

# What Is Considered an Occupational Disease in New York Workers' Compensation?

## Understanding Which Work-Related Conditions May Qualify You for Benefits

Occupational diseases don't always make headlines, but they affect thousands of New York workers every year. Unlike a sudden accident, these conditions develop gradually over time, often without a clear warning sign or obvious starting point. That's what makes them harder to diagnose, harder to prove, and sometimes even harder to recognize as work-related.

Too often, workers suffering from occupational diseases go without compensation because they don't realize they have a valid claim. Or their doctor doesn't ask the right questions about what they do for a living. That's where our legal team steps in.

At [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#), we help injured workers and their families understand their rights under New York workers' compensation law, especially when it comes to occupational disease claims.

Here's what you need to know if you've been diagnosed with a long-developing condition that may be linked to your job.

## What Is an Occupational Disease Under New York Law?

[New York law](#) defines an occupational disease as a condition caused by the nature of your job, not by a single accident or event. These are injuries or illnesses that develop over time due to continuous exposure, [repetitive motion](#), or ongoing stressors tied to your employment.

Unlike an accidental injury, which may result from a fall, collision, or machinery malfunction, occupational diseases often have a slower onset. Symptoms may appear gradually, and the connection to work isn't always immediately clear. But that doesn't mean you don't have a claim.

Some examples of occupational diseases include:

- [Carpal tunnel syndrome](#) from years of keyboard work
- [Hearing loss](#) from long-term noise exposure
- Breathing problems from inhaling dust, fumes, or chemicals
- Knee, shoulder, or back injuries from repetitive lifting or climbing
- Skin conditions caused by chemical exposure
- Certain cancers linked to toxic substances at work

These conditions must be traced back to a characteristic part of your job duties. For a claim to be successful, you'll need medical documentation that links your diagnosis to your work.

## What Makes Occupational Disease Claims So Challenging?

One of the biggest hurdles in occupational disease claims is timing. Many workers are diagnosed months or even years after they've stopped performing the harmful activity or after they've left the job altogether. By the time symptoms become serious enough to see a doctor, the connection to work may not be obvious.

Primary care physicians and specialists often don't take a detailed work history. If they aren't familiar with occupational conditions, they may not ask the right questions or may attribute the illness to age or unrelated causes. This can delay proper diagnosis and leave workers using their private health insurance instead of filing a [workers' compensation claim](#).

That's why it's crucial to speak with a lawyer who understands how these cases work. If your symptoms could be tied to something you were exposed to or required to do repeatedly on the job, you may still be eligible for benefits even if your doctor didn't initially make the connection.

### **What Kinds of Workers Are Most at Risk?**

Occupational diseases can affect workers in all types of jobs, but certain industries carry a higher risk due to the nature of the work involved. We often see claims from:

- **Construction Workers:** Joint damage from lifting, kneeling, and climbing; lung disease from silica, asbestos, or dust
- **Healthcare Workers:** Back injuries from patient handling; skin conditions from chemicals or disinfectants
- **Office Workers:** Carpal tunnel or repetitive strain injuries from long hours at a computer
- **Factory and Warehouse Workers:** Hearing loss from machine noise; respiratory illness from fumes or particulates
- **Transit and Delivery Workers:** Joint degeneration from repetitive lifting or prolonged driving

Keep in mind that even if your job doesn't seem "dangerous," that doesn't mean you can't develop a serious occupational condition. Repetition, vibration, awkward posture, and long-term exposure can all lead to lasting injuries or illness.

### **How Do You Prove That a Condition Is Work-Related?**

To file a workers' comp claim for an occupational disease, you must show that your condition was caused by your job. This requires both a detailed work history and a clear medical opinion connecting your diagnosis to your employment.

Here's what helps build a strong case:

- **A Specific Work Pattern:** Your job involved a repetitive task or exposure over time, such as lifting heavy materials, inhaling chemicals, or typing all day.

- **Medical Records:** A treating doctor or workers' comp-authorized provider who understands your work history and states that your condition is causally related to your job.
- **Job Description and Duties:** Detailed accounts of your daily responsibilities and how long you performed them.
- **Occupational History:** When and where you worked, especially if you were exposed to noise, chemicals, or physical strain at multiple jobs.
- **Timeline of Symptoms:** When your symptoms started, how they progressed, and when you sought treatment.

The more documentation you have, the stronger your claim will be. Even if your condition was diagnosed after you left the job, you may still qualify if your employment contributed to the illness.

### **What Is the Deadline to File a Claim?**

For occupational diseases in New York, the time limit to file a workers' compensation claim is generally two years from the date of disablement. This is usually interpreted as either:

- The date you were diagnosed with the condition
- The date you first lost time from work because of the condition

Unlike accidental injuries, you don't need to report an occupational disease to your employer within 30 days. You still must file a [C-3 claim form](#) with the Workers' Compensation Board within two years of becoming disabled.

If you suspect your condition may be work-related, don't wait. Talk to a workers' compensation attorney right away. Delays can jeopardize your benefits and cost you access to medical care, lost wage replacement, and other critical support.

### **Who Pays the Claim if You Had Multiple Employers?**

Under New York law, your occupational disease claim is filed against the last employer who exposed you to the harmful condition. This means:

- Even if your symptoms started years earlier, the claim is filed against the most recent job where exposure occurred.
- If you worked for several companies doing the same harmful activity, the last one is generally responsible for the claim.

This can be confusing for workers who have switched jobs, changed industries, or are retired. But the law is clear: you don't need to prove exactly when the disease started, only that your last employer exposed you to the harmful activity that contributed to it.

### **What Benefits Are Available for Occupational Disease Claims?**

If your claim is accepted, you may be entitled to the same benefits as any other injured worker in New York:

- **Medical Coverage:** All necessary and related treatment, including specialist visits, therapy, medication, and surgery
- **Wage Replacement:** A percentage of your lost wages if you're unable to work
- **Permanent Impairment Awards:** Additional compensation if your condition results in lasting disability
- **Vocational Rehabilitation:** Services to help you return to work or find a new job, if needed
- **Survivor Benefits:** In fatal cases, families may receive death benefits

The system is designed to support workers who've been injured or made ill by their job, even when the harm took time to reveal itself.

### **What If Your Doctor Didn't Make the Connection?**

This happens more often than people think. General practitioners and even some specialists may not be familiar with occupational injuries. They may treat the symptoms without inquiring about your work or realizing that your job could be the cause.

Here's what to do:

- **Get a Second Opinion:** Especially from a doctor familiar with work-related conditions.
- **Request an Occupational History:** Make sure your doctor includes your job duties and timeline in their report.
- **Talk to a Lawyer:** We can help identify medical providers who understand how to document occupational disease claims properly.

You have the right to challenge a denial and the right to have your condition evaluated by someone who understands both your job and the law.

### **Why You Should Talk to a Workers' Compensation Lawyer**

Occupational disease claims are complex. The symptoms may be vague. The timeline may be unclear. And proving your job caused your condition can be difficult, especially if you're already struggling with your health.

That's why it's important to work with a legal team that knows how to navigate these cases.

At Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, we've spent decades representing union workers, city employees, healthcare staff, tradespeople, and others across New York. We know how to build strong occupational disease claims and fight for the benefits you deserve.

If you believe your health condition is related to your job — even if you're not sure — we want to hear your story.

Don't wait until the bills pile up or your condition worsens. You may have a valid claim, and we can help you pursue it. [Contact us today](#) to schedule your free consultation with an experienced New York workers' compensation attorney.