

Chapter 20

AN ACT TO AMEND THE WORKERS' COMPENSATION ACT

(Assented to June 10, 2010)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Workers' Compensation Act* is amended by this Act.**
2. **Subsections 14(4) and (5) are repealed and the following substituted:**

Presumption respecting death

(4) The death of a worker is presumed to have arisen out of his or her employment if the worker is found dead at the place where the worker would be during the course of the employment.

Presumption respecting disease

(5) A disease is presumed to have arisen out of a worker's employment and to have occurred during the course of that employment if

- (a) the worker is disabled by the disease;
- (b) the worker has been exposed to conditions during the employment that might reasonably have caused the disease; and
- (c) the exposure to the conditions referred to in paragraph (b) occurred at any time during the 12 months preceding the disability.

3. **The following is added after section 14:**

Definitions

14.1. (1) In this section,

“firefighter” means a worker who

- (a) is engaged in fighting fires as a full-time, part-time or volunteer member of a fire department, and
- (b) does not exclusively fight forest fires; (*pompier*)

“listed disease” means any of the following diseases:

- (a) cardiac arrest within 24 hours after attendance at an emergency response,
- (b) multiple myeloma,
- (c) primary leukemia,
- (d) primary non-Hodgkin's lymphoma,
- (e) primary site brain cancer,
- (f) primary site colo-rectal cancer,
- (g) primary site lung cancer,

- (h) primary site prostate cancer,
- (i) primary site skin cancer,
- (j) primary site testicular cancer. (*maladie inscrite*)

Presumption for firefighters

(2) Despite section 14 and subject to subsection (3), a listed disease is presumed to have arisen out of a worker's employment and to have occurred during the course of that employment if

- (a) the worker is disabled by the listed disease; and
- (b) the worker is or has been a firefighter for the minimum period prescribed in the regulations.

Smokers

(3) Where the listed disease is primary site lung cancer, the presumption referred to in subsection (2) does not apply unless the worker has been a non-smoker before the date of the disability for the minimum period prescribed in the regulations.

4. Section 87 is repealed and the following substituted:

Reappointment of director

87. (1) The Minister may reappoint a person as a director of the Governance Council if the period of continuous service on the Governance Council does not exceed nine consecutive years.

Appointment after break in service

(2) A person who is appointed as a director of the Governance Council is deemed not to have any period of consecutive service at the time of appointment if at least one year has elapsed since he or she last served as a director.