

Open the Cat? Causal Nexus in Work Accident/ Occupational Disease

Abre a Cat? Nexo Causal no Acidente do Trabalho/ Doença Ocupacional

¿Abre la CAT? Nexo Causal en el Accidente Laboral/ Enfermedad Ocupacional

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ABSTRACT

The text “Open the Cat? Causal Nexus in Work Accident/Occupational Disease” discusses the importance of establishing the causal relationship between work accidents and occupational diseases, and analyzes the complexities and criteria involved in identifying this relationship. The book, authored by an experienced medical doctor and professor, explores various causal nexuses such as the labor, social security, and civil nexuses, and elaborates on the components of these nexuses. Through a clear and accessible approach, the work contributes to the understanding of professionals in health, safety, and occupational medicine, facilitating the challenging task of establishing the causal nexus between accidents/diseases and work.

Keywords: Work accidents, Worker’s health, Labor legislation.

RESUMO

A obra “Abre a Cat? Nexo Causal no Acidente do Trabalho/Doença Ocupacional” aborda a importância de estabelecer a relação causal entre acidentes de trabalho e doenças ocupacionais e analisa as complexidades e critérios envolvidos na identificação dessa relação. O livro, de autoria de um experiente médico e professor, explora os diversos nexos causais, como o trabalhista, previdenciário e cível, e detalha os componentes desses nexos. Por meio de uma abordagem acessível, a obra contribui para a compreensão dos profissionais da saúde, segurança e medicina do trabalho, facilitando a (difícil) tarefa de estabelecer o nexos causal entre acidentes/doenças e o trabalho.

Palavras-chave: Acidentes de trabalho, Saúde do trabalhador, Legislação trabalhista.

RESUMEN

El texto “¿Abre la CAT? Nexo Causal en el Accidente Laboral/Enfermedad Ocupacional” aborda la importancia de establecer la relación causal entre accidentes laborales y enfermedades ocupacionales, y analiza las complejidades y criterios involucrados en la identificación de esta relación. El libro, escrito por un experimentado médico y profesor, explora diversos nexos causales como el laboral, de seguridad social y civil, y detalla los componentes de estos nexos. Por medio de un enfoque claro y accesible, la obra contribuye a la comprensión de los profesionales de la salud, seguridad y medicina ocupacional, facilitando la difícil tarea de establecer el nexos causal entre accidentes/enfermedades y el trabajo.

Palabras clave: Accidentes laborales, Salud del trabajador, Legislación laboral

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To recognize a workplace accident or occupational disease (work-related illness), it is important to observe a series of aspects. The main one is the so-called causal relationship, meaning there must be a direct link between the accident or illness and the working conditions. It is therefore necessary to establish that the professional activity performed was the cause or contributing factor of the accident or illness.

If a worker insured under the General Social Security Regime (RGPS) suffers a work-related accident, he (or his dependents, in the case of death) may receive from the National Institute of Social Security (INSS) one of the corresponding accident-related social security benefits (accident disability assistance [B91], disability retirement [B92], accident death pension [B93], and accident assistance [B94]). Furthermore, injured workers have the right to the deposit of the Severance Indemnity Fund (FGTS), provisional job stability, and the possibility of receiving compensation for civil liability from the employer.

The recognition of workplace accidents/occupational diseases is, therefore, of great importance to ensure the enforcement of these rights for injured workers. The correct identification and proper recording of these events enable workers to access social security benefits and other legal guarantees. This recognition also contributes to the adoption of preventive and safety measures in the workplace and helps to better understand the magnitude of these events.

The book "Does It Open the CAT? Causal Link in Workplace Accidents/Occupational Diseases" is a work that addresses the importance of identifying and documenting workplace accidents, highlighting the

role of professionals in occupational health and safety, companies, and other entities involved in recognizing the causal link of these conditions.

The book was written by an experienced physician, ergonomics professor, trainer in occupational health and safety, expert, and technical assistant. In the sixteen chapters of the work, the author presents an in-depth approach to the causal link in the field of occupational health and safety.

In Chapter 1, the author introduces the theme of the book, explaining his motivations for writing it and its relevance.

Chapter 2 presents the concepts of Accident Communication (CAT), causal link, and workplace accident. It describes the types of CAT and what causal link means, including the existing types, and explains different kinds of misfortunes, such as strict-sense accidents, commuting accidents, occupational diseases, work-related diseases, and dual-category accidents.

Chapter 3 discusses the legal bases for establishing the causal link. It examines the laws and regulations that define what is considered a workplace accident, occupational disease, professional disease, work-related disease, and other special conditions, particularly Law No. 8,213/1991. The author presents the legal definition of workplace accidents, equivalents, decharacterization factors (aggravation or complication of workplace accidents; degenerative diseases inherent to age groups that do not cause work incapacity; or endemic diseases) and highlights important points such as contestation of the Technical-Preventive Epidemiological Link (NTEP), deadlines for CAT communication, authorized

individuals to issue the CAT, and the date of occupational disease. The NTEP was implemented to mitigate underreporting of accidents and work-related illnesses. Its application, despite being contested by some entities and research groups, has been recognized by the Federal Supreme Court (STF) as constitutional and remains in effect in the country.

Chapter 4 addresses the tools and references used to establish the causal link. The author presents various tools for assessing the relationship between work and the occurrence of accidents and occupational diseases, such as NIOSH, RULA, TOR-TOM, OCRA, OWAS, advanced OWAS, Analytical Decomposition, UPR, among others. Each of these tools has its own advantages and disadvantages, and while some may have similarities, they do not necessarily have direct equivalence to each other. The book discusses the characteristics, advantages, disadvantages, main uses, and particularities of each of these measurement tools.

In Chapter 5, the author explores the analytical criteria of Law No. 8,213/91 for the legal concept of workplace accidents. It presents the three essential cores for characterizing the accident: effective service/subordination, injury/disturbance, and work incapacity. Additionally, three factors influencing the definition of the accident are discussed: external factor, legal factor, and prognostic factor. Together, these three factors play a relevant role in defining the accident and contribute to determining whether the event meets legal criteria, whether it is related to factors external to the worker, and whether it resulted in a permanent or temporary loss or reduction of work capacity. The author also explores the concepts of strict-sense/commuting accidents and

their equivalents, as well as the dismissals of workplace accidents.

Chapter 6 addresses the concept of causal link and the importance of the “Tri-gram” (risk, link, and damage) in determining the cause-and-effect relationship between a disease and the work environment. By analyzing risk, link, and damage together, the author clarifies that it is possible to more thoroughly assess the relationship between the disease and labor, strengthening the argument and the foundations for identifying and recognizing workplace accidents and occupational diseases.

Chapter 7 discusses the increasing complexity of accident rates and the difficulty of establishing the causal link in mental disorders. The author explores how changes in the work environment, such as the adoption of new technologies and processes, have created new risks and challenges for worker safety.

In Chapter 8, the author discusses different types of causal links and their technical-legal factors, highlighting the plurality of the causal link. The chapter begins with a discussion of the labor-related link and its “qualitative” nature. The author understands that the labor-related link pertains to Specialized Services in Safety Engineering and Occupational Medicine (SESMEs) in the investigation of accidents and illnesses within the company. Following this, the author presents the social security link, divided into three types (professional or work-related link, individual link, and NTEP). Finally, the civil link is addressed based on the Civil Code, which deals with unlawful acts, damage, and link.

Chapter 9 discusses some determinants of the causal link and presents diffe-

rent factors present in the routine of Health and Safety at Work (SST) professionals that influence the establishment of this relationship, such as personal impressions and convictions, natural laws, “chaotic” causal relationships, and Schilling’s classification.

Chapter 10 covers the evolution of accident legislation in Brazil from the creation of the first law in 1919 to the present day, with the issuance of Complementary Law 150/2015. This latter law brought domestic workers under the benefits related to workplace accidents, representing a significant advancement for this category, which had previously been unsupported by accident benefits.

In Chapter 11, the causal link equations for workplace accidents and occupational diseases are presented. The equation for the causal link of a strict-sense accident is summarized as follows: Causal Link = (NE + NN + NF), where: NE = Etiological Link; NN = Nosological Link; and NF = Functional Link. The equation for occupational disease is determined by: Causal Link = (RA + PRS + HS), where: RA = Acute Risk, PRS = Similar Risk Pathology, HS = Sustainable Exposure History. The chapter discusses the general components of each equation, presents positivity criteria, and practical examples of applying each formula.

Chapter 12 presents the relationships between the three links (labor, social security, and civil) and discusses the official recognition of the Dual-Category Accident (ADE), the acute risk, and transcausality. In ADE—still unreferenced by national legislation—the occupational disease (without defined date and time) was caused by a typical workplace accident (with defined date and time). For example, in a situation where a healthcare worker contracted he-

patitis B due to a wound caused by a sharp object. Although the disease develops gradually, its origin was a typical accident that occurred in the workplace, resulting in a hybrid condition. The author understands ADE as an accident that involves two different categories of harm to the worker.

Chapter 13 addresses the issue of the compensation amount in cases of workplace accidents and its relation to the Trigram. The chapter emphasizes the importance of proper management to reduce or eliminate both risk and damage, aiming to minimize the consequences of workplace accidents.

Chapter 14 discusses the different attitudes of managers regarding labor legislation, including legalist, infralegalist, and supralegalist stances. The author argues that these attitudes are not mutually exclusive and that managers may adopt a mixed approach depending on the circumstances and needs of the organization. In this chapter, Lenz discusses the advantages and disadvantages of each stance and presents examples of how they can be applied in practice.

Chapter 15 presents commented real examples of workplace accidents. The author applies the components of the causal link equations for workplace accidents and occupational diseases to clarify the connection between the incidents and work. This aims to solidify the understanding of the relationship between labor activity through cases that are part of the daily life of professionals working in occupational health and safety.

The final chapter, Chapter 16, addresses Mental and Behavioral Disorders Related to Work, focusing on diagnosis and the

establishment of the causal link. Twelve disorders are explored according to Ordinance 1,339/1999. Each disorder is described in terms of its general description, associated environmental risks, and clinical picture.

Lenz Alberto Alves Cabral's work presents an accurate and enlightening approach to workplace accidents and the causal link, offering qualified guidance for professionals in occupational health and safety, as well as others involved in this field. It explores, in accessible language, various aspects of the relationship between work activity and the pathologies affecting workers as a consequence of risks and hazards to which this population is exposed in their activities.

“Does It Open the CAT? - Causal Link in Workplace Accidents/Occupational Diseases” is, in summary, a contribution to the literature in the fields of Occupational Medicine, Worker Health, and SST, aimed at facilitating the (difficult) task of professionals in these fields to establish the causal link between accidents/illnesses and work, in the pursuit of ensuring effective recognition and communication of workplace accidents and the consequent protection and rights of the workers involved.

Referências:

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