

Ruling links mental illness to aluminum Electrician wins WCB benefits in decision hailed as 'landmark'

[Final Edition]

Toronto Star - Toronto, Ont.

Author: By Leslie Papp Toronto Star

Date: Nov 23, 1996

Start Page: A.1

Section: NEWS

Text Word Count: 846

Document Text

In a ruling that could affect thousands of workers, a Toronto construction electrician has won the right to receive compensation benefits for mental problems caused by working with aluminum.

The unanimous decision by the Workers' Compensation Appeals Tribunal marks the first official recognition of aluminum exposure in the workplace as causing a neurological disease, like Alzheimer's.

"The evidence of the causal link . . . is highly persuasive," the three-member panel concluded in a written verdict. "The evidence of any other possible causal factor in the worker's disability is virtually non-existent."

It was shown that the construction electrician for years, would routinely weld aluminum pipes, grind the metal, spray aluminum paint, and sand with aluminum oxide sandpaper.

Unless it is set aside by Workers' Compensation Board directors, the ruling is expected to cause a deluge of claims from workers in mining, construction, auto parts plants and in the aircraft industry.

"It's a landmark decision," said Hamilton-based worker advocate Stan Gray, who steered the case through six years of rejections and appeals before the tribunal ruling.

But the electrician at the heart of this case can't savor his victory.

"I have no excitement - it doesn't mean anything to me," said the 51-year-old man, who hasn't worked since 1990 due to profound memory problems.

He isn't identified in the tribunal decision. Because of the stigma associated with mental illness, he has asked that his name not be published by The Star.

"I forget my own birthday," he said. "When the priest says the Holy Rosary, I can't follow it. If I read something, I can't retain it. I'm reluctant to talk to people."

But what hurts most is a yawning gap between him and his two children - one in elementary school and the other in high school.

"I know I embarrass them," he said. "I try to stay away if they go into public places. I can't help them at school. When they bring their report card it doesn't mean anything to me."

"I've retreated from them," he said, adding it's largely for their sake that he doesn't want his name reported.

The role of aluminum in neurological problems has been controversial for several years, and the tribunal relied heavily on findings presented by Toronto Hospital neurologist Dr. Donald McLachlan, director of the Centre for Research on Neurodegenerative Diseases, from 1987 to 1994.

McLachlan found elevated levels of this metal in the worker's blood. And he subjected the electrician to a battery of brain scans and electronic brain monitoring - all of which ruled out a tumor or other injury as the cause of his symptoms.

When excess aluminum was cleared from the worker's body, using a treatment called chelation, his mental condition stopped worsening. The remaining disability, however, is so severe that he'll never work again, McLachlan reported.

For years, the WCB refused to grant the worker benefits, arguing that as an electrician he had only limited exposure to aluminum and not nearly enough to cause damage.

The tribunal ruling means that benefits will finally flow to the cash-strapped worker and his family. Exactly how much they'll get depends on a WCB assessment of the extent of his disability.

But Gray, the worker advocate, said a package for total disability is clearly warranted given McLachlan's findings. Such a package would be worth at least \$500,000, he said.

WCB spokesperson Renato Ciolfi said he couldn't comment on the tribunal ruling, adding that each claim of aluminum-related injury is assessed on its individual merits.

"At the present, we don't have a specific policy relating to aluminum neurotoxicity," he said.

According to medical evidence filed with the tribunal, the worker's memory loss was gradual and insidious. First he forgot telephone numbers, recalling only the first three digits.

Then he began making more and more mistakes at work. As a construction electrician he was employed by a variety of contractors since 1966, at job sites including several Metro hospitals and the Eaton Centre.

"I was reprimanded numerous times. On a two- or three- hour job I would spend the whole day," he said. "I was laughed at (by co-workers) - made fun of."

As his condition worsened, he would go to wrong job sites or arrive without his tools. He would lose track of where he parked his car, and often ran out of fuel while driving - forgetting to buy gas online.

He found blueprints increasingly difficult to interpret and began making dangerous errors such as mixing high-voltage and low-voltage cables.

"I was afraid near the end," he said. "I could have killed somebody. I could have been burned to ashes. I don't know if I cried."

The end came when a 10-tonne diesel generator he was installing slipped off an improperly installed jack and crushed one of his fingertips in September, 1989.

He was fired a few months later, after recovering from the injury and trying to resume his job.

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.