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**Survey of State Welfare Benefits for 55 year males diagnosed with mesothelioma.**

The following questions were asked of 7 countries. We received the following replies.

1)  
What State Benefits are available for a 55-year-old male diagnosed with mesothelioma in your government Welfare system?

2)  
What is this sum expressed as a percentage of the average national wage?

Civil claims against former employers have been omitted as invariable victims succumb (die) before this is settled. I hope to draw up a league table so those less well off can cite the better examples as a negotiating tool with governments.

<b>Country</b>	<b>Level of benefit</b>	<b>% of average earnings</b>
United Kingdom	£291.55	86%
Canada (Ontario)		85%
France	no data	
Denmark		100%
USA See Note		
Brazil See Note		
Australia (State of Victoria) \$899		75% reducing to 25%

The above statistics have many anomalies

## **UK**

UK Benefit is reduced by any subsequent civil claim by the governments Compensation Recovery Unit (CRU) deducting as a lump sum a proportion of the civil compensation claim.

## **Canada**

In Canada compensation is a provincial responsibility, so the benefits are different from province to province. In Ontario a worker with mesothelioma, if they could establish the claim, would be eligible for 85% of his/her lost wages as well as other supports such as medical and survivor benefits for his/her family. In Canada workers cannot sue employers that are covered under the compensation system, except in very rare occasions and even these are not certain.

## **Denmark**

Denmark 100%, up to a defined maximum which is regulated by Parliament. For a construction worker, who is rather well paid in DK, it will not be 100 %, but seen as a life-wage maybe 70-80 %.

## **Australia**

It should be noted that the 75% is not State Benefit automatically paid to everyone, you have to be in the Workers Compensation Scheme before this amount is paid. Sufferers outside the scheme, including those not working prior to diagnoses, would only be paid 25%. Those on 75% drop to 25% after 2 years when the Workers Compensation Scheme ceases to be paid.

## **USA**

In the U.S. Workers' Comp is NOT part of a Welfare system. It was set up on a state by state basis in order to protect the EMPLOYERS from personal injury lawsuits. Personal injury lawsuits in the U.S. are filed against Mining Companies, manufacturers and other suppliers of harmful products. If a worker's employer is the Mining Company or manufacturer, *the* worker has no personal injury lawsuit rights. The Workers' Comp insurer (private or public insurance company or self-insuring employer) has the right to "claw back" (in British terminology) the equivalent of whatever the victim "plaintiff" has won in a court case (minus the usually 1/3 that the victim's lawyer has already taken).

## **Brazil**

If a Brazilian worker suffers from mesothelioma, he would receive a benefit from the social security equal to 100% of the arithmetic mean of the last 36 salaries in the last 48 months. The problem is the monetary correction used by the social security, that "steals" a part of the value. The worker can also file a lawsuit against his employer and ask for another monthly wage, equal to his last salary. Both amounts are distinct and are paid

together, one by the social security ("INSS - National Social Security Institute") and another by the employer.

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John Flanagan. UK