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 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 NSW, WorkCover pays the compensation. Employers in NSW 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 WorkCover 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 the decision at the Workers Compensation Commission. You may be eligible for free legal...
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Dust Diseases Tribunal of NSW
Regardless of where the exposure occurred, a person who develops asbestos disease can sue for lump-sum compensation. A specialist court called the Dust Diseases Tribunal of NSW (DDT) deals with these claims.

If the exposure occurred at work, you can make a claim through the DDB and a separate claim for lump-sum compensation through the DDT.

The compensation paid covers pain and suffering, any voluntary help provided to you (such as by a carer), medical expenses and income loss. If the exposure occurred at work and you are eligible for compensation from the DDB, you cannot also claim medical expenses at the DDT.

You need a lawyer to make a claim at the DDT. 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
- Workers’ Compensation Dust Diseases Board of NSW – ddb.nsw.gov.au; 1800 550 027
- Dust Diseases Tribunal of NSW – dustdiseasestribunal.justice.nsw.gov.au; 02 9377 5440

Diseases caused by exposure to asbestos:
- Mesothelioma
- Lung cancer
- Asbestosis
- Asbestos-related pleural disease.

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

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