Injured Worker Advisory Committee (IWAC) Position Paper Consultation on Policy 21-117: Conditions for Entitlement – Any Other Disablement

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Introduction

IWAC appreciates the opportunity to provide input on proposed **Policy 21-117, Conditions for Entitlement – Any Other Disablement.**

Claims involving "any other disablement" may present unique challenges because they may not be tied to a single identifiable event. They may develop gradually, involve multiple contributing factors, or include complex questions about the role of work, pre-existing conditions, personal risk factors, medical evidence, and ongoing compensable vulnerability. Examples may include heart attacks, strokes, or cumulative trauma disorders, including injuries that develop over time through repeated strain.

Overall, IWAC supports the development of a dedicated policy for these types of claims. A specific policy has the potential to improve consistency, transparency, and understanding for workers, employers, and decision-makers. However, IWAC emphasizes that the policy must be applied in a way that supports fairness and access to entitlement, particularly where evidence is complex, incomplete, or evolving.

General Observations

IWAC supports the intent of creating clearer guidance for claims that do not fall neatly under existing categories such as traumatic injuries, occupational diseases, or infectious diseases.

Members recognize that these claims can be difficult to assess because the relationship between work and injury may not always be obvious or immediate. A worker may experience gradual deterioration, a sudden event with multiple contributing factors, or a condition that becomes disabling over time due to the nature of their work.

IWAC believes the policy should help ensure complex claims are not dismissed simply because they do not fit a more familiar pattern. The policy should support careful evidence gathering, fair consideration of work-related and non-work-related factors, and plain-language explanations that help workers understand how decisions are made.

At the same time, IWAC is concerned that claims involving multiple contributing factors may create a risk that too much weight is placed on personal health history, age, lifestyle, or pre-existing conditions, while the role of work is minimized. The policy should make clear that work does not need to be the only cause of a disablement for entitlement to be accepted.

IWAC also emphasizes that some complex claims do not fit neatly into one policy category from the worker's perspective. A worker may not know whether their circumstances fall under "any other disablement," pre-existing conditions, secondary or subsequent injuries, medical aid, rehabilitation, or another policy area. WorkSafeNB should ensure complex claims are routed through the appropriate policy framework without placing that burden on the worker.

Key Considerations and Recommendations

1. Recognition of Gradual and Multi-Factor Disablement

IWAC supports the creation of a dedicated policy recognizing that some compensable conditions may develop gradually or involve several contributing factors.

This is important because injured workers may not always be able to identify a single incident, date, or moment when the disablement occurred. In many cases, the impact of work may build over time through repetitive duties, physical strain, cumulative exposure, or the interaction between work demands and an existing vulnerability.

IWAC recommends:

- The policy clearly state that a claim should not be disadvantaged simply because there is no single identifiable event.
- The policy recognize that gradual onset and multi-factor claims require a broad and contextual review of the worker's employment, duties, medical history, and functional changes.
- Decision-makers be guided to consider the cumulative impact of work over time, rather than focusing only on whether one specific incident caused the disablement.

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2. Role of Work Where There Are Multiple Causes

IWAC supports the principle that entitlement may be appropriate where employment materially contributes to a disablement, even where other factors are also present.

Members emphasize that many workers have pre-existing vulnerabilities, prior injuries, aging-related changes, or personal health factors. These should not automatically defeat entitlement where work meaningfully contributes to the disablement.

IWAC recommends:

- The policy clearly explain that work does not need to be the sole or dominant cause where the evidence supports that employment materially contributed to the disablement.
- Decision-makers be cautioned against overemphasizing non-work-related factors without fully considering the nature of the worker's job duties and work exposures.
- The policy include plain-language examples showing how work may materially contribute to a disablement even where other factors are present.

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3. Pre-Existing Conditions, Aggravation, and Vulnerability

IWAC is particularly concerned that workers with pre-existing conditions or long-term compensable injuries may be unfairly disadvantaged if later deterioration or reinjury is treated as unrelated to work.

Members discussed situations where a compensable injury can create lasting vulnerability, reduced mobility, instability, chronic pain, reduced capacity, or increased risk of reinjury. In these cases, the line between a new non-work event and the ongoing effects of the compensable injury may be difficult to draw.

IWAC members also emphasized that long-term compensable injuries can create practical vulnerabilities in daily life. For example, a worker with a serious compensable lower-limb injury may remain more prone to falls, reinjury, instability, or worsening symptoms many years later. If supports that could reasonably prevent reinjury are denied, and the worker is then injured while attempting tasks they can no longer safely perform, the resulting deterioration should not be viewed in isolation. Decision-makers should consider whether the original compensable injury materially contributed to the later vulnerability, reinjury, or loss of function.

IWAC recommends:

- The policy clearly distinguish between the natural progression of a condition and situations where work, or the effects of a compensable injury, aggravates, accelerates, or contributes to further disability.
- Decision-makers be required to consider whether a prior compensable injury created vulnerability to later deterioration or reinjury.

- The policy include examples addressing reinjury, worsening symptoms, or functional decline where an original workplace injury has left a worker more prone to future harm.
- Workers not be denied entitlement solely because a later incident occurred outside the workplace, where the evidence suggests the original compensable injury materially contributed to the later disability or vulnerability.

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4. Disability Prevention and Practical Supports

IWAC encourages WorkSafeNB to apply a disability-prevention lens when considering complex disablement claims and related supports.

Prevention should not be limited to preventing the initial workplace injury. It should also include preventing avoidable deterioration, reinjury, prolonged recovery, loss of independence, and progression into more serious disability.

Where a worker has a long-term compensable injury, modest practical supports may sometimes prevent significant harm, additional treatment, surgery, prolonged recovery, or increased long-term costs. In those situations, decision-making should consider not only whether a service is narrowly required at a single point in time, but whether it may prevent foreseeable worsening of a compensable condition.

IWAC recommends:

- The policy and related guidance recognize the importance of disability prevention in complex and long-term claims.
- Decision-makers consider whether denying a practical support may increase the risk of reinjury, deterioration, or additional disability.
- WorkSafeNB consider the full worker experience, including functional limitations, home realities, financial circumstances, and the practical consequences of denied supports.
- The connection between entitlement, medical aid, rehabilitation, and disability prevention be made clearer for workers and decision-makers.

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5. Interaction with Related Policies

IWAC believes the proposed policy should clearly explain how it interacts with related policies and supports. Workers should not be expected to know which policy pathway applies to their circumstances.

A complex claim may raise issues related to pre-existing conditions, secondary and subsequent injuries, medical aid, rehabilitation, return to work, or disability prevention. From the worker's perspective, these are not separate policy categories. They are part of one lived experience of injury, recovery, and impact.

IWAC recommends:

- The policy clarify how it interacts with related policies, including pre-existing conditions, secondary and subsequent injuries, medical aid, rehabilitation, and decision-making.
- Decision-makers ensure claims are assessed under the appropriate policy or policies without requiring workers to identify the correct policy framework themselves.
- Workers be clearly informed which policy or policies were applied to their claim and why.
- Online and plain-language resources explain how these policies connect.

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6. Evidence Gathering and Procedural Fairness

IWAC supports the policy's emphasis on comprehensive evidence gathering. For complex claims, decisions should be made only after a meaningful review of medical evidence, occupational evidence, the worker's account, and relevant contextual information.

IWAC recommends:

- Workers be clearly informed about what information is needed and why.
- Workers be given a reasonable opportunity to respond to concerns or gaps in evidence before an adverse decision is made.
- Decision-makers actively seek relevant evidence rather than placing the full burden on workers to identify and obtain information.
- The absence of perfect medical evidence not be treated as evidence against the worker where reasonable inferences can be drawn from the available information.

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7. Personal Risk Factors and Fairness

IWAC recognizes that personal risk factors may be relevant in some claims. However, members are concerned that factors such as age, weight, general health, lifestyle, or medical history may be relied on too heavily, particularly when assessing complex conditions such as heart attacks, strokes, or cumulative trauma disorders.

IWAC recommends:

- The policy clarify how personal risk factors are weighed against workplace factors.
- Decision letters explain why non-work-related factors were considered more persuasive, where that is the basis for denial.
- Decision-makers be required to consider whether work duties, work exposures, or work demands contributed to the disablement despite the presence of personal risk factors.
- The policy avoid creating the impression that workers with health conditions, disabilities, or prior injuries are less entitled to compensation.

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8. Plain-Language Communication and Client Understanding

IWAC emphasizes that policies governing entitlement must be understandable to workers. Complex legal and medical concepts should not prevent injured workers from understanding how their claim will be assessed.

IWAC recommends:

- Development of plain-language companion materials explaining "any other disablement."
- Use of examples that reflect real worker experiences, including gradual onset injuries, cumulative trauma, heart attacks, strokes, aggravation of pre-existing conditions, and later reinjury where an original compensable injury created ongoing vulnerability.
- Clear explanation of terms such as "materially contributed," "preponderance of evidence," "evidence to the contrary," and "natural progression."
- Decision letters that clearly explain the evidence considered, how it was weighed, and what led to the outcome.

Conclusion

IWAC supports the development of Policy 21-117, Conditions for Entitlement – Any Other Disablement and appreciates the opportunity to provide input.

A dedicated policy can improve clarity, consistency, and transparency for complex claims that do not fit neatly into existing categories. However, IWAC emphasizes that the policy must be applied with flexibility, fairness, and a strong understanding of the realities faced by injured workers whose conditions may develop gradually, involve multiple contributing factors, or worsen over time due to ongoing compensable vulnerability.

IWAC's recommendations are intended to ensure the policy recognizes the role work can play in complex disablements, protects workers with pre-existing conditions or long-term vulnerabilities, supports a disability-prevention lens, and promotes clear, fair, and accessible decision-making.

We thank WorkSafeNB for the opportunity to provide input and look forward to continued engagement on this important policy area.

Sincerely,

The Injured Worker Advisory Committee

Paula Garant Pamela Baker

Lee Russell André Jobin

Paula Garant, Pam Baker, Leica Gahan, Kirk Westfield, Lee Russell, André Jobin