

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 ‘main 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 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 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, and possibly an additional amount for pain and suffering.

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

- a lump-sum death benefit
- a weekly payment for dependent children (under 16 or still working full-time)
- 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. If you are contemplating making a workers’ compensation claim, you can obtain information from your employer about how to go about this. Your employer is legally obligated to provide this information. If you need further assistance, you can contact WorkSafe ACT or 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.

You may be reimbursed or able to reclaim all or some of your legal fees if you are successful in a workers’ compensation claim. The insurance company may pay your lawyer’s fees at the end of your claim. You should be aware that there may be serious consequences if a false, misleading or fraudulent workers’ compensation claim is made.

Employers in the ACT are required by law to have workers’ compensation insurance to cover their employees for work-related injury and illness.

Compensation and work-related cancers

In the ACT, if a workers' compensation claim is accepted, the relevant insurance company pays the compensation.

The lawyer will help you to make a claim. Usually, the first step is to see a doctor to obtain a WorkCover medical certificate about whether 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 may then contact you for more information.

If your work-related cancer was caused by your employer's negligence, you may also be entitled to compensation for 'pain and suffering'. Strict time limits apply to lodging this type of claim, so it's important to talk to a lawyer as soon as possible.

Where to get help and more information

- Cancer Council 13 11 20
for Information and Support
- WorkSafe ACT
02 6207 3000
worksafe.act.gov.au

Note to reader

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

Cancer Council ACT
5 Richmond Avenue, Fairbairn ACT 2609
Cancer Council 13 11 20 for Information and Support
Facsimile (02) 6257 5055
Email reception@actcancer.org
Website actcancer.org



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