



Prescribed diseases - Bladder Cancer

Introduction

The law provides for payment of benefits to people who are suffering from certain diseases contracted in the course of certain types of employment. These diseases are referred to as prescribed diseases (PDs) and are listed in Regulations. A disease or injury is prescribed when the Secretary of State is satisfied that it is a risk arising from a person's occupation and not a risk common to everybody.

Bladder cancer is recognized as such a disease.

If you are told that you are not entitled to benefit for a certain disease, it does not mean you do not have the disease for which you claimed. What you are being told is that you do not meet the criteria laid down for receiving benefit for that disease. These criteria are laid down so that it can be presumed that your job caused the prescribed disease in question. This is especially important for diseases common in the population at large, where it is known that some workers would have got the disease whatever job they did.

Which diseases are prescribed

Prescribed diseases are grouped according to their causes. There are four groups of causes, each identified by a letter, and each prescribed disease has a number. The groups are, A for a physical cause, B for a biological cause, C for a chemical cause, D for any other cause.

Bladder cancer is listed as prescribed disease C23.

Questions arising on a prescribed diseases claim

The primary questions arising on a prescribed disease claim are:

- Is the disease a prescribed disease?
- Is the disease prescribed in relation to you?
This is called the prescription question and involves considering whether your employment could have caused the disease, and whether the employment was employed earner's employment
- Are you suffering from the disease, or have you suffered from the disease?
This is called the diagnosis question
- Is the disease due to the nature of your employment?
- When was the date of onset of the disease?
- Have you suffered a relevant loss of faculty due to the disease?

Presumption

Most prescribed diseases are presumed to be due to the nature of a person's employment. If you have contracted a prescribed disease the presumption applies if you were employed in a prescribed occupation and you were employed on the date of onset of the disease or at any time within one month of the date of onset of the disease, unless the decision maker can prove that the disease was not due to the nature of your employment.

To do this the decision maker must have sufficient proof to establish this on the balance of probabilities. The decision maker must be satisfied that, taking into account all the relevant evidence, it is more probable that the disease was not due to the nature of your employed earner's employment than it was.

If the presumption does not apply, the onus is on you to establish on the balance of probabilities that the disease was due to the nature of your employment.

Making a benefit claim for a prescribed disease

When to claim

You can make a claim at any time on or after the date you think you contracted the prescribed disease. If you have any relevant medical evidence send it with your claim form but do not delay claiming by trying to get a fresh report.

Do not delay claiming. If you do you may lose some benefits. This is because Industrial Injuries Disablement Benefit cannot be paid: for a period more than 3 months before the date of your claim or if you are already in receipt of Industrial Injuries Disablement Benefit for other accidents or diseases, more than one month before the date of claim.

How to claim

Contact your social security office for a claim form. You can get the address of your nearest office from the post office or by looking in the business section of the phone book under Jobcentre Plus or social security. You can also access the claim forms on the DWP website. The address is www.dwp.gov.uk

The date of your claim is the date your fully completed claim form is received by a Jobcentre Plus or social security office. It is very important that you fill in all the details on the form carefully and return it to your Jobcentre Plus or social security office as soon as possible.

There are a number of different claim forms to claim for a prescribed disease depending on which disease you have. The form needed to claim for PD C23 is BI100B, the General claim form for prescribed diseases.

How claims are decided

When you have completed the claim form, return it to the nearest Jobcentre Plus or social security office. If you have any medical evidence relevant to your claim, you should send it with the claim form. You will be sent a written acknowledgement that the claim form has been received. The Decision Maker may have to contact your employer(s) to confirm:

- your periods of employment
- that your employment was employed earner's employment (see page 14)
- that you worked with any of the listed tools or in conditions which are relevant for your claim.

If you satisfy the prescription question

Your papers will be referred to medical services and you may be asked to attend a medical examination. If you are asked to attend a medical examination and you fail to turn up without good cause, your claim will be disallowed.

If you do not satisfy the prescription question

Your claim will be disallowed and we will write to tell you this.

Specific criteria

Certain prescribed diseases have specific criteria which must be met to make a claim. The prescription for bladder cancer is reproduced at the end.

About the medical examination

Your medical examination will be carried out by one or possibly two experienced medical practitioners. These doctors are specially trained in industrial injuries disablement matters.

If you can travel, you will be told when and where to go for the examination. You will be told what out-of-pocket expenses you can claim. If you are not fit to travel alone, someone can travel with you. If you are not fit to travel, you can also request an examination at home.

The medical examination will be held in private but you may be able to take a companion if the doctor allows it. Occasionally you may be asked if an observer can be present.

You can give the doctor any evidence which was not included with your claim form, if you think it will help them to give an opinion on your disablement.

If you have attended a hospital in connection with the disease you are claiming for, the doctor may seek further information from the hospital. Hospital case notes may be requested by the doctor to assist in giving an opinion. The doctor could also ask for a report from your GP.

The doctor will take a statement from you and send a written report to the decision maker based upon the examination and any other medical evidence. The doctor will advise on:

- whether you are suffering from a prescribed disease, and if so;
- whether you have suffered a loss of faculty from the disease, and if so;
- the level of your disablement and how long it is expected to last.

If the doctor has advised that you are suffering from a prescribed disease he will also advise on the date of onset of the disease. The doctor will also provide an explanation for the decision maker as to how they arrived at their opinion. The doctor will also advise if, in their opinion, the disease is due to the nature of your employed earner's employment. This is called causation.

What is the date of onset?

The date of onset of a disease is the date you first suffered a loss of faculty from the disease. The date of onset may be earlier than the date that benefit is actually paid from. This is because the date benefit is paid from is governed by time limits for claiming and other criteria.

What is a loss of faculty?

Loss of physical or mental faculty means some loss of power or function of an organ of the body. Loss of faculty can include disfigurement even when this causes no bodily handicap. Whether a loss of faculty results in disability is decided by comparing your condition as a result of the disease with the condition of a normal healthy person of the same age and sex.

Degree of disablement

The medical advice or assessment takes account of all disabilities resulting from the disease. Where your disability also results from some other cause which arose before you got the disease, the degree of disablement which would in any event be present due to that other cause is not counted, but the interaction between the two causes is included in the assessment.

If your disablement is 11% or more, and some other condition arises after the accident or disease but is not directly caused by it, any increase in your disablement due to the disease as a result of that other cause is also used to work out your disablement.

Different types of assessment

You may be given a 'final' assessment of disablement for life if your disability is assessed as permanent and is unlikely to change. Or where you are likely to make a full recovery the assessment may be final but for a limited period. Or you may be given a provisional assessment for a limited period at the end of which you will be re-examined and your disablement assessed again.

The decision on your claim

After the medical examination your claim will be decided by a decision maker. The decision maker will look at the doctor's advice and any other available evidence. Your Jobcentre Plus or social security office will write to tell you the decision on your claim, the amount of any benefit you will get and the period for which you will get benefit. The decision only takes account of your physical or mental condition.

Basic Industrial Injuries Disablement Benefit is not affected by what type of job you do or any loss of earnings. It can be paid whether or not you have returned to work and it does not depend on your earnings. Loss of earnings and other circumstances may, however, mean you can get one or more of the other benefits described later in this guide.

If you disagree with the decision

See NI260 DMA – A guide to Dispute, Supersession and Appeal.

Payment of benefit

How much benefit you will get

The amount of benefit you get depends on how badly you are disabled by the disease. Industrial Injuries Disablement Benefit cannot be paid for the first 15 weeks (90 days not including Sundays), after the date of onset of the disease.

You will not normally get benefit if your disablement is less than 14%. But you may be able to get benefit if you have had more than one accident or disease and the total disablement, when the effects of all the accidents and diseases are added together, is 14% or more. This is known as aggregation.

If your disablement is at least 14% your benefit will be paid as a weekly pension. If your disablement is:

- between 14% and 19% you will get a pension at the 20% rate
- 20% or over it will be rounded up or down to the nearest 10%.

The maximum rate payable for Industrial Injuries Disablement Benefit is 100% regardless if the total assessment is over 100%.

For current rates see Leaflet GL23 Social security benefit rates.

How you are paid

DWP policy is to pay all benefits directly into an account. This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night. You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

The Post Office™ also provides a bank account that we can pay benefits into. With this account you can only collect your money in cash from Post Office branches.

There are also arrangements with a number of major banks and building societies so that you can collect cash from some of their accounts at your local Post Office.

We recommend that you get your money in this way because:

- it is safe and secure
- it is convenient – you decide when and how much you want to withdraw
- using an account may help you save
- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or
- in both the names of yourself and your partner, or
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if this is important to you.

Restricted arrangements apply for the Post Office™ card account. The Post Office™ card account is a simple bank account that can only have benefit and tax credits paid into it. You can only collect payment from it in cash at a Post Office branch. You will not have a cheque book and cannot withdraw money at a cash machine. You will not be able to run up an overdraft, pay bills by Direct Debit or Standing Order, or have your salary or any other money paid in. The account can only be in your name. You may be able to arrange with the Post Office for someone else to collect your benefit regularly from this account.

Benefit is paid either every week (from June 2003), every 4 weeks or every 13 weeks.

If your circumstances change

A decision can be looked at again at any time if your condition has changed.

If you feel your condition has got worse and you want us to have another look at the decision, complete and return form BI168, which you can get from your Jobcentre Plus or social security office. If the condition for which you are getting benefit improves you must tell us straight away.

If you are receiving Industrial Injuries Disablement Benefit you must also tell us if:

- you marry or remarry and change your name
- you change your address
- you leave the country
- you go into prison.

If any of these apply, you must tell your Jobcentre Plus or social security office straight away.

If you leave the country

If you leave the country, Industrial Injuries Disablement Benefit is payable while you are away. If you intend to be away for less than 3 months, and you are paid by order book, you should consider having your benefit paid directly into an account. For further details please read the 'How you are paid' paragraphs of this guide.

If you intend to be away for more than 3 months, payment of your benefit will be made by International Pensions Centre 3 (IPC3). You will be asked how you want your payments to be made while you are away. You can choose between:

- Direct Payment to a United Kingdom (UK) bank, building society or Post Office™ card account every 4 or 13 weeks
- payable orders sent directly to you every 4 or 13 weeks while you are away
- Transcontinental Automated Payments (TAPS), if the country has this arrangement with Jobcentre Plus
- payment to a nominee
- payment when you return to the UK.

You must let us know when you return to the UK.

If you go to prison

If you go into prison, you must let us know the date you were admitted. Payment of Industrial Injuries Disablement Benefit is suspended during any period of imprisonment. When you are released let us know the date. Arrears of Industrial Injuries Disablement Benefit may be paid for the period of imprisonment subject to a maximum of one year's benefit.

If you die

If you die, someone should let us know straight away. If you have an order book, they should send it back straight away. They should not cash it.

Effects of Industrial Injuries Disablement Benefit on other benefits

Your basic Industrial Injuries Disablement Benefit does not affect any other National Insurance (NI) benefits such as:

- Incapacity Benefit
- Contribution-based Jobseeker's Allowance
- Retirement Pension.

But Industrial Injuries Disablement Benefit may affect income-related benefits that you or your partner receive such as:

- Income Support
- Income-based Jobseeker's Allowance
- Housing Benefit
- Council Tax Benefit
- Working Tax Credit
- Child Tax Credit.

Industrial Injuries Disablement Benefit may also affect how much War Pension you get, if you are entitled to both.

Bladder cancer

Disease number	Name of Disease or Injury <i>Conditions due to chemical agents (chemical cause)</i>	Type of job Any job involving
C23	Primary neoplasm of the epithelial lining of the urinary tract.	<p>(a) The manufacture of 1-naphthylamine, 2-naphthylamine, benzidine, auramine, magenta or 4-aminobiphenyl (also called biphenyl-4-ylamine);</p> <p>(b) work in the process of manufacturing methylene-bisortho-chloroaniline (also called MbOCA) for a period of, or periods which amount in aggregate to, 12 months or more;</p> <p>(c) exposure to 2-naphthylamine, benzidine, 4-aminobiphenyl (also called biphenyl-4-ylamine) or salts of those compounds otherwise than in the manufacture of those compounds;</p> <p>(d) exposure to orthotoluidine, 4-chloro-2-methylaniline or salts of those compounds; or</p> <p>(e) exposure for a period of, or periods which amount in aggregate to, 5 years or more, to coal tar pitch volatiles produced in aluminium smelting involving the Soderberg process (that is to say, the method of producing aluminium by electrolysis in which the anode consists of a paste of petroleum coke and mineral oil which is baked <i>in situ</i>).</p>

The official prescription for the disease commonly known as "Bladder Cancer" is set out above.

The relevant section for printing industry workers is "(c) exposure to 2-naphthylamine, benzidine, 4-aminobiphenyl (also called biphenyl-4-ylamine) or salts of those compounds otherwise than in the manufacture of those compounds;"

4-aminobiphenyl is also commonly known as 4-aminodiphenyl or 4-ADP.

The local officials who decide on whether you get C23 Benefit are called Decision Makers. To help them, the Department of Work and Pensions publishes advice relevant to the disease in question. The advice on bladder cancer is reproduced below.

Advice to Decision Makers

"Prescribed disease C23

Background

67706 Urinary cancer can be caused by a number of substances listed in the schedule. In some cases a minimum period of exposure is also specified. Most of the prescribed chemicals are no longer made in the UK, but as there is often a long latent interval between exposure and the onset of disease, cases continue to occur as a result of work in the past.

67707 It should be noted that "durindone magenta" is not magenta within the meaning of the regulations¹. 4-aminobiphenyl is also called biphenyl-4-ylamine and is sometimes referred to as 4-aminodiphenyl. Methylene-bis-orthochloroaniline (MbOCA) is also called 2,2'-dichloro-4, 4'-methylenedianiline. Orthotoluidine is synonymous with ortho-toluidine and o-toluidine. 4-Chloro-2-methylaniline is synonymous with 4-Chloro-o-toluidine.

¹ R(1) 16/59

Relevant occupations

67708 Occupational categories (a) and (b) are restricted to the manufacture of the listed chemicals whereas for categories (c), (d) and (e) exposure to the chemical is sufficient to satisfy prescription.

67709 The prescribed substances may have been used in the manufacture of dyestuffs and in the rubber and cable making industries. Inks and dyes used in the printing industry may contain benzidine and other chemicals prescribed in relation to PD C23. They also may have been contaminated by 4-aminobiphenyl but it will not usually be possible to confirm such contamination.

67710 There is no minimum percentage of the substance that needs to be present before prescription can be allowed. In some industries, for example the dyestuffs, rubber and cable-making industries, the amounts involved may be almost undetectable. In the rubber industry, harmful substances that were discontinued many years ago may still be present when the rubber is re-processed. Where there is a likelihood of contamination prescription should normally be accepted on the balance of probability. In case of doubt, the DM should refer to ACI, Leeds, for advice.

67711 "Process" should be accepted as applying to the whole manufacturing process even though it could be divided into a number of subsidiary processes. Where it can be shown that such a substance is used in the whole larger process, the prescription test may be satisfied even though the substance was not used in the subsidiary process in which the claimant usually worked¹.

67712 The Soderberg process is a method of producing aluminium by electrolysis where the anode consists of a paste of petroleum coke and mineral oil, which is baked in-situ. Exposure to coal tar pitch volatiles produced in this process for five years or more will satisfy prescription for C23. It is understood that the Soderberg process is only used in one Alcan factory in Scotland. If it is thought that other factories may be using this process, the DM should refer the case to ACI, Leeds, for advice.

Effects and causation

67713 There are no special features of urinary tumours caused by the prescribed exposures, which enable them to be distinguished from those that are not so caused. In the case of occupational categories (a), (b) and (e), occupational causation can reasonably be assumed without further inquiry where the stated occupational criteria are satisfied. This applies even when the disease developed more than a month after the claimant was engaged in the prescribed employment. In the case of occupations (c) and (d) the DM should find out as much as possible about the extent of exposure before referring to medical services for advice. Causation should be decided on the balance of probability in the light of medical advice."

Amicus GPM has clear evidence that 4-ADP and Benzidine have been used in printing inks, and the DWP has accepted this in the advice it has now given to Decision Makers.

The most important part of this advice, for those who have worked in the printing industry, is in paragraphs 67709 and 67710.

"... Inks and dyes used in the printing industry may contain benzidine and other chemicals prescribed in relation to PD C23. They also may have been contaminated by 4-aminobiphenyl [... also called 4-aminodiphenyl ...] but it will not usually be possible to confirm such contamination..."

... Where there is a likelihood of contamination prescription should normally be accepted on the balance of probability. In case of doubt, the DM should refer to ACI, Leeds, for advice."

Any members wishing to claim C23 Benefit should:

Inform their local Amicus GPM Branch
Seek supporting evidence from Amicus GPM
Complete Form Bi100b