

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

2ND SESSION, 42ND LEGISLATURE, ONTARIO  
71 ELIZABETH II, 2022

# Bill 125

## **An Act to amend the Workplace Safety and Insurance Act, 1997 in connection with occupational diseases**

**Mr. W. Gates**

**Private Member's Bill**

1st Reading      April 28, 2022

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The Bill amends the *Workplace Safety and Insurance Act, 1997*.

Section 15 of the Act is amended to set out certain rules with respect to determinations about occupational disease.

Section 161 of the Act is amended to require the Workplace Safety and Insurance Board to review the lists of known carcinogens and probable carcinogens published by the International Agency for Research on Cancer and to ensure that the regulations respecting occupational diseases are amended accordingly.

**An Act to amend the Workplace Safety and Insurance Act, 1997  
in connection with occupational diseases**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1 Section 15 of the *Workplace Safety and Insurance Act, 1997* is amended by adding the following subsections:**

**Causation, etc.**

(2.1) For the purposes of this section,

- (a) a worker's health condition shall be considered to be an occupational disease if the worker's employment constitutes a significant contributing factor in the onset of the health condition;
- (b) the determination of whether the worker's employment constitutes a significant contributing factor in the onset of the worker's occupational disease shall be made by assessing whether it is more likely than not that the employment is a significant contributing factor;
- (c) it is not necessary for the worker's employment to be the sole, primary or predominant cause of the occupational disease;
- (d) when making determinations respecting the worker's entitlement to benefits, evidence consisting of scientific data or information about the worker's employment-related exposures may be considered but shall not be used as a substitute for those determinations;
- (e) all of the worker's exposures shall be considered and shall be presumed to be additive unless the presumption is rebutted with evidence of a synergistic effect; and
- (f) evidence that the rate of a particular occupational disease among persons in the worker's workplace is higher than the rate of the disease in the community shall be presumed to be evidence that the occupational disease occurred due to the nature of the worker's employment.

**Same, interpretation**

(2.2) In subsection (2.1),

"significant contributing factor" means a material contribution that is not required to meet any particular quantifiable threshold but that is more than trifling or speculative.

**2 Subsection 161 (3) of the Act is amended by striking out "and" at the end of clause (a) and by adding the following clauses:**

- (c) to review, at least annually, the lists of substances in Group 1 (known carcinogen) and Group 2A (probable carcinogen) published by the International Agency for Research on Cancer; and
- (d) to ensure that,
  - (i) if the International Agency for Research on Cancer finds that there is sufficient evidence for a substance to be classified in Group 1 in respect of certain organs, the substance is included in Schedule 3 and is considered for inclusion in Schedule 4, and
  - (ii) if the International Agency for Research on Cancer finds that there is sufficient evidence for a substance to be classified in Group 2A in respect of certain organs,
    - (A) the substance is included in Schedule 3, or
    - (B) if the Board determines that the substance cannot be included in Schedule 3, the Board develops a policy concerning the substance and any associated diseases after consulting with workers, workers' representatives, employers and employers' representatives.

**Commencement**

**3 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**4 The short title of this Act is the *Justice for Victims of Occupational Disease Act, 2022*.**