

Compensation and work-related cancers

Information for people affected by cancer

If your work has caused or contributed to your cancer diagnosis, you may be able to claim compensation. To be eligible for compensation, your work must have been the ‘significant contributing factor’ to the cancer diagnosis. It does not have to be the only reason you developed cancer.

This fact sheet answers some common questions about compensation for work-related cancer.

Is work-related cancer common?

Exposure to various substances in the workplace can cause cancer.

About 5000 people are diagnosed with a work-related cancer each year. That is 1 in 10 cancers diagnosed in men and 1 in 50 cancers diagnosed in women.

What workplace exposures could cause cancer?

Exposure to different substances can result in work-related cancers.

- **Sun** – Skin cancer is a common work-related cancer. If you have worked in the sun, you may be at a greater risk of developing skin cancer, including melanoma.
- **Asbestos, diesel exhaust, vinyl chloride, wood and leather dust, heavy metals, solvents, rubber and pesticides** – Exposure to these substances can cause different types of cancers, but the most common are lung, nasal, liver, bladder, pancreas, brain or stomach cancers and leukaemia.
- **Ionising radiation** – If you’ve been exposed through the mining or nuclear energy industries, you may be at greater risk of developing several types of cancer.

What compensation is available?

If your cancer is work-related, you may be entitled to receive:

- reimbursement for all your medical expenses
- weekly payments in place of your wages while you cannot work
- a lump-sum amount to compensate you for your cancer.

If a person dies from a work-related illness or injury, their family is entitled to:

- a lump-sum death benefit
- a weekly payment for dependent children (16 and under, or 17–21 and still studying)
- reimbursement of funeral expenses.

Making a claim

If you have cancer and you think it may be work-related, you should look into whether you are entitled to compensation. It’s important to obtain legal advice from a lawyer who specialises in workers’ compensation matters. You should do this as soon as possible, as time limits may apply.

In Queensland, WorkCover Queensland pays most of the compensation. Employers in Queensland are required by law to have workers’ compensation insurance to cover their employees for work-related injury and illness.

The lawyer will help you to make a claim. Usually, the first step is to see a doctor to obtain a workers’ compensation medical certificate. The medical certificate confirms that your cancer is work-related. You then need to submit the certificate to the ‘relevant’ employer, who notifies their insurer. The ‘relevant’ employer is the last workplace where you were exposed to cancer-causing substances. The employer’s insurer will then contact you for more information.

If your insurer rejects your claim, you can challenge

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the decision at the Workers' Compensation Regulator. For further information, contact 1300 739 021.

Compensation for asbestos-related cancers

Claims for asbestos-related diseases are managed by WorkCover Queensland.

Diseases caused by exposure to asbestos:

- Mesothelioma
- Lung cancer
- Pneumoconiosis
- Diffuse pleural fibrosis.

WorkCover Queensland

A person exposed to asbestos during their employment and who has developed asbestos disease is entitled to compensation through WorkCover Queensland.

If a claim is accepted, weekly payments covering loss of wages, medical and other expenses commence. The payment amount is determined by your level of disability due to asbestos disease.

If the asbestos disease results in death, surviving dependent spouses may be able to claim funeral expenses, a pension and a lump sum.

Applications to WorkCover Queensland can be made in writing, online or through your doctor. You do not need a lawyer to assist you.

Common law claims

A person who develops asbestos disease may be able to sue their employer for compensation in the courts.

You will need to prove in court that the negligence of your employer contributed significantly to your diagnosis.

The compensation paid covers pain and suffering, any voluntary help provided to you (such as by a carer), medical expenses and income loss.

You need a lawyer to make a common law claim. It is important to obtain legal advice from a lawyer who specialises in dust diseases compensation claims.

Where to get help and more information

- Cancer Council **13 11 20** for Information and Support
- WorkCover Queensland – worksafe.qld.gov.au; **1300 362 128**

Note to reader

This fact sheet provides general information relevant to Queensland only and is not a substitute for legal advice. You should talk to a lawyer about your specific situation.

Cancer Council Queensland

553 Gregory Terrace Fortitude Valley QLD 4006
Cancer Council 13 11 20 for Information and Support
Facsimile (07) 3257 1306
Website cancerqld.org.au



For information and support on cancer-related issues, call Cancer Council **13 11 20**. This is a confidential service.