

This policy has not been amended to reflect the *Workplace Safety and Insurance Act* and *Regulations* made under it

Policy

Primary cancer of the nasal cavities and the paranasal sinuses are occupational diseases characteristic of processes, trades or occupations in the nickel producing industry.

If a worker is diagnosed with primary cancer of the nasal cavities or paranasal sinuses and was employed in the nickel producing industry at or before the date of disablement from the disease, entitlement is considered under Schedule 4 or Schedule 3 of the Act, or on a case-by-case basis.

Guidelines

Diagnosis

The Board recognizes histopathological confirmation of primary cancer of the nasal cavities (1) or paranasal sinuses (2) as evidence of diagnosis.

If a claim contains a diagnosis for a site closely related to the nasal cavities or paranasal sinuses, decision makers should seek [a](#) further medical opinion regarding whether the disease might, in fact, be cancer of the nasal cavities or paranasal sinuses.

Schedule 4

Schedule 4 of Regulation 1102 contains the following entries:

Relevant excerpt from Schedule 4

Column 1	Column 2
Column 1 – Description of Disease	Column 2 – Process
3. Primary cancer of the nasal cavities or of paranasal cavities	Any process at the Copper Cliff sinter plant of Inco Limited.
4. Primary cancer of the nasal cavities or of paranasal sinuses.	Any process in the Port Colborne leaching, calcining and sintering department of Inco Limited that was practiced before January 1, 1966.

NOTE

~~‘Was practiced’ in column 2 of the Schedule 4 entry number 4 means the way the processes were carried out in the specific plants during the time periods specified.~~

If a worker is diagnosed with cancer of the nasal cavities or paranasal sinuses and, at or before the date of disablement from the disease, was employed:

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- in any process in Inco Limited's Copper Cliff sinter plant as practiced at any time
- OR**
- in any process in Inco Limited's Leaching, Calcining and Sintering Department at Port Colborne as practiced prior to January 1, 1966
- then the disease is conclusively deemed to be due to the nature of the employment. Such a claim is considered under Schedule 4.

Schedule 3

If the claim cannot be considered under Schedule 4, then the claim may fall under Schedule 3.

Schedule 3 of Regulation 1102 contains the following entry:

Relevant excerpt from Schedule 3

Column 1	Column 2
Column 1 – Description of the Disease	Column 2 – Process
16. Primary cancer of the nasal cavities or of paranasal sinuses	Concentrating, smelting or refining in the nickel producing industry

If a worker is diagnosed with primary cancer of the nasal cavities or paranasal sinuses and, at or before the date of disablement from the disease, was ever employed in concentrating, smelting or refining in the nickel producing industry, then the disease is deemed to be due to the nature of the employment, unless the contrary is proved.

NOTE

Mining, work in the warehouse, office work and transportation are not included in the concentrating, smelting and refining processes. However, workers employed in these activities (and other workers, such as maintenance and cleaning service workers) may have had significant exposure to concentrating, smelting or refining processes. Their full job history should be examined.

The processes carried out in the electrolytic tankhouse at the Port Colborne Nickel Refinery were considered refining processes.

Proving the contrary

If a worker meets the criteria in column 1 and column 2 of Schedule 3 and has a latency (3) of **15 years or greater**, in most cases, consideration of further evidence is not required to make a decision on entitlement; the disease is deemed to be due to the nature of the employment in concentrating, smelting or refining in the nickel producing industry because the contrary has not been proved.

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If a worker meets the criteria in column 1 and column 2 of Schedule 3, but has a latency of **less than 15 years**, other factors must be considered prior to deciding that the contrary has been proved. The nature and duration of the worker's employment should be considered.

For example, if the work was in a particularly dusty environment in concentrating, smelting, or refining and the duration of employment was substantial, then a latency of slightly less than 15 years would not necessarily prove the contrary for concentrating, smelting or refining in the nickel producing industry.

Case-by-case

Nasal cancer is a rare disease and practically all known causes are occupational. If it is determined that the disease is not due to the nature of employment in concentrating, smelting or refining in the nickel producing industry, the disease may still be due to the nature of employment. Decision makers should consider the claim on a case-by-case basis and examine the worker's full job history to determine if there is a work-related cause. Some of the well-established occupational causes of nasal cancer appear below

- woodworking (especially among machinists, carpenters, joiners, sawyers, turners or spindle moulders) in the furniture and cabinet making industry
- boot and shoe manufacture and repair
- isopropyl alcohol manufacture
- mustard gas production
- radium dial painting.

Because new scientific information becomes available all the time, other work processes or industries may also be recognized as causally related to the development of nasal cancer.

Since individual circumstances vary, all claims are considered on the merits and justice of the case. Besides determining the job category of the worker, decision-makers should assess the specific nature of the workers employment and make a decision on causation based on the totality of evidence concerning the work environment.

Date of entitlement ~~application~~

For those claims allowed under Schedule 4 but which would have been denied without the Schedule 4 entry, benefits are calculated from the date the amendments to Regulation 1102 went into effect (December 16, 1993).

In all other cases, where the claim would have been allowed on a case-by-case basis without the Schedule 4 entry, benefits are calculated as of the date of accident.

Date of accident in an occupational disease claim is the date of diagnosis or the date of the first report of medically related symptoms, whichever is the earlier.

[See 11-01-04, Determining the Date of Injury for more information.](#)

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Application date

[This policy applies to decisions made on or after January 1, 2023, for all accidents.](#)

Document history

[This document replaces 16-02-01 dated October 12, 2004.](#)

[This document was previously published as:
04-04-01 dated May 24, 1994.](#)

References

Legislative Authority

Workers' Compensation Act, R.S.O. 1990

Sections 1(1), 4(4), 36, 73(1), 134(1), 134(9), 134(10), 134(17)

Regulation 1102

Section 11, Schedules 3 and 4

Minute

~~Board of Directors~~

~~#10, February 25, 1994, Page 5765~~

[Administrative](#)

NOTES

1. 9th revision of the International Classification of Diseases number 160.0.
2. 9th revision of the International Classification of Diseases numbers 160.1 160.9, including the maxillary, ethmoidal, frontal, and sphenoidal sinuses.
3. The duration between the date of first employment in the work process and the date of diagnosis. In the event that diagnosis is made at the time of death, latency is calculated to the date of death.