

Rare decision on claims regarding breast cancer following night-shift work

Twice this year, the National Board of Industrial Injuries (Arbejdsskadestyrelsen) has opted to take advantage of its authority to decide urgent claims by making a so-called Chairman's decision.

Two claims regarding breast cancer caused by night-shift work have been recognised as industrial injuries by way of a Chairman's decision instead of being submitted for assessment, as is the usual procedure, to the Occupational Diseases Committee.

In June 2007, the National Board of Industrial Injuries was given authority to make Chairman's decisions in cases where the injured person was so ill that he or she would die before the Board had time to submit the case to the Occupational Diseases Committee.

"We have only made a Chairman's decision once before, in 2008, so luckily we seldom find ourselves in a situation where we have to make such a quick decision. But for reasons of legal security for the individual we do of course use this option when needed," says Director General of the National Board of Industrial Injuries, Ms. Anne Lind Madsen.

And she adds, "The reason why it is urgent to speed up recognition of a claim is that compensation for an industrial injury is personal. If the injured person dies before the decision is made, any compensation lapses, and this means that it cannot be included in the estate of the deceased."

In addition to the two Chairman's decisions, in the course of the first 8 months of 2009, 17 out of 45 claims regarding breast cancer caused by night-shift work were recognised after submission to the Occupational Diseases Committee. The recognised cases all pertain to doctors, nurses, or auxiliary nurses, and in all cases compensation was granted. Common to all recognised claims is that typically there has been night-shift work at least once a week for at least 20-30 years. At the same time there are no other substantial factors in these cases that might have caused the breast cancer.

At the moment the National Board of Industrial Injuries is awaiting, from the International Agency for Research on Cancer (IARC), a report on breast cancer caused by night-shift work. It is not yet clear when the report will be published, but when it happens, the Occupational Diseases Committee will discuss the report and decide if exposures from night-shift work should be included in the official list of occupational diseases. If this is the outcome, cases of breast cancer caused by night-shift work will be processed in future by the Board's caseworkers without having to be assessed on the Occupational Diseases Committee.

Further information:

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Denne side er senest ændret den 26. august 2009