



Silicosis compensation in the engineered stone industry

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The prevalence of crystalline silica dust in engineered stone can prove to be deadly when inhaled. We are finding a growing number of tradies, and workers are inhaling silica dust in the course of their employment. Often this can lead to serious illness or death. In this blog, we look at compensation available to people who contract silicosis when working with engineered stone. This could be a [WorkCover claim](#) (statutory and common law) or a *Wrongs Act* claim against the manufacturers of the product.

Notably, silica dust-related diseases are also associated with a number of other occupations, including excavation, mining, construction, ceramics and several others. We provide a more comprehensive list below.

What is engineered stone?

Engineered stone, also known as artificial or reconstituted stone, has emerged as a popular and cost-effective alternative to traditional granite and marble for kitchen countertops. This man-made material comprises a blend of various components bound together by polymer resin, offering a combination of affordability, durability, and longevity.

In the bustling world of construction and renovation, engineered stone has become a popular choice for countertops, vanities, and other architectural elements. Compared to traditional granite or marble, engineered stone typically proves to be both easier to procure and install, making it a budget-friendly choice for kitchen renovations. Its durability and long-lasting nature further enhance its appeal, ensuring that kitchen countertops retain their elegance and functionality for years to come.

Modelling suggests over 100,000 Australians could develop silicosis

Though it may look similar to natural stone, engineered stone contains a higher content of respirable crystalline silica than natural stone.

[Modelling by Curtin University](#) predicts that up to 10,000 Australians will develop lung cancer and 103,000 Australians will develop silicosis in their lifetime as a result of the inhalation of silica dust.

How can silica exposure lead to disease?

Respirable crystalline silica is a fine dust that is created from crushing, cutting, drilling, grinding, sawing or polishing engineered stone or other man-made products that contain silica.

When inhaled, silica dust can become trapped in the lung tissue, which then causes inflammation and scarring through the triggering of an immune response. Over time, the scar tissue can make it increasingly difficult to breathe. The scarring and inflammation of the lung tissue can also cause long-term lung diseases such as silicosis, lung cancer and emphysema to develop.

Safe Work Australia has identified the following work activities as 'high-risk' in creating respirable crystalline silica dust:

- Fabrication and installation of engineered stone countertops;
- excavation, earth moving and drilling plant operations;
- clay and stone processing machine operations;
- paving and surfacing;
- mining, quarrying and mineral ore treating processes;
- tunnelling;
- construction labouring activities;
- brick, concrete or stone cutting; especially using dry methods;
- abrasive blasting (blasting agent must not contain greater than 1% of crystalline silica);
- foundry casting;
- angle grinding, jackhammering and chiselling of concrete or masonry;
- hydraulic fracturing of gas and oil wells; and
- pottery making.

What are the symptoms of silicosis?

Symptoms of silicosis include:

- chronic and severe breathlessness;
- oxygen dependence;
- organ failure; and even
- chronic immobility.

Silicosis is so dangerous as it can develop as soon as one year after exposure to silica dust. Silicosis is incurable, and therefore it is often life-threatening.

What diseases are caused by the inhalation of silica dust?

If you were exposed to silica dust, there is a chance you could develop respiratory illnesses such as asthma, chronic bronchitis, emphysema or lung cancer. However, silicosis is the most common respiratory disease that can develop from silica dust exposure.

Silicosis is the hardening and scarring of the lungs where it has been exposed to silica dust. Silicosis can develop as either acute, accelerated and chronic depending on the length and levels of exposure to silica dust you have had. Silicosis can also develop as progressive massive fibrosis. If you develop progressive massive fibrosis, your condition can deteriorate even without further exposure to silica dust.

In addition to respiratory illness, silica dust exposure can cause auto-immune diseases like rheumatoid arthritis and scleroderma. If you have developed any of these conditions following exposure to silica dust, it is important that you seek legal advice as to any compensation you may be entitled to.

[Free advice to find out where you stand: 1300 700 761](#)

What measures are being taken to prevent exposure?

Since 20 August 2019, amendments were made to the Victorian *Occupational Health and Safety Regulations 2017* to include a ban on uncontrolled cutting, grinding and abrasive polishing of engineered stone without either a water suppression (wet cutting) system or an on-tool dust extraction system. In addition, all workers who process engineered stone must be provided with workplace respiratory protective equipment by their employers, which they must wear.

More recently, Safe Work Australia has released recommendations to the Workplace Health and Safety ministers around the prohibition of the use of all engineered stone and the implementation of a licensing scheme for work with engineered stone that has been previously installed. Unions around Australia actively support the ban on the use of engineered stone.

If you work with engineered stone at your workplace, there are several measures you or your workplace can implement to manage the risk of exposure to silica dust. These include:

- Material substitution:** Opt for benchtop products that do not contain crystalline silica, eliminating the hazard at the source.
- Hazard isolation:** Implement safe work design principles to designate dust-generating task areas, position workers appropriately, and employ enclosures or automation for these tasks.

- **Engineering controls:** Minimise dust exposure through engineering controls such as local exhaust ventilation, water suppression (wet cutting), or dust collection tools.
- **Administrative controls:** Establish and implement effective housekeeping policies, consider job rotation, and modify cutting sequences to reduce dust exposure.
- **Personal Protective Equipment (PPE):** Provide and ensure proper use of appropriate respiratory protection equipment and work clothing that does not accumulate dust.

Who can make a claim for compensation?

If you have been exposed to silica dust and suffer from silicosis or another of the above silica-related diseases, you may be eligible to obtain compensation.

Wrongs Act claims against the manufacturer of the engineered stone

Compensation may be available by way of a common law claim against the manufacturers of the engineered stone product in which you were exposed to crystalline silica dust from. Strict time limits apply so it is imperative that you contact Guardian Injury Law as soon as possible after a diagnosis of a silica-related condition.

[FREE ADVICE TO FIND OUT WHERE YOU STAND: 1300 700 761](#)

WorkCover claims due to silicosis

If your employer has failed to provide safe working conditions, which has led to your exposure to silica dust in the workplace and subsequent development of a silica-related respiratory or autoimmune disease, you may be eligible to make a WorkCover claim. You may be eligible for a:

- [WorkCover statutory entitlements claim](#); and/or
- [WorkCover common law claim](#) if your employer's negligence led to your injury or illness.

If your worker's compensation claim is successful, you may be entitled to receive compensation for:

- loss of earnings or earning capacity;
- pain and reduction in life expectancy – lump sum compensation;
- loss of amenity of life;
- medical expenses, including future expenses; and
- other costs related to your injury.

Australia bans use, supply and manufacture of engineered stone

On 1 July 2024, Australia became the first country in the world to implement a full ban on the use, supply, and manufacture of engineered stone. This landmark decision, driven by health concerns, addresses the prevalence of injuries stemming from the toxic crystalline silica dust found in engineered stone.

Workplace health and safety laws to date have failed to protect workers in these stonemason industries from silica exposure and the lung diseases it causes. However, the ban on engineered stone is a welcomed step to create protection for these workers in the future.

Which workers are still at risk of exposure to silica dust?

Given the total ban on engineered stone products (from July 2024), people who work with engineered stone, including fabrication and installation, can rest assured that the materials they are dealing with now are safe from crystalline silica dust. However, Safe Work Australia warns that certain occupations still pose a high risk of inhaling crystalline silica dust.

Here are some of the activities identified as particularly hazardous:

- Earthmoving and construction: Activities like excavation, drilling, paving, and tunnelling can expose workers to dust from rock and soil;
- Stone processing: Workers in clay, stone processing plants, and brickyards are at risk;
- Demolition and renovation: Cutting concrete or stone, especially using dry methods, releases silica dust;
- Sandblasting: Even with low-silica blasting agents, there's still a risk;
- Metal Casting: Foundry workers can be exposed to silica dust.
- Grinding and chiselling: These common construction tasks can generate dust from concrete and masonry;
- Oil and gas industry: Hydraulic fracturing involves exposure to silica-containing materials;
- Pottery making: Ceramic dust can contain silica particles.

If your employer has failed to provide safe working conditions or implement measures to prevent exposure and you have subsequently developed a silica-related respiratory or auto-immune disease, you may be able to seek compensation.

Get help from a dust diseases compensation lawyer

Guardian Injury Law welcomes the decision to totally ban engineered stone products containing crystalline silica dust. Though this ban is a significant step forward, there is still much work to be done in enhancing safety in workplaces to protect the health of workers.

If you're experiencing symptoms related to silica exposure (or any other dust exposure), it is imperative you seek legal advice. At Guardian Injury Law, our experienced personal injury lawyers can provide you with clear advice to help you navigate your way

through the process and maximise your entitlements.

Your first appointment is free, so it costs you nothing to find out where you stand.

Contacting Guardian Injury Law

[1300 700 761](tel:1300700761)

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