

Sick teacher wins asbestos ruling

Lung illness linked to 'bystander' exposure in schools

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In a ruling important to teachers across Ontario, a shop instructor has won the right to be compensated for diseased lungs caused by working in schools where there's asbestos.

The decision, by a Workers' Compensation Board appeal officer last week, is believed to be the first time a teacher has successfully shown that his illness was linked to "bystander" exposure to school asbestos.

The board has, in the past, compensated miners and industrial workers who handle asbestos. And, in a major ruling in 1990, it recognized that a caretaker at North Toronto Collegiate died of lung problems caused by sweeping up fallen asbestos at the school.

Now the board has acknowledged that even school employees who never directly handle this substance can also be at risk, says Hamilton-based worker advocate Stan Gray, who steered the teacher's case through the workers'

compensation system.

"Teachers are only bystanders," Gray said yesterday. "They never work with asbestos. So, the fact teachers are having it shows that even small amounts in a building can cause disease."

The teacher involved was a shop instructor, now 56, who received much of his asbestos exposure while coaching wrestling and weight-lifting in a gym with extensively damaged insulation at Hamilton's Scott Park Secondary School.

"In 1989 inspections at this school showed dangerous asbestos exposures, with asbestos hanging in sheets from the auditorium ceiling, flaking and peeling on the pipes ... and damaged asbestos in the ceiling of the boys' physical education room," wrote compensation board appeals officer Carol Whittaker.

Two other Hamilton high schools where he worked over a 20-year career also "required a lot of repair to the asbestos," she added.

Whittaker concluded the teacher's lung problems were workplace-related, making the instructor eligible for financial compensation. The exact amount of compensation will be calculated later, after the extent of his pain and suffering, as well as his degree of disability, have been determined, Gray said.

The teacher, who took early retirement this year, has asked not to be identified, explaining he wants to keep the extent of his disability private.

Always a fitness enthusiast, he would run, row, wrestle, practise karate and cycle with his students.

"I used to run up stairs — now I'm breathing hard at five or six steps," the former coach lamented, adding his condition will never improve and can only get worse.

"My biggest worry is the students — what about their lungs and their health?" he said. "They sure as heck don't need heartbreak like this."

Jane Allison, spokesperson for the Board of Education for the City of Hamilton, said school officials may go before the Workers' Compensation Appeals Tribunal in an effort to overturn the ruling.

Hundreds of schools across Ontario contain asbestos, although it only becomes a major risk if it's exposed and deteriorating, Gray said.