

Asbestos Diseases

- *Uncovered*

Your complete "download and keep" guide to everything you need to know about asbestos related diseases, their symptoms and causes, and potential compensation payable

ASBESTOS DISEASE HELPLINE: 0800 833 099

www.asbestosis.org.uk

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What is Asbestos?

Asbestos is a mineral which is mined in Canada, Russia, China and South Africa. The term asbestos encompasses two groups of minerals – serpentine and amphiboles. The most common example of the serpentine group is chrysotile (white asbestos).

Asbestos has been in use since the late 1800s but its use increased greatly during World War II. Since then it has been used in many industries. For example, the building industry uses asbestos for strengthening cement and plastics, as well as for insulation, fireproofing and sound absorption. The shipbuilding industry has used asbestos to insulate boilers, steam pipes, hot water pipes and nuclear reactors in ships.

The car manufacturing industry has used asbestos in vehicle brake shoes and clutch pads. More than 5,000 products contain or have contained asbestos.

Plumbers, ladders, electricians, building workers, heating engineers, joiners and garage workers are just some of the occupations that may have been exposed to asbestos.

What diseases are caused by Asbestos?

Pleural Plaques

These are areas of thickening which occur on the parietal pleura, most commonly on the lower chest walls and diaphragm. These changes are visible on x-ray. In most cases a person will not be aware of pleural plaques, as they are commonly symptomless. Plaques are simply a marker of asbestos exposure and usually do not develop until 20 years or more after first exposure to asbestos. Pleural plaques alone are not prejudicial to health, but because they are evidence of asbestos exposure, there is a risk of developing asbestosis or other asbestos related diseases.

Mesothelioma

This is the most serious type of asbestos disease. It presents as a tumour on the lining of the lung or sometimes the lining around the abdomen. In the United Kingdom 80/90% of mesotheliomas can be related to exposure to amphibole asbestos fibre. Even relatively low exposure to amphibole asbestos can cause mesothelioma. The average latency period from first exposure to diagnosis is between 30-40 years. Even relatives of people who have worked with asbestos have been known to develop mesothelioma from the asbestos dust brought home on work clothes.

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What diseases are caused by Asbestos?

Asbestosis

This disease normally occurs as a result of heavy asbestos exposure over a prolonged period. The disease is a form of fibrosis of the lung. This affects the efficiency of the lungs and the person affected often has symptoms of breathlessness and coughing. This disability generally increases as the person gets older.

Diffuse Pleural Thickening

This condition affects the pleura, which is the lining of the lungs. It can affect one lung or both lungs. It can result in significant disability if it is extensive and affects both lungs. It will generally take 10 years after first exposure to asbestos for it to develop.

Asbestos Induced Lung Cancer

It has been known for more than forty years that asbestos can cause lung cancer. Smokers who have been exposed to asbestos are far more at risk of developing asbestos induced lung cancer than non-smokers. It usually takes 20 years or more from first exposure to develop.

What compensation is available?

Pleural Plaques

For many years it was possible to claim compensation for pleural plaques either on a provisional or full and final basis. However, on 17th October 2007, following a challenge by the Insurance industry, the House of Lords ruled that compensation should no longer be payable for symptomless pleural plaques.

Mesothelioma

Awards of compensation for mesothelioma can be significant. Courts frequently award between £50,000 and £80,000 for the disease itself. In addition, it will generally be possible to claim for past and future loss of earnings, the cost of specialist care or equipment and any private medical expenses. As a result, some awards can be in excess of £250,000.

What compensation is available?

Asbestosis

Asbestosis claims can be dealt with on a provisional damages basis or on a full and final basis. A provisional award allows the claimant to come back to Court for additional compensation, should the degree of disability increase significantly. Alternatively these cases can be dealt with on a full and final basis.

Awards for the personal injury aspect of the disease itself vary between £20,000 and £75,000.

Diffuse Pleural Thickening

Awards vary, depending on the degree of disability. However, typically, awards for the injury itself range between £22,400 and £50,000.

Asbestos Related Lung Cancer

For the disease itself, awards vary between £50,000 and £69,500. In addition, the Claimant may also be able to claim for loss of past and future earnings, the cost of specialist care, care provided by the Claimant's family and any special needs, such as the cost of a stairlift or special shower or bed.

Who will pay compensation?

Generally, a claim is made against a past employer and compensation is paid by the employer's liability insurer. Even if the past employer has gone out of business, a claim can still be pursued as it may be possible to trace the insurers concerned.

Where this is not feasible, a claimant may be able to obtain an award under a special compensation scheme set up by the Government. However, it is vitally important to act as quickly as possible because any unreasonable delay may prejudice the claim for compensation.

How much does it cost to claim?

There are a number of ways in which a claimant can proceed with a claim:

Private Client Agreement

An arrangement whereby fees are charged according to the time spent by a solicitor on the case. If the claim succeeds the claimant would normally obtain an order for costs from their opponent. Should the claim fail the claimant would be faced with a bill from their Solicitor. For this type of arrangement, the Solicitor would normally expect the claimant to make payments on account, as the case proceeds.

Conditional Fee Agreement (a.k.a “NO WIN – NO FEE”).

If your case is successful, your opponent/their Insurers will pay the Solicitor’s basic charges, expenses and disbursements only. You pay the Solicitor’s success fee and the cost of any After The Event insurance policy that the Solicitor has taken out on your behalf from your compensation monies. Asbestosis.org guarantee that their success fee, including VAT, will not be any more than 25% of your compensation monies, leaving you with 75% of your compensation (less the cost of any After The Event insurance policy).

Should your case be unsuccessful, you would not be required to pay your Solicitor’s basic charges, although you may be required to pay certain of your Solicitor’s expenses and disbursements. Generally, because of Qualified One Way Cost Shifting, you would not be required to pay your opponent/their Insurer any costs, although there are exceptions to this rule in limited circumstances.

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How to make a claim

If you have been diagnosed with an asbestos related condition all you have to do to commence the claims process is to telephone us on **0800 833 099**

Your claim will then follow 5 simple steps:

Step 1: We will make arrangements to contact you and obtain any necessary information we need to successfully process your claim. Home visits can be arranged in every case, no matter where you live in England or Wales. Such visits are by prior appointment and we would always encourage you to have a member of your family present.

Step 2: Following our visit, we will make arrangements to obtain any necessary medical records and thereafter arrange to have you medically examined by a Consultant Chest Physician who will be asked to prepare a detailed report. If you are really poorly we can sometimes arrange for a medical report to be prepared by an expert, simply based upon the expert's review of your medical records and without the need for you to leave your home. Alternatively, we can arrange for the medical expert to visit you at home.

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Step 3: Whilst gathering the necessary information, we will intimate a claim to any of those companies we identify as a potential party to your claim, so as to save time later.

Step 4: It may be necessary for us, at some stage, to obtain reports from other Specialists, e.g. Occupational Therapists, to assist us in arriving at a valuation of your claim.

Step 5: Once we have a supportive medical report from the medical expert we will advise you with regard to the value of your claim for injuries and any other compensation to be claimed, e.g. for care or equipment, and will thereafter disclose evidence to your opponent and invite their proposals for settlement.

Contact one of our experienced and specialist asbestos claims solicitors today on 0800 833 099 - and claim the compensation you deserve.