

Silicosis claims in the engineered stone benchtop industry



Workers' compensation is financial compensation provided to workers who become injured or ill as a result of their work, and may include compensation to cover loss of earnings, permanent impairment, medical expenses, and workplace rehabilitation to assist them to return to work. For more information see the WorkCover WA publication: [Workers' Compensation & Injury Management: A Guide for Workers](#).

Research in Australia and overseas has found workers in the engineered stone benchtop industry can be exposed to levels of respirable crystalline silica which are hazardous to their health. Workers can be exposed to silica dust whilst dry cutting, grinding, sanding and polishing stone bench tops and during the installation process.

Silicosis, a form of pneumoconiosis, is a lung disease caused by breathing respirable crystalline silica dust containing particles small enough to penetrate deep lung tissue.

To obtain compensation a worker requires the independent Industrial Diseases Medical Panel (IDMP) to make a final and binding determination on various questions including the diagnosis of work-related silicosis, the extent of a worker's incapacity for work and their level of impairment.

This fact sheet outlines:

- the process for making a compensation claim for workers with a provisional or confirmed diagnosis of silicosis
- the responsibility of insurers to pay the costs of the necessary respiratory specialist report, high resolution CT scan and a standardised full respiratory lung function test prior to an IDMP determination.

Diagnosis of silicosis

Some people with early silicosis do not have symptoms. If you believe you are suffering from a respiratory condition you should inform your employer and see a medical practitioner immediately.

Under occupational safety and health (OSH) requirements, employers of workers exposed to respirable crystalline silica are required to pay for health surveillance, which includes the costs of medical services and tests. The health surveillance tests must be supervised by an Appointed Medical Practitioner (AMP). The AMP is a doctor with experience in occupational exposure and health surveillance. For more information on health surveillance see the [WorkSafe DMIRS website](#).

If you have incurred costs related to medical appointments and tests, you should discuss with your employer whether they are required to reimburse you under OSH requirements.

You are encouraged to make a workers' compensation claim as soon as possible where a medical practitioner has provisionally diagnosed silicosis.

Making a workers' compensation claim

To make a workers' compensation claim you are required to:

- obtain a Certificate of Capacity from your doctor with a provisional diagnosis of silicosis (this may be the AMP that undertakes your health surveillance)
- complete a [workers' compensation claim form](#)
- give the claim form, Certificate of Capacity and medical test results to your employer. Your employer **must** forward the claim to their insurer within five days.

You also have a right to be legally represented, or assisted with your claim, throughout the workers' compensation process.

Insurer obligations

If you have not already obtained a respiratory specialist report, your provisional diagnosis of silicosis will need to be referred to a respiratory specialist for further testing and comprehensive assessment. This is required before the IDMP can make a determination.

The insurer will:

- immediately forward your claim to WorkCover WA to assist with scheduling an IDMP for a determination to: records@workcover.wa.gov.au
- pay for the respiratory specialist's report that meets the minimum requirements in Table 1 (whether the specialist is selected by the worker or the insurer)
- pay for a high resolution CT scan and a standardised full respiratory lung function test, both of which meet the minimum requirements in Table 2
- upon receipt of the respiratory specialist report and high resolution CT scan immediately forward the information, including employment history of exposure to silica and any other evidence, to WorkCover WA at records@workcover.wa.gov.au. If the insurer paid for the report and/or scan and lung function test, they will also provide you with a copy.

Table 1:

A respiratory specialist's report must include:
Worker's current symptoms
History and context of exposure to respirable crystalline silica (work-related and non-work related)
Medical history <ul style="list-style-type: none">• current active medical problems• past and current medications• history of medical investigations
Smoking history
Diagnosis
Capacity for work

Table 2:

Scan and test required:
High resolution CT scan of the chest (prone and supine positions) <ul style="list-style-type: none">• no more than six months old• copy of radiologist's report and disk
Standardised full respiratory lung function test including: <ul style="list-style-type: none">• spirometry• lung volumes• diffusion• oxygen saturation• flow volume curves

Next steps and further information

Once you have submitted your claim, WorkCover WA will contact you to discuss scheduling and your attendance at the IDMP appointment, administrative requirements, and whether you are legally represented.

Should you require any assistance with your claim or the contents of this fact sheet, please contact WorkCover WA at medical@workcover.wa.gov.au or on (08) 9489 4710.