

WORK RELATED MESOTHELIOMA AND WORKERS' COMPENSATION IN WESTERN AUSTRALIA

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Outline

- Introduction – Overview of mesothelioma in Australia and Western Australia
- Literature review – Compensation process for mesothelioma in Western Australia
- Study Methodology
- Results
- Conclusion and recommendations



Introduction

Overview of Mesothelioma in Australia/Western Australia

- Asbestos was widely mined and used in manufacturing in Australia in the early and mid-twentieth century.
- Exposure to asbestos causes a spectrum of disease from asbestosis to lung cancer and Mesothelioma
- Mesothelioma – malignant neoplasm of the mesothelium (most commonly Pleura) that has limited treatment options with median survival of about 10 months
- Long Latency period (20-40yrs) – difficult to establish a link

Attanoos, 2014

Musk, de Klerk, & Nowak, 2016

Overview of Mesothelioma in Australia/Western Australia

- Exposure to Asbestos occurs mostly in the occupational setting
- Occupations commonly involved – construction industry worker, mechanical fitters and turners, electricians, boiler makers and welders
- WA – one of the highest rates of Mesothelioma (4.2/100,000) – Australian Mesothelioma Registry, 2016)
- Incidence is increasing



Soeberg, Leigh, & van Zandwijk, 2016
Australian Mesothelioma Registry, 2016
Australian Institute of Health and Welfare (AIHW), 2017



Compensation for Mesothelioma

- Mesothelioma is a compensable disease in Australia
- 2 main types of compensation claims available for asbestos exposure and mesothelioma in WA

Workers' Compensation Claim

Common Law Claim

Compensation for Mesothelioma

Workers' Compensation Claim

- Workers Compensation Act 1902
- amended and reformed and renamed the Workers' Compensation and Injury Management Act 1981
- Claim can be filed by a worker against employer's insurer or Insurance Commission of Western Australia

Common Law Claim

- seeking compensation through a court against an employer or asbestos manufacturer
- needs a worker to have a permanent impairment or proof of negligence on the part of employer
- Only form of compensation available for mesothelioma due to non occupational exposure

Safe Work Australia, 2011

Cancer Council Australia, 2017



Compensation for Mesothelioma

- ▶ About 90 % of the mesothelioma in men and 25% in women is attributed to occupational exposure
- ▶ In Canada the proportion of workers receiving workers' compensation for mesothelioma was about 33% between 1970 – 2005
- ▶ In NSW about 64% of the cases notified to the New South Wales (NSW) cancer registry received workers' compensation from the NSW Dust Disease Board
- ▶ No data about the extent of compensation for mesothelioma in WA

Fritschi & Driscoll, 2006

Kirkham, Koehoorn, McLeod, & Demers, 2011

Hyland, Ware, Johnson, & Yates, 2007



AIMs

- ▶ To explore the extent of workers' compensation for mesothelioma in WA and compare the characteristics of compensated work-related cases of mesothelioma with the total mesothelioma cases with occupational exposure in WA.



Methods

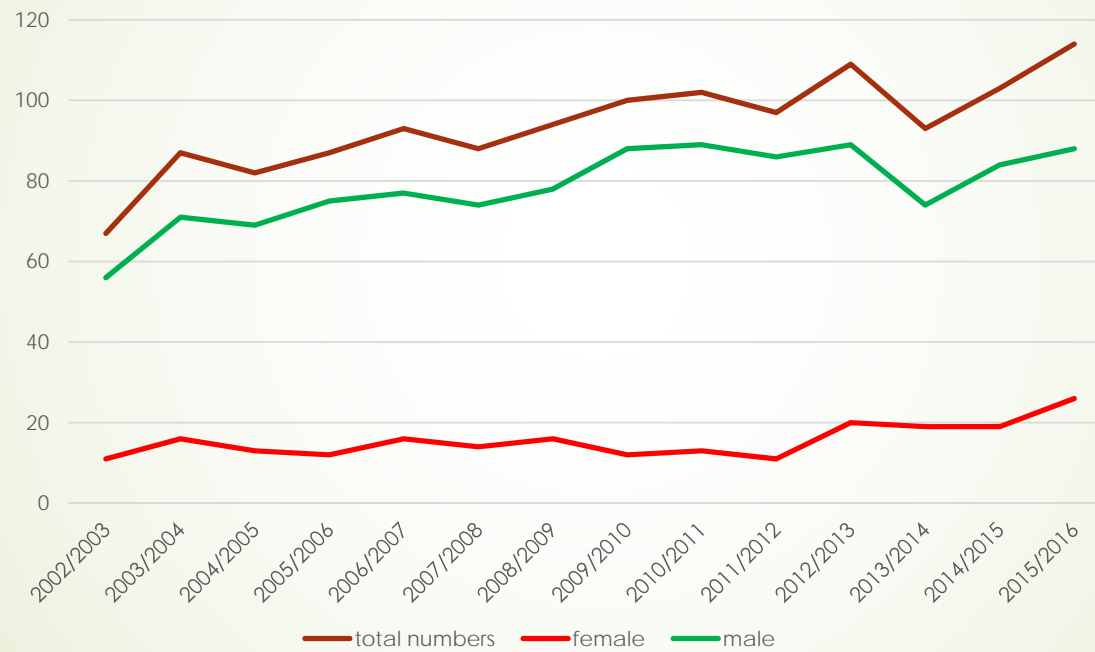
- Ethics approval - Curtin University Human Research Ethics Committee.
- **Sources of Data**
 - 1) Western Australian Mesothelioma Register (WAMR)
 - 2) WorkCover WA
 - 3) Insurance Commission of Western Australia (ICWA)
- Study Period – Financial year 2002/03 to 2015/16



Methods

- ▶ The data obtained from all the three sources were recorded in similar format in the Microsoft Excel spreadsheet
- ▶ Being time series data, descriptive statistical analysis (mean, median, and standard deviation) was used for statistical analysis.

Results




Total mesothelioma cases =
1316

Total number of mesothelioma cases in WA by year and by gender (Source: WAMR)

Results

Age Group	Male	Female	Total
<30 years	2	0	2 (0.15%)
31-40	3	1	4 (0.3%)
41-50	32	8	40 (3%)
51-60	124	32	156 (12%)
61-70	339	64	403 (30.6%)
71-80	386	59	445 (33.8%)
81-90	210	53	263 (20%)
No Age data	2	1	3 (0.22%)

Age distribution of all cases of mesothelioma in WA between 2002/03 to 2015/16 (Source: WAMR)



Results

Exposure source	Male	Female
Occupational	862(78.5%)	23(10.5%)
Non occupational	136(12.5%)	126(57.8%)
Asbestos Exposure Unknown	100(9.1%)	69(31.7%)

Exposure sources among male and female mesothelioma cases **(Source: WAMR)**

Results



Total cases receiving compensation = 584

Total number of mesotheliomas cases who received workers compensation through **WorkCover WA** by financial year

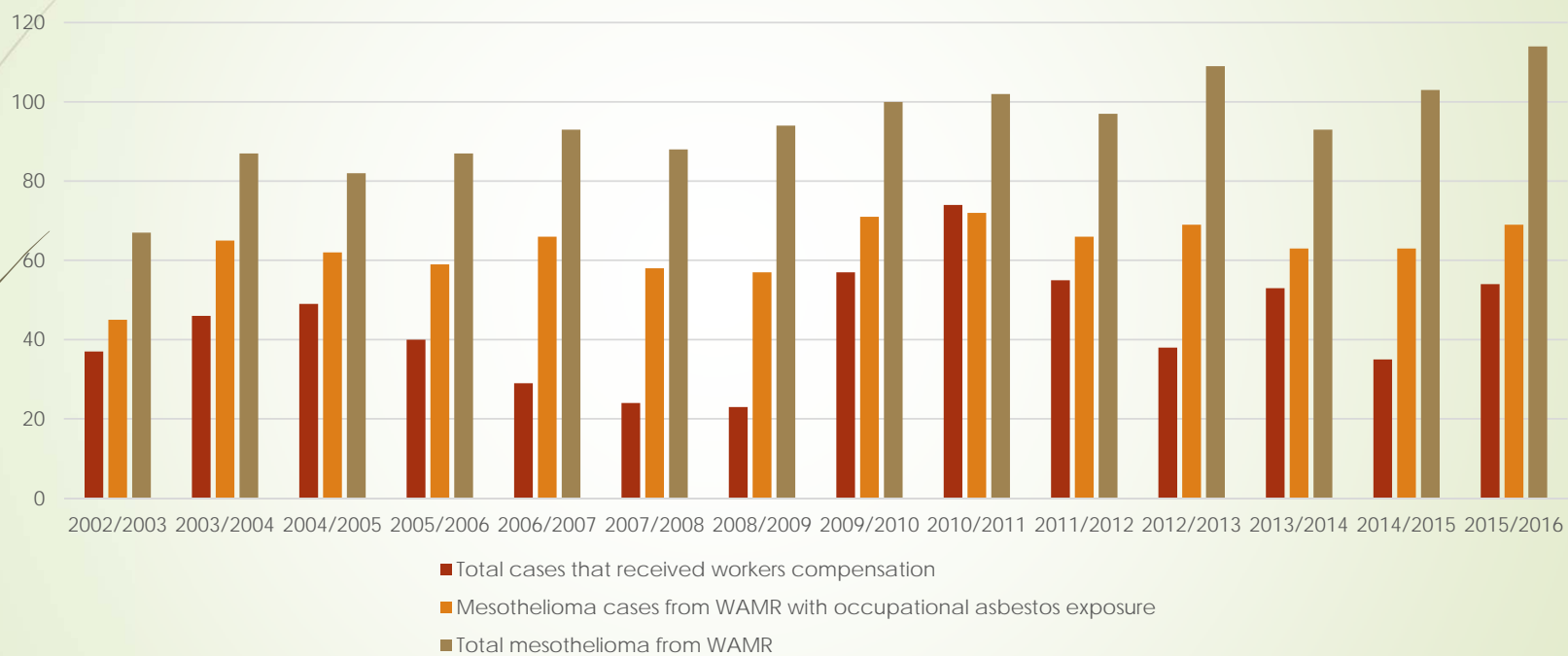


Results

ICWA

- ▶ Total number of mesothelioma cases that received Workers' compensation between financial year 2002/03 to 2015/16 = 82

Results



Trends in total cases of mesothelioma, mesothelioma with occupational exposure and those receiving workers' compensation between 2002/03 to 2015/16



Results

- ▶ Total mesothelioma cases in the study period (from WAMR) – 1316
- ▶ Total mesothelioma cases determined to have occupational exposure = 885 (67% of total)
- ▶ Total mesothelioma cases that received Workers' Compensation (WorkCover WA + ICWA) = 614 (69% of occupational exposure)

Results

Industry	Total	Male	Female
Building and Construction	179	178	2
Mining	107	97	10
Manufacturing	100	100	0
Transport and storage	73	72	1
Healthcare and related	6	5	1
Information, Media and Telecommunication	6	6	0
Electricity, gas, water and waste services	16	16	0
Education and training	15	15	0
Wholesale trade	21	21	0
Retail Trade	8	8	0
Public administration and safety	14	14	0
Government administration and defence	29	29	0
others	40	33	7

Workers' Compensation for cases of mesothelioma in WA by industry (between financial year 2002/03 and 2015/16)



Limitations

- ▶ Lack of matching/linkage of the data obtained from the three sources.
- ▶ Data about the number of common law claim not available
- ▶ The 3 databases used different coding systems for different characteristics e.g. occupational information, which made it difficult to perform analysis reliably



Conclusion

- ▶ The general trend in the rate of mesothelioma in WA is gradually increasing
- ▶ Of the workers assigned to have occupational exposure – only 69% received workers compensation despite WA having a “no fault” workers’ compensation system
- ▶ Linkages of the data from WAMR, WorkCover WA and ICWA on an individual level will likely give a good insight about the factors associated with workers not seeking workers’ compensation and should be considered in future studies.



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