

# Worker's Testimony Alone is Insufficient to Prove Exposure Existed and Aggravated Her Asthma

written by vickyp | April 3, 2014



A passenger services agent complained that construction in her workplace exposed her to paint, varnishes, paint thinners, glue for new flooring, “off-gassing” from new furniture and mould from carpet removal. She said the exposures aggravated her pre-existing asthma condition and required she miss work. Her claim was denied by a hearing officer and she appealed. The appeal tribunal upheld the officer’s determination finding that the agent didn’t provide any evidence other than her own assertions regarding the exposures. She had no MSDS data sheets or other information about the glue and paint products used or the level of construction dust in the air. She claimed to identify the mould herself by the odour she smelled and provided no evidence other than her own testimony regarding the mould or “off-gassing “ from new furniture. She also presented no evidence that these exposures aggravated her asthma. The tribunal explained that although a worker needn’t prove claims “to a scientific certainty” there must be sufficient evidence of exposure and that it was capable of causing the symptoms alleged [[2012-567-AD \(Re\)](#), [2014] CanLII 8739 (NS WCAT), Feb. 28, 2014].