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

Wuelfert, 2015
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 number of mesothelioma cases in WA by year and by gender (Source: WAMR)

Total mesothelioma cases = 1316
## Results

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;30 years</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0.15%</td>
</tr>
<tr>
<td>31-40</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>0.3%</td>
</tr>
<tr>
<td>41-50</td>
<td>32</td>
<td>8</td>
<td>40</td>
<td>3%</td>
</tr>
<tr>
<td>51-60</td>
<td>124</td>
<td>32</td>
<td>156</td>
<td>12%</td>
</tr>
<tr>
<td>61-70</td>
<td>339</td>
<td>64</td>
<td>403</td>
<td>30.6%</td>
</tr>
<tr>
<td>71-80</td>
<td>386</td>
<td>59</td>
<td>445</td>
<td>33.8%</td>
</tr>
<tr>
<td>81-90</td>
<td>210</td>
<td>53</td>
<td>263</td>
<td>20%</td>
</tr>
<tr>
<td>No Age data</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>0.22%</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Exposure source</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Occupational</strong></td>
<td>862(78.5%)</td>
<td>23(10.5%)</td>
</tr>
<tr>
<td><strong>Non occupational</strong></td>
<td>136(12.5%)</td>
<td>126(57.8%)</td>
</tr>
<tr>
<td><strong>Asbestos Exposure Unknown</strong></td>
<td>100(9.1%)</td>
<td>69(31.7%)</td>
</tr>
</tbody>
</table>

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

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

Total cases receiving compensation = 584
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

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

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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References

References


