

Operational
Policy

Section
Occupational Diseases

Subject
Lung Cancer - Gold Miners

Policy

Primary cancer of the trachea, bronchus or lung is accepted as an occupational disease under s.2(1) and s.15 of the *Workplace Safety and Insurance Act, 1997 (WSIA)* as characteristic of gold mining in Ontario.

Guidelines

To determine entitlement, the decision-maker must first confirm that:

- [the worker has worked in an Ontario gold mine with substantiated occupational history, and](#)
- [the gold miner has been diagnosed with primary cancer of the trachea, bronchus or lung, with medical evidence establishing the diagnosis.](#)

The following [table](#) sets out [the criteria, which if met, are considered](#)~~categories of~~ persuasive evidence to establish work-relatedness. In assessing entitlement, the decision-maker weighs all the [available evidence, including](#) work-related and non-work-related factors and determines [work-relatedness based on](#) the individual merits of the case.

Necessary evidence to establish work-relatedness

Condition	Necessary evidence
The worker has worked in Ontario gold mine. AND	Substantiated occupational history.
The gold miner has been diagnosed with primary cancer of the trachea, bronchus or lung. AND	Medical evidence establishing the presence of primary cancer of the trachea, bronchus or lung.

Persuasive evidence to establish work-relatedness

ConditionCriteria	Persuasive evidence
A biologically plausible latency period is present. AND	Latency can vary with intensity and type of exposure. Usually it is biologically plausible that the disease occurs; <ul style="list-style-type: none"> • -15 years after first employment in a "dusty occupation" (see note below*) OR <ul style="list-style-type: none"> • -5 years between first employment in mines with radon progeny and the diagnosis of the disease.
The gold miner has worked during the dustiest years of gold mining.	<ul style="list-style-type: none"> • Evidence of "dusty gold mining" (see note below)** experience in Ontario prior to December 31, 1945.

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<p>AND</p>	<p>OR</p> <ul style="list-style-type: none"> Evidence of "dusty gold mining" experience in Ontario in mines.
<p>Sufficient and consistent evidence of occupational exposure must be present.</p>	<p>To satisfy this condition <u>criteria</u> the gold miner has:</p> <p><u>1.</u> 1.) a chest x-ray rating of 4 or more as rated by the Ontario WSIB chest x-ray classification system and weighted dust exposure index of 60 or more. Weighted dust exposure is the sum of years worked in "dusty gold mining" in Ontario:</p> <ul style="list-style-type: none"> pre 1936 x 4 from 1936 to 1944 x 3 from 1945 to 1954 x <u>2</u>, <u>or</u> after 1954 x 1. <p>OR</p> <p><u>2.</u> 2) a chest x-ray rating of 4 or more as rated by the Ontario WSIB chest x-ray classification system and was first employed in "dusty gold mining" in Ontario before attaining age of 30.</p> <p>OR</p> <p><u>3.</u> 3) worked in mines which were dusty and had significant arsenic levels. (The duration of mining such mines which <u>would constitute</u> sufficient exposure depends on arsenic levels in the mines. The most current scientific information is used to assess whether the exposure to arsenic is to establish work-relatedness.)</p> <p>OR</p> <p>4) worked in mines which had significant levels of radon progeny. (</p> <p>NOTE</p>

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	<p><u>4.</u> The policy on lung cancer and uranium mining (see 23-02-03, Lung Cancer among Workers in Uranium Mining Industry) and the Ontario Miners Study is consulted to determine whether the exposure is sufficient to establish work-relatedness.)</p> <p>OR</p> <p><u>5.</u> 5) the equivalent of 5 years of "dusty gold mining" and was first employed in an Ontario gold mine before attaining 30 years of age, if no arsenic or radon exposure is present</p> <p>OR</p> <p><u>6.</u> 6) the equivalent of 10 years of "dusty gold mining" if no arsenic radon exposure is present.</p>
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NOTES

~~*"Dusty occupation" and~~

~~**"Dusty gold mining" are is defined by the Ontario WSIB coding system which are outlined in the table below follows.~~

~~*"dusty occupation" and~~

~~**"Dusty gold mining" is defined by the Ontario WSIB coding system which follows.~~

Dust exposure defined by occupation codes (based on WSIB codes)

WSIB Code	Definition
11	Full time in dust exposure - mill
12	Full time in dust exposure " " " " " - other surface
13	Full time in dust exposure " " " " " - shaft sinking
14	Full time in dust exposure " " " " " - other underground
15	Full time in dust exposure " " " " " - surface and underground
16	Full time in dust exposure " " " " " - open pit

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21	Part time in dust exposure - mill (including mill in open pit)
22	Part time in dust exposure " " " " " - other surface
25	Part time in dust exposure " " " " " - surface and underground
26	Part time in dust exposure " " " " " - open pit
97	Dust exposure, specifics unknown

Retroactivity

For all allowed claims, past and future, considered under the WSIB policy on lung cancer among goldminers (either Minute No. 3, January 8, 1988, Page 5216 or Minute #5, August 29, 1991, Page 5471), eligibility for entitlement and benefits shall be retroactive to the date of accident or to the date of the worker's death in the case of survivors' benefits, and paid in accordance with the provisions of the *Workers' Compensation Act* or ~~WSIA Workplace Safety and Insurance Act~~ in effect at that time and thereafter. There is no restriction to entitlement to benefits based on whether the worker, spouse or dependants are or were alive as of a specific date.

In [lung cancer](#) claims, the date of accident is the date of diagnosis or the date [initial medical attention is sought for symptoms consistent with the diagnosis](#) ~~of the first medical report of related symptoms~~, whichever is ~~the~~ earlier ([see, 11-01-04, Determining the Date of Injury](#)).

[Application date](#)

[This policy applies to all decisions made on or after July 20, 2023, for all accidents.](#)

Document [h](#)History

This document replaces [16-02-07 dated October 12, 2004](#).

[This document was previously published as:](#)
[04-04-08 dated October 27, 1994](#).

References

Legislative [A](#)uthority

Workplace Safety and Insurance Act, 1997, as amended

Sections 2(1), 15, 119(1)

Minute

[Administrative](#)

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Board of Directors
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