care providers to appropriately treat the underlying cause of the worker's medical problem(s) and facilitate recovery.



disorders is to modify the behaviour, the environment or both. Once risk of further injury has been mitigated, any required return to work activities can proceed in accordance with YWCHSB policy, "Return to Work – Overview".

Particularly relevant to these claims is the need to conduct a work-site evaluation prior to the worker returning to the pre-injury work environment. This should be done by determining and documenting job demands, and recommending and helping to implement modifications to support early and safe return to work.

APPLICATION

This policy applies to the Board of Directors, including the President/CEO, and staff of the YWCHSB, the Workers' Compensation Appeal Tribunal, employers, workers and their dependents covered by the *Act*.

APPEALS

Decisions made by the YWCHSB under this policy can be appealed directly in writing to the hearing officer of the YWCHSB in accordance with subsection 53(1) of the *Act*. Notice of the appeal must be filed within 24 months of the date of the decision by the YWCHSB, in accordance with section 52 of the *Act*.

ACT REFERENCES

Sections 4, 17, 52 and 53

POLICY REFERENCES

EN-01, "Arising Out of and In the Course of Employment"

EN-02, "Merits and Justice of the Case"

EN-07, "Pre-Existing Conditions"

RE-01, "Return to Work – Overview"

HISTORY

CL-31, "Gradual Onset Musculoskeletal Disorders", effective January 1, 2008, revoked July 1, 2008.

CL-02, "Personal Injury by Accident", effective January 1, 1993, revoked January 1, 2008.

CL-31, "Cumulative Trauma Disorders", effective October 16, 2007, updated January 1, 2008.

Policy #52, "Cumulative Trauma Disorders".

