

**Chapter:** Claims for Compensation

**Legislative authority:** section 86

*Prevention statement*

*Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the 'Act') establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.*

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## Purpose

This policy provides direction when a claim for compensation involves a gradual onset musculoskeletal injury.

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## Definitions

**board** means the Workers' Safety and Compensation Board

**gradual onset musculoskeletal injuries** mean 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 injuries 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 injuries are often referred to as multifactorial, arising as a result of a combination of environmental and/or genetic risk factors

**multifactorial** means involving more than one risk-factor

**risk-factor** means something that may increase the chance of developing an injury or change the rate at which the injury develops. Some risk factors may be work-related (e.g. prolonged overhead work) and some may be non-work-related (e.g. diabetes mellitus)

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## Policy statement

### 1. General

The Act provides that worker who suffers a work-related injury or death is entitled to compensation unless the work-related injury is attributable to conduct deliberately undertaken for the purpose of receiving compensation.

Gradual onset musculoskeletal injuries are work-related when they are determined by the board to have arisen out of and in the course of employment. Unlike sudden onset, where a single incident causing injury can be identified 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 injuries 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 injuries may still be work-related if they have been aggravated or accelerated by a work-related injury. See policy 2.3 Pre-Existing Conditions.

### 2. Gradual onset musculoskeletal injuries

#### *2.1 Date of Injury*

When adjudicating gradual onset musculoskeletal injuries, the date of the work-related injury is deemed to be the earliest of the following dates:

- a. the date when the injury results in a loss of earning capacity; or
- b. the date when the injury is diagnosed.

#### *2.2 Criteria*

Gradual onset musculoskeletal injuries can be extremely difficult to adjudicate due to their multifactorial nature and the lack of a straightforward mechanism of injury. Both the non-work related risk factors and the work-related risk factors must be examined.

In order to accept a claim there must be sufficient evidence, on a balance of probabilities, of work-related risk factors for the development of the injury and a medical diagnosis from a health care provider.

The following questions must be considered:

- a. Could the work-related risk factors alone have been sufficient to have caused the injury?
- b. Could non-work related risk factors alone have been sufficient to have caused the injury?
- c. 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 injury than the non-work-related risk factors? If yes, the claim may be compensable. If no, the claim may be denied.

### 3. Case management and return to work

When it comes to gradual onset musculoskeletal injuries, early diagnosis and treatment is critical. If left untreated, these injuries 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 injuries, time loss is not required as workplace accommodation is the preferable approach. The best management strategy for most of these injuries 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 policy 4.1 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.

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## History

EN-08 Gradual Onset Musculoskeletal Disorders, effective July 1, 2008, revoked July 1, 2022

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