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 WA, WorkCover WA pays the compensation. Employers in WA 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 Conciliation Service. WorkCover WA’s Advice

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and Assistance may be able to provide you with assistance and guidance on your rights. For further information, contact 1300 794 744.

Compensation for asbestos-related cancers
Claims for asbestos-related diseases are managed by WorkCover WA.

Diseases caused by exposure to asbestos:
- Mesothelioma
- Lung cancer
- Pneumoconiosis
- Diffuse pleural fibrosis.

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

If a claim is accepted, weekly payments covering loss of wages, medical and other expenses commence. a weekly pension and medical expenses. 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 WA need to be made in writing. 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 your illness was caused by your employer’s negligence.

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 WA – workcover.wa.gov.au; 1300 794 744

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

Cancer Council WA
420 Bagot Road, Subiaco WA 6008
Cancer Council 13 11 20 for Information and Support
Facsimile (08) 9212 4334
Website cancerwa.asn.au