



Complementary Cancer Care Trust
Information and Supportive Therapies
For People with Life-affecting Illnesses
Registered Charity 1083066

Serves the
Borough of Bexley, South East London,
And North Kent

**INDUSTRIAL-RELATED
CANCERS:
INFORMATION ON BENEFITS AND
COMPENSATION**

Support/User Group and Activities are held at
St Mary's Church Hall, Manor Road, Bexley, Kent.

Registered Office: 3 Riverdale Road Bexley Kent DA5 1RD
Tel/Fax 01322 524079
enquiries@ccctrust.org.uk www.ccctrust.org.uk

Index

- What is it?
- Making a claim
- Benefits
- Compensation
- Useful Sources of Advice

What is it?

Work-related cancer is the largest cause of fatal occupational diseases recognised in the UK at the present time. Mesothelioma is a cancer which mainly affects the lining of the lungs, and is strongly associated with exposure to asbestos. There is a long time lag between exposure and development of Mesothelioma, with the average being around 30-40 years.

There are approximately 1800 new cases of Mesothelioma a year in Britain, with the incidence still rising. It is expected to peak between 2010 and 2015, and around 30,000 people are likely to become victims from now until 2020.

In most instances, Mesothelioma is an industrial disease which can involve complicated legal and financial information.

Making a claim

Claims need to be made as soon as possible so that a patient does not lose out on benefits that they may be entitled to. Benefits are generally not backdated more than three months from the first claim. Claims forms can be quite off-putting, so it can be worth seeking help to complete them, and there are a number of agencies who offer free advice.

Conditions for claiming are quite specific. Only people suffering from specific dust-related diseases, or certain dependants, will be successful:

- Diffuse Mesothelioma
- Pneumoconiosis
- Diffuse Pleural Thickening
- Primary Carcinoma of the Lung
- Byssinosis

There are usually time limits for making a claim for compensation, generally three years from the date of diagnosis, so it is important to collate as much accurate information as possible. With industrial-related disease, it is helpful to be precise about employment history and work done on individual jobs.

Specialist solicitors should be involved in a compensation case. Patients who belong to a trade union, a membership organisation or a friendly society may be supported with any legal costs involved, or one may have cover under an insurance policy.

If a claim is accepted, it will still involve a medical examination to access the condition, and the level of disability. However, there are generally appeal procedures at each stage. Patients may also be able to claim for travelling expenses and medical costs relating to their illness.

Benefits

Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme

A patient may be able to make a claim if it is believed that the disease developed as a result of a job before 5th July 1948. This may be made under the Workmen's Compensation (supplementation) Scheme.

Industrial Injuries Disablement Benefit

A patient may be eligible if the disease may have developed as a result of a job, or being exposed to asbestos after 4th July 1948. Payment is only made on diseases arising from a person's occupation. There is no entitlement if the disease is not listed in the Regulations, or the person's job is not listed against the disease.

There are some other cancers for which IIDB may be available if relevant exposure is proved:

- Bladder cancer/Urinogenital cancers
- Bone cancer
- Breast cancer
- Leukaemia
- Liver cancer: angiosarcoma only
- Lung cancer
- Mesothelioma
- Nasal cancer/Nasal Sinus cancer
- Skin cancer
- Testicular cancer
- Thyroid cancer

War Disablement Pension

This may be claimed from the Veteran's Agency if exposure to asbestos happened during service in the armed forces.

Incapacity Benefit

This is generally paid to people under pensionable age, but unable to work because of illness.

Severe Disablement Allowance

This benefit is payable if someone has been unable to work for at least 28 weeks in a row because of illness or disability, and do not qualify for incapacity benefit through a lack of NI contributions.

Disability Living Allowance

Someone under the age of 65 may be able to claim for help with personal care needs.

Attendance Allowance

If someone is over 65, they may be able to claim for help with personal needs. Special rules apply if a patient is not expected to live for more than six months so that entitlement is received quickly and easily.

Constant Attendance Allowance

Patients receiving Industrial Injuries Disablement Benefit, or a War Disablement Pension, may also be able to claim for daily care and attention.

Carer's Allowance

People receiving the highest or middle rate of the care component of the Disability Living Allowance, Attendance Allowance or some rates of the Constant Care Allowance may also be entitled to Carers Allowance if they have someone looking after them.

Reduced Earnings Allowance

Some patients may be able to claim for replacement of, or a top up of, earnings when you are unable to return to your regular occupation.

Retirement Allowance

Replaces Reduced Earnings Allowance when you reach retirement age.

Compensation

When Mesothelioma is likely to have been caused by exposure to asbestos at work, it may be possible to claim compensation from the employer, or employers, by suing for negligence. This is a very specialist area of law and needs the advice of specialist solicitors.

The courts have recently set a guideline of £45000 - £70000 for Mesothelioma claims. Help can be obtained via the Asbestos Victims Support Group.

The Pneumoconiosis Etc. (Workers' Compensation) Act 1979

This provides one-off lump sum compensation for sufferers, or their dependants should they have died, if they have been unable to claim damages from the employers who caused the disease. Claimants must normally be in receipt of Industrial Injuries Disablement Benefit for a prescribed disease. There are strict time constraints for making a posthumous claim. Help line 0800 279 2322.

Useful Sources of Advice

Mesothelioma UK 0800 169 2409

Cancer BACUP 0808 800 1234

Macmillan Cancer Supportive
Booklet: *Help With the Cost of Cancer*

Local Library
Booklet: *A Guide to Grants for Individuals in Need*

British Lung Foundation 0845 850 5020

Department for Work and Pensions 0800 88 22 00
(Benefit Enquiry Line, Booklets IB1 AND SD1)

Forum of Asbestos Victims Support Group 0161 636 7555

Association of Personal Injury Lawyers 0870 609 1958

Law Society 0870 606 6575

Citizens Advice Bureau

Veterans Agency 0800 169 2277

