

Know your rights: Firefighter occupational diseases (cancers) and workers' compensation

Anyone employed in a firefighting role may be entitled to claim workers' compensation to cover the treatment of specified diseases (all cancers), as long as their employment has been for a qualifying period of time. The qualifying period ranges from as little as five years for leukaemia. This claim can be made without the claimant proving a link between the cancer and their employment, as the *Workers Compensation Act 1987* deems that firefighting is a contributing factor to contracting the disease. This can come as a huge relief for staff who have previously been expected to meet significant out-of-pocket expenses associated with their treatment.

Until the introduction of the *Workers Compensation Legislation Amendment (Firefighters) Bill 2018*, firefighters had experienced significant delays and medico-legal obstacles in accessing workers' compensation for common cancers from firefighting and proving liability. This problem was similar to the many workers who attempt to claim workers' compensation for workplace toxin exposure, especially when there are significant background environmental levels of the causal toxins in the community.

The WHO recognises fire combustion has multiple toxic outputs that, when combined with firefighters' higher levels of exposure, have possible and probable carcinogenic effects.

The new legislation is "presumptive" in that, if you have worked as a firefighter for the qualifying period, this will be presumed to have been the major cause for the cancer. The following is the list of cancers that can be claimed.

Disease	Qualifying service period
Primary site brain cancer	5 years
Primary leukaemia	5 years
Primary site breast cancer	10 years
Primary site testicular cancer	10 years
Primary site bladder cancer	15 years
Primary site kidney cancer	15 years
Primary non-Hodgkin lymphoma	15 years
Multiple myeloma	15 years
Primary site prostate cancer	15 years
Primary site ureter cancer	15 years
Primary site colorectal cancer	15 years
Primary site oesophageal cancer	25 years



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Are you a voluntary firefighter also?

If you are a voluntary firefighter also, this time will be counted for the qualifying period unless the time was served at the same time as being a paid firefighter: one year doing both voluntary and paid firefighter work is still one year.

What about safety?

The workers' compensation system will support you for medical and income support within the limitations of the legislation. It will not take the cancer away or the effects it has on you and your family and friends. Prevention is the key so now is a particularly important time to get involved in the CPSU NSWs request for Health and Safety Representatives to have some influence over your health and safety at work.

Could you or someone you know have a workplace firefighter cancer?

Contact the CPSU NSW/PSA on 1300772679 and we will refer you to our specialist workers' compensation lawyers at McNally Jones Staff. Whilst the legislation is presumptive, there is still the need to get appropriate expert medico-legal evidence which should be initiated through a supportive legal advocate.

