

Supreme Court Upholds Lab Workers' Breast Cancer Claims



Three women who worked in a lab at a hospital were among seven women at the lab who developed breast cancer. Their workers' comp claims were initially denied, then upheld by the Tribunal and then denied again. But the Canadian Supreme Court ruled in the workers' favour, finding that the Tribunal's original decision wasn't 'patently unreasonable.' Although the record on which the Tribunal's decision was based didn't include confirmatory expert evidence, it still relied on other evidence, which, viewed reasonably, was capable of supporting its finding of a causal link between the workers' breast cancers and workplace conditions. For example, one report found that these cases were a 'statistically significant cluster' of breast cancer, with a standard incidence ratio approximately *eight times* the rate of breast cancer in the general population. In addition, when the evidence is evenly weighed on causation, that issue must be resolved in the workers' favour, added the Court [*BC (Workers' Compensation Appeal Tribunal) v. Fraser Health Authority*, [2016] SCC 25 (CanLII), June 24, 2016].