

Occupational exposures to UV radiation

Workers' compensation claims paid in Australia 2000-2009

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research



prevention



support





Skin cancer - the Australian context

- 2/3 Australians diagnosed before the age of 70
- Each year 440,000 people are diagnosed & 1850 deaths (AIHW 2008)
- 2/3 deaths are men
- Costs the healthcare system \$300 million+ per year
- WA second only to QLD in terms of incidence
- UV levels are higher in Australia than other countries and often reach extreme levels in summer



Occupational sun exposure stats

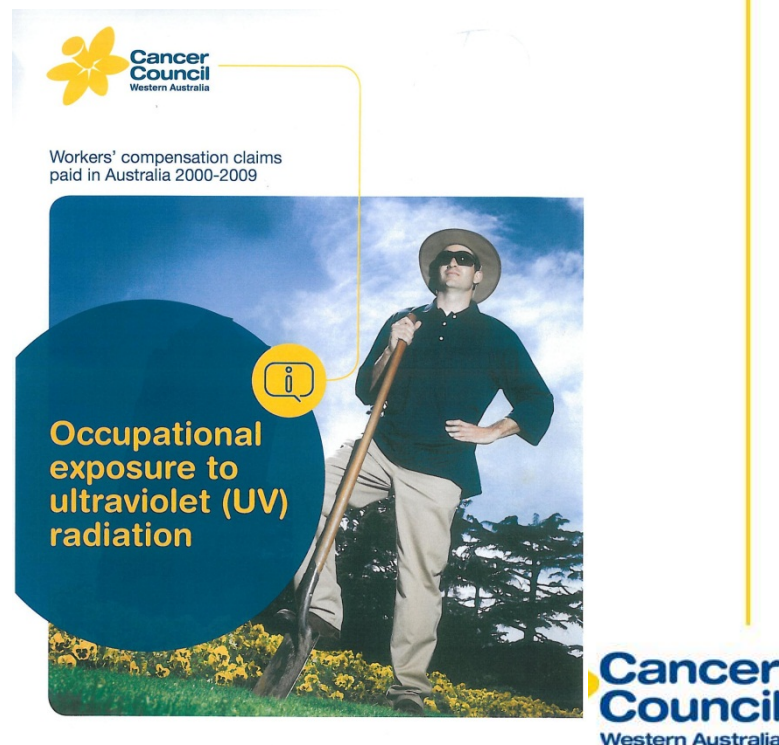
- 34% of Australian workers were exposed to direct sunlight during working hours
- Estimated 200 melanomas and 34 000 non melanoma skin cancers per year are caused by occupational exposures in Australia
- Those working in the agriculture, forestry, fishing and construction industries have greater risk of exposure
- Those in smaller workplaces are more likely to be exposed and less likely to be provided with sun protective control measures than those in workplaces with more than 200 workers.

Monograph

Occupational exposure to ultraviolet radiation: Workers' compensation claims paid in Australia 2000-2009

Key issues:

- UV radiation and skin cancer risks in Australia
- Legislative responsibilities for employers and workers
- Compensation claim statistics and examples
- Further assistance



OHS responsibilities

Employer responsibilities:

- An employer must ensure that the health and safety of workers and other people in the workplace is not put at risk
- UV radiation is a known cause of injury/disease therefore should be treated as a workplace hazard
- Failure to comply may result in fines under work safety legislation and may leave a workplace liable to legal action.

Worker responsibilities:

- A worker must take reasonable care for his or her own health and safety and comply with employer instruction, and co-operate with any OHS policy or procedures.

Sun related injury/disease claims 2000-2009

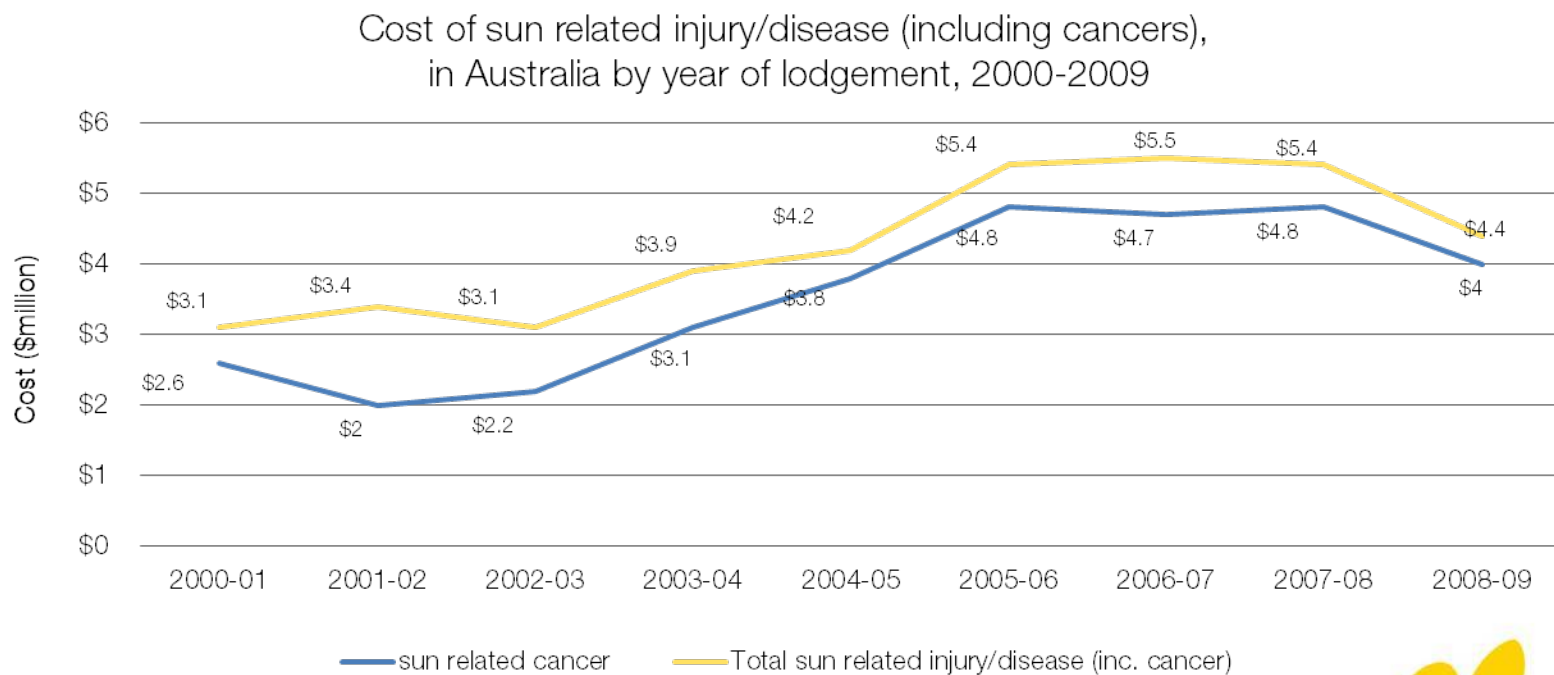
A total of 1,360 workers compensation claims for sun related injury/disease have been made in Australia from 2000-2009 (cancers = 1,070; other sun related injury/disease = 290)

Number of claims for sun related injury/disease (including cancers) in Australia by year of lodgement, 2000-2009



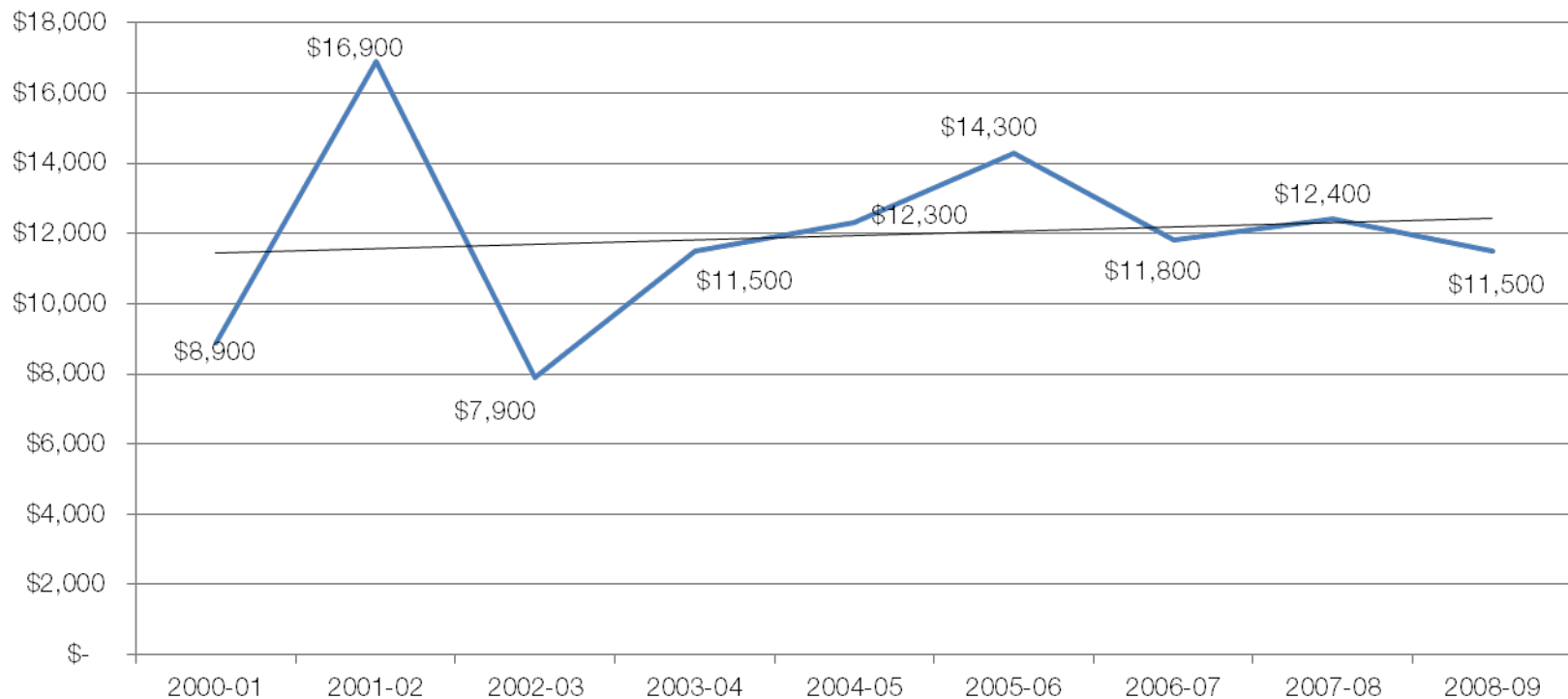
Sun related injury/disease costs 2000-2009

A total of \$38.4 million has been paid for sun related workers' compensation claims in Australia from 2000-2009
(cancers = \$32.1million; other sun related injury \$6.3 million)



Sun related injury/disease typical payments

Typical payment for workers' compensation claims made for sun related injury/disease in Australia by year of lodgement, 2000-2009





Claim examples

Case No. 2 and Company 2: [2003] settled out of court

Case No. 2 delivered mail in Queensland for eight years. He usually worked during the hottest part of the day, wore short-sleeved shirts and shorts, wasn't provided with sunscreen and wore a regulation motorcycle helmet, which did not have a sun visor.

Shortly before the hearing began, Company 2 agreed to pay all legal costs, medical expenses, and some travel costs. Company 2 has agreed to compensate Case No. 2 if he develops a secondary melanoma, and has confirmed that should it be fatal, his family will receive lump sum compensation.

Case No. 8 v Company 8 [2009] NSW WCC 5671

Case No. 8 worked outdoors as a road construction foreman and concrete finisher for a local government. He did not wear protective clothing or apply sunscreen during his 13 years of employment prior to 1989, after which his employer provided him with protective clothing and sunscreen. He suffered basal cell carcinomas on his head/face, chest, neck, back, legs and arms, which had to be removed at considerable cost.

The NSW Workers' Compensation Commission accepted Case No. 8's claim and ordered Company 8 to pay \$25,930.85 for his medical treatment and related expenses, and legal costs

Case No. 11 and Company 11 [2010] Qld

In 2010 the family of Case No. 11 received a record payout from Company 11 after Case No. 11, a former carpenter and plasterer, passed away at the age of 43, two years after being diagnosed with melanoma. His wife, who is now the sole carer of their four young sons, was awarded total dependency and received a landmark six figure payout.

This case sets a significant precedent for sizeable payouts for melanoma caused by occupational exposure in Queensland.

Monograph

- Launched end of November
- Will be distributed to WorkSafe, industry bodies and unions. Workplaces/OHS reps can request a copy
- PDF will be accessible online
- We hope it will:
 - Highlight, to employers, the risks of a compensation claim and provide scope for implementing policy and procedures to protect workers
 - Increase the number of workplaces protecting workers with policy and procedures
 - Reduce the number and cost of compensation claims in Australia
 - Reduce occupational exposure to UV and the associated injury/disease

Any questions?

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