

No Survivor Benefits when Worker's Occupational Disease Wasn't "As Likely As Not" a Cause of Death



A government employee receiving a 25% permanent medical impairment award for “simple coal worker’s pneumoconiosis” (CWP) died but his spouse was denied survivor benefits. At time of death he had CWP as well as bronchitis, chronic obstructive pulmonary disease, a history of smoking and was complaining of fatigue and shortness of breath. Cause of death was listed as pulmonary silicosis and emphysema with atherosclerotic cardiovascular disease. The tribunal noted that worker’s CWP (his only workplace related occupational disease) wasn’t listed as a cause of death and based on the evidence it couldn’t conclude that “but for” the worker’s CWP he wouldn’t have died when he did. It was more likely his death was due to a lung disease and it wasn’t “as likely as not” that CWP was a “material contributing factor.” Thus, there was no right to survivor benefits for his spouse [[2012-185-AD \(Re\)](#), 2013 CanLII 82154 (NS WCAT), Dec. 16, 2013].