

Skin Cancer Caused By Sun Exposure Is A Work-Related Injury Compensable Under Workers' Compensation Insurance...

...So What Are You And Your Clients Doing To Protect Yourselves?

Your company and your clients are responsible for paying Workers' Compensation claims where occupational exposure to the sun leads to skin cancer.

Across the United States, in a wide variety of occupations, Workers' Compensation Appeal Boards and State Courts have affirmed decisions where benefits were awarded because a causal relationship was established between a worker's employment and the development of skin cancer:

1992- State of New York, Hearse and Limousine Driver

McKillop vs. McKillop Funeral Livery, New York State Supreme Court, Appellate Division, Third Division

A causal relationship that was established between employment and the development of skin cancer and the claim that the deceased had sustained an occupational disease was upheld.

1998- State of New York, Supervisor/Truck Driver/Heavy Equipment Operator for a Gas Main Installation Crew

Workers' Compensation Board, State of New York, Employer: Long Island Lighting Company (LILCO)

Skin cancer is upheld as a compensable occupational disease.

1999- State of Texas, Field Observer/Supervisor for an Architectural Construction Company

Workers' Compensation Commission, Appeals Board No. 26, State of Texas

The decision that the employee suffered an occupational disease in the form of a malignant melanoma as a result of exposure to the sun, and that the employee had a disability and therefore a compensable claim, was upheld.

1999- State of Pennsylvania, Construction Worker

Ronald Guers vs. G.A. & F.C. Wagman, Workers' Compensation Appeal Board, Commonwealth of Pennsylvania

Skin cancer resulting from sun exposure- and the cost to treat the skin cancer- was upheld as a compensable claim. Ongoing disability benefits claim was rejected because the claimant could work outside for the employer if proper sun protection precautions were taken.

2000- State of New York, Cemetery Worker

**Workers' Compensation Board, State of New York, Employer:
Nassau Knolls Cemetery**

Skin cancer is upheld as a compensable occupational disease. Furthermore, the date of disablement was determined to be the first date the claimant's condition was linked to his occupation and was not time barred under WCL 28.

**2001- State of California, Lifeguards Can Make Skin Cancer-Related
Workers' Compensation Claims for Up To 5 Years After Quitting**

State of California, Amendment to Labor Code

"Skin cancer so developing or manifesting itself (in public-employed lifeguards) shall be presumed to arise out of and in the course of the employment... This presumption shall be extended to a lifeguard following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity."

"Skin cancer so developing or manifesting itself in these cases shall not be attributed to any disease existing prior to that development or manifestation."

The evidence presented above is compelling. It makes a strong case for **PROACTIVE ACTION NOW** by Workers' Compensation insurance providers, and their clients who employ outdoor workers, to protect not only their workers from UV radiation due to sun exposure, but to protect themselves from certain financial loss in the future.

FACT: For those living in the year 2001, the predicted lifetime chance for developing melanoma is approximately 1 in 73, or 20 TIMES the 1930s risk!!

FACT: The cost to treat metastatic melanoma ranges from \$10,000 - \$150,000 per incident per patient, and averages \$59,000.

FACT: Outdoor workers receive 6-8 times more UV exposure than indoor workers.

WE HAVE YOUR SOLUTION

Rocky Mountain Sunscreen is the only sunscreen manufacturer that offers a comprehensive sun safety program to employers of outdoor workers, including:

- Information on the risks of sun exposure and its link to skin cancer.
- The only sunscreen on the market that utilizes a **bonding-base formula** that is **proven through real-world testing** to work better than any other product on the market.
- A convenient, cost-effective sunscreen delivery system. Our gallon pump delivery system protects employees for as little as **6 cents per application**.
- A complete sun safety training program that can be expanded or contracted to fit an employer's needs.

At Rocky Mountain Sunscreen we are concerned not only with skin cancer and employee safety, but with employer liability and the costs associated with treating skin cancer. We feel that our sun safety program would be a valuable addition to the **Loss Prevention** services your company already provides its clients.

We would enjoy the opportunity to speak with you about offering Rocky Mountain Sunscreen's Sun Safety Solution to your outdoor workers. Please call us toll free at 1-888-356-8899 for your copy of our comprehensive sun safety report "**What Every Employer of Outdoor Workers Needs To Know**".