



Workers' compensation claims for skin cancer and other workplace cancers

Date: Sunday January 25, 2026

Many Australian workers wonder whether they can claim workers' compensation for skin cancer, particularly if they work outdoors or are exposed to chemicals or hazardous substances. In many cases, a cancer diagnosis can be linked to work conditions, allowing workers to access compensation for treatment, time off work and other expenses.

This article explains when cancer can be considered a work-related injury, the types of cancers commonly linked to workplace exposure and how workers' compensation claims are assessed.

When cancers may be considered work-related

Under Australian workers' compensation schemes, a worker can claim compensation if their injury or illness arises out of, or in the course of, their employment. This includes cancers caused or contributed to by work conditions.

Cancer may be considered work-related when:

a worker has prolonged exposure to UV radiation through outdoor work;

the workplace involves exposure to carcinogenic chemicals, dusts or fumes;

there is evidence that work materially contributed to the condition;

a worker's job involves repeated exposure to hazardous substances known to increase cancer risk.

Each state and territory has its own workers' compensation legislation, but the test for work-relatedness is similar across jurisdictions. For cancer claims, medical evidence is essential to establish the link between employment and the diagnosis.

It is also important to note that most states and territories, and the commonwealth workers' compensation scheme, known as Comcare, have legislated to simplify workers' compensation for firefighters with specific cancers by presuming certain illnesses to be work-related if they meet particular minimum service requirements.

Each state and territory, and the Comcare schemes, have slightly different criteria regarding firefighter presumptive legislation, so it's important to consider the relevant scheme criteria at the time of considering making a claim. Advice from an experienced lawyer in the relevant state/territory/Comcare scheme should be sought early.

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But one aspect of the various presumptive legislative schemes across Australia is that none of them include skin cancer as one of the illnesses covered. So, the standard causal criteria that every worker is to satisfy will also apply to a firefighter who might be considering making a workers' compensation claim for work-related skin cancer.

Further reading

- [Workers' compensation claims Queensland](#)
- [Workers' compensation claims under the Comcare scheme](#)

Skin cancer caused by outdoor work

Skin cancer is one of the most common workplace-related cancers in Australia. Outdoor workers, such as construction workers, farmers, tradespeople, surveyors, council workers and traffic controllers, have a significantly higher risk of developing skin cancer due to prolonged exposure to UV radiation.

Work-related skin cancers include:

basal cell carcinoma;

squamous cell carcinoma;

melanoma.

In many cases, if sun exposure during employment significantly contributed to the cancer, a workers' compensation claim may be available. Insurers often consider the length of outdoor work, the level of sun exposure and whether sun protection was provided by the employer.

Cancers caused by chemical exposure

Cancer can also develop after exposure to hazardous chemicals or carcinogens in the workplace. These cancers are often associated with industries such as manufacturing, [mining](#), [agriculture](#), automotive repairs and hairdressing.

Common examples of chemically induced cancers include:

Lung cancer from inhaling asbestos fibres or silica dust;

Leukaemia and other blood cancers from benzene exposure;

Bladder cancer linked to dyes and chemicals used in manufacturing;

Nasal cancers associated with wood dust;

Liver or kidney cancers from prolonged industrial chemical exposure.

If a worker can show that workplace exposure was a significant contributing factor, they may be entitled to workers' compensation benefits.

Cancers linked to diesel, fumes and dust

In addition to chemical exposure, long-term exposure to diesel exhaust, metal fumes, welding fumes and dust can increase the risk of cancer. Workers at higher risk may include miners, mechanics, transport workers, welders, machinists and construction workers.

Relevant cancers may include:

lung cancer from diesel particulate matter;

throat or respiratory cancers linked to fumes;

stomach cancers associated with certain industrial dusts.

Workplaces are required to follow strict safety standards, and failure to properly control exposure can strengthen a worker's claim.

What workers' compensation can cover

If a cancer diagnosis is accepted as work-related, workers' compensation may provide access to:

medical treatment costs;

surgery, pathology, oncology and specialist appointments;

medications and ongoing therapies;

weekly payments for lost income if the worker cannot work;

return to work support;

permanent impairment compensation, if eligible.

In some cases, a lump sum claim may be available if the worker suffers a permanent impairment due to the cancer or its treatment.

Proving a work-related cancer claim

Unlike sudden injuries, cancer claims often require detailed medical and factual evidence to show that workplace exposure was a significant contributing factor. Depending on the state or territory, the test may differ slightly, but generally requires showing that employment played a substantial role.

Evidence that can support a cancer claim includes:

medical reports linking exposure to the type of cancer;

employment records showing duration of exposure;

incident reports or records of hazardous substance use;

safety data sheets for chemicals used in the workplace;

statements from co-workers about workplace conditions;

industry research connecting exposure with increased cancer risk.

The insurer may also seek independent medical assessments to review the connection between employment and the diagnosis.

Time limits for making a workers' compensation claim

Most workers' compensation schemes require claims to be lodged as soon as practicable after diagnosis. Because cancer may develop years after exposure, workers may still be able to make a claim even if the exposure happened long ago and over an extended period of time, or if they no longer work in that industry. However, early legal advice is recommended to avoid missing strict deadlines.

Can you claim if you are self-employed?

In some cases, self-employed workers may still be covered if they have a workers' compensation insurance policy or if their work arrangement legally classifies them as a worker. Contractors in industries such as construction, horticulture, transport and mining may fall under special coverage rules. Eligibility depends on the specific legislation in the relevant state or territory.

Can family members claim if a worker dies from cancer?

If a worker dies from a work-related cancer, dependants may be able to claim:

funeral expenses;

lump sum dependency benefits;

periodic payments for dependent children.

These claims can be available even if the cancer developed years after the worker left the high-risk environment.

Employer responsibilities for cancer prevention

Australian workplace health and safety laws require employers to reduce risks to workers, including exposure to sunlight, chemicals and hazardous substances. Protective measures may include:

providing sunscreen, protective clothing and shade structures;

ensuring proper ventilation and extraction systems for fumes;

training workers about hazardous substances;

providing personal protective equipment;

conducting regular monitoring for dust and chemicals;

maintaining safety data sheets and risk assessments.

Failure to take reasonable steps can support a workers' compensation claim by showing preventable exposure.

Frequently asked questions

Can I claim workers' compensation for melanoma?

Yes. If melanoma was caused or contributed to by workplace sun exposure, the worker may be eligible for compensation. The insurer will consider work history, level of sun exposure and medical evidence.

What if my cancer developed years after exposure?

Cancer can develop long after the initial exposure. Workers may still be able to claim compensation if medical evidence shows a clear connection between the exposure and the cancer, even if many years have passed.

Do I need legal advice to make a claim due to cancer?

While not mandatory, legal advice is recommended because cancer claims are often complex and require strong medical and factual evidence. A lawyer can help prepare the claim, gather supporting documents and respond to the insurer.

Is compensation available for chemical-related cancers?

Yes. If the cancer is linked to chemical exposure, dust or fumes in the workplace, a worker

may be able to claim treatment expenses, weekly payments and potentially a lump sum for permanent impairment.

Also, if the injured worker is a firefighter, then most workers' compensation schemes in Australia (including the Comcare scheme) have presumptive legislation, which has simplified the claims process for certain types of (usually) chemical-related cancers.

Get help from a workers' compensation lawyer

Workers' compensation may be available for skin cancer and other occupational cancers when workplace exposure significantly contributes to the condition. Whether caused by sunlight, hazardous chemicals, dust, diesel fumes or industrial processes, workers have legal rights to treatment and financial support.

Because cancer claims involve complex medical and factual issues, early advice can help ensure the claim is properly prepared, and the link between work and the diagnosis is clearly established.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.