

Asbestos disease claims FAQs



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“Could not fault your service in any shape or form. Highly professional and proficient.”

Mr Routledge, Client

When can an asbestos disease claim be made?

You need to prove negligence/breach of statutory duty which caused the disease, but compensation claims for asbestos diseases can usually be made where caused by industrial exposure from the mid 1960s and sometimes much earlier. The claim is usually against the employer but sometimes it can be against a building occupier/main contractor. Claims can also be made for indirect asbestos exposure, eg wives washing their husband's asbestos-dusty work clothes. Asbestos disease compensation can even be claimed after the victim's death by their family, provided there is sufficient evidence.

What if the employer is out of business?

Even if the employer went out of business years ago you may still be able to claim compensation if we can trace insurers, eg through the Employer Liability Tracing Office. Sometimes there may be a claim against a building occupier instead. We might even be able to claim compensation for asbestos-related disease from US producers, where US material was used. There is also now a scheme to compensate mesothelioma sufferers even where an insurer cannot be traced. Please see our mesothelioma section.

Which workers are most at risk from asbestos disease?

Workers who were most frequently exposed to asbestos in Kent and the Medway towns (to include Rochester, Chatham, Gillingham,

Strood and Rainham) include:

- shipyard workers;
- plumbers and gas-fitters;
- ladders and thermal insulation engineers;
- building trades, including carpenters, decorators and electricians;
- building surveyors;
- asbestos manufacturers; and
- those washing contaminated clothes.

What is asbestosis?

Sometimes asbestosis is used to refer to any asbestos related disease. In fact asbestosis is a specific disease involving scarring/fibrosis of the lungs themselves; particularly around the air sacs (alveoli). This condition can vary in severity from quite minor to serious or occasionally fatal. The usual symptoms of asbestosis are shortness of breath and coughing, but sometimes asbestosis can cause swollen/"clubbed" fingers. It can be hard at times to diagnose and differentiate from non-asbestos-based fibrosis. It requires quite heavy asbestos exposure to cause asbestosis.

What is mesothelioma?

Mesothelioma is a fatal cancer caused by the inhalation of asbestos fibres. It can be caused by exposure to quite small amounts of asbestos fibres, although the higher the exposure the greater the chance of contracting it. Some people seem to have a particular susceptibility to developing mesothelioma, but it is not yet known why. The cancer does not usually cause symptoms until 10 to 50 years or more after the

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Fatal accident FAQs

inhalation of the asbestos fibres that caused it. In the UK up to 2500 people a year are diagnosed with mesothelioma, mostly men, but with an increasing number of women recently. Mesothelioma affects the thin membranes that line the inside of the chest wall, called the mesothelium. This causes the build up of fluid in the lungs, leading to increasing breathlessness, coughing/wheezing, fatigue and weight loss.

What are the other asbestos diseases?

Other asbestos diseases include lung cancer, pleural thickening and occasionally folded lung (atelectasis). Lung cancer is usually fatal and like asbestosis usually requires a history of heavy asbestos exposure to be linked to asbestos. By contrast, pleural thickening often causes only quite mild symptoms, although sometimes it can be quite disabling. Pleural thickening involves damage to the membranes covering the lungs rather the lungs.

Note: pleural plaques are not considered an asbestos disease as such. They are scars to the lining of the chest indicating significant previous asbestos exposure, but they should not cause symptoms. You can no longer obtain compensation for pleural plaques in England and Wales, but you can if your asbestos exposure was in Scotland.

Can compensation for lung cancer be obtained if the victim was a smoker?

Yes, but these claims can be more tricky to prove. It is known that both smoking or asbestos exposure on their own can cause lung cancer, but the chances of developing

lung cancer are massively increased where there is a significant history of both smoking and asbestos exposure. As long as the asbestos exposure more than doubles the risk of developing lung cancer from smoking alone, the link to asbestos exposure should be established. To show that however either there will need to be a sufficient number of asbestos bodies found in lung tissue sample (usually from a post mortem) or a history of heavy asbestos exposure needs to be shown (as with asbestosis); the rule of thumb is five to ten years of moderate asbestos or one year of heavy exposure, involving a significant element of “brown” (or blue) amosite asbestos as well as any “white”.

What are the common asbestos types and colours?

The most common asbestos type to which people have been exposed is “white” chrysotile, made up of “bendy” serpentine fibres. It is less hazardous than other types and yet it is capable of causing asbestos’ mostly deadly disease, mesothelioma. This type of asbestos is a white-ish colour although it was often painted over or mixed with other different coloured products, eg as part of asbestos cement boards. The needle-like fibres of “brown” amphibole and “blue” crocidolite asbestos are more hazardous and often associated with asbestosis or lung cancer. “Blue” is the most hazardous and rarest and is usually a fairly distinct light bright almost violet blue. By contrast “brown” asbestos is not always brown but quite often could be grey or other colours.