

ASBESTOSIS



**Thompsons
Solicitors**
SCOTLAND

Jillian MacKenzie, Partner

AN INTRODUCTION TO CLAIMING COMPENSATION: ASBESTOSIS

ABOUT THIS BOOKLET

Workers who have been exposed to asbestos dust and fibres during the course of their employment may be at risk of developing **asbestosis**, a serious and often progressive lung disease.

Asbestosis is a form of pulmonary fibrosis caused by the inhalation of asbestos fibres over time. It is a preventable occupational disease and is most commonly associated with historical workplace exposure, particularly prior to the introduction of strict asbestos controls.

This booklet provides a basic outline of:

- The risks associated with asbestos exposure
- The symptoms of asbestosis
- The tests for asbestosis (medical and legal)
- How the condition develops
- What employers and workers should do
- Legal rights and time limits for bringing a claim



WHO CAN BE AFFECTED BY ABESTOSIS?

Asbestosis primarily affects workers who have been exposed to asbestos fibres in the course of their employment. This exposure often occurred many years or decades before symptoms begin.

Workers at particular risk include:

- Shipyard workers and engineers
- Electricians, plumbers, and joiners
- Construction and demolition workers
- Insulation and lagging workers
- Boiler and pipefitters
- Dock workers and labourers
- Factory workers handling asbestos-containing materials

It is important to note that exposure was not always obvious, and many workers were unaware that they were working with or near asbestos.

WHICH PART OF THE BODY DOES IT AFFECT?

Asbestosis affects the **lungs**, specifically the lung tissue (parenchyma). It is a form of pneumoconiosis, a general term for a type of damage done to the interior of the lung by inhaled dust.

The inhalation of asbestos fibres causes scarring (fibrosis) in the lungs, leading to:

- Reduced lung elasticity
- Impaired oxygen transfer
- Progressive breathing difficulty

As the condition advances, it may also place strain on the heart, particularly in severe cases where lung function is significantly reduced.

WHAT ARE THE SYMPTOMS?

The symptoms of asbestosis usually develop slowly and may not appear until many years after exposure.

The main symptoms include:

- Shortness of breath, particularly on exertion
- Persistent dry cough
- Fatigue and reduced exercise tolerance

Workers may also experience:

- Chest tightness or discomfort
- Crackling sounds in the lungs when breathing (as identified by medical examination)
- Clubbing of the fingers in more advanced cases

Symptoms tend to worsen over time as the scarring in the lungs progresses. In many cases, symptoms may initially be mild but gradually become more severe, significantly impacting daily activities.

As with all occupational conditions, early symptoms should not be ignored, as they may indicate a serious underlying disease.

It can take 20 to 30 years after being exposed to asbestos before symptoms appear. There are sometimes no symptoms.

MEDICAL TESTS FOR ASBESTOSIS

A GP will listen to your lungs and ask about your work history.

They may refer you to a specialist in lung diseases for more tests if they think you have asbestosis.

Tests may include:

- A chest x-ray
- A CT scan of the lungs
- Lung function tests to see how well your lungs are working

LEGAL TESTS FOR ASBESTOSIS

The Helsinki Criteria provide internationally recognized guidelines for diagnosing asbestosis and attributing it to occupational asbestos exposure.

The Helsinki Criteria, first established in 1997 and updated in 2014, are a set of expert consensus guidelines designed to standardize the diagnosis and attribution of asbestos-related conditions such as asbestosis.

It emphasizes that asbestosis cannot be confidently diagnosed without evidence of significant asbestos exposure. Even when histological fibrosis is present, the disease must be linked to exposure levels substantially above those found in the general population.

The cumulative exposure to asbestos fibres can be calculated by:

- Lung tissue examination. This is where lung biopsies are analysed for the presence of asbestos bodies and fibres. The presence of significant asbestos fibres supports an asbestosis diagnosis.
- An expert report on cumulative exposure. This is where the expert calculates the likely cumulative dose exposure to asbestos fibres over a person's life and uses this to support an opinion that asbestos exposure was or was not significant enough to support an asbestosis diagnosis.

WHAT CAUSES IT?

Asbestosis is caused by the inhalation of asbestos fibres.

These fibres, once inhaled, become lodged in the lung tissue and are not easily removed by the body. Over time, they cause inflammation and scarring.

Key risk factors include:

- Prolonged or repeated exposure to asbestos dust
- Working in enclosed or poorly ventilated environments
- Cutting, drilling, or disturbing asbestos-containing materials
- Lack of adequate protective equipment

The risk increases with the duration and intensity of exposure.

Unlike some other industrial injuries, asbestosis typically develops over decades, meaning there is often a long delay between exposure and diagnosis.

WHAT SHOULD EMPLOYERS DO?

Employers have legal duties under health and safety legislation, including the **Health and Safety at Work etc. Act 1974** and the **Control of Asbestos Regulations**, to protect workers from asbestos exposure.

Employers should:

- Identify the presence of asbestos in the workplace through risk assessments
- Maintain up-to-date asbestos registers and management plans
- Prevent exposure wherever possible by removing or safely managing asbestos
- Provide appropriate personal protective equipment (PPE) where necessary
- Ensure safe systems of work when asbestos-containing materials are disturbed
- Provide adequate training and information to workers
- Monitor exposure levels and health where appropriate
- Take immediate steps if risks are identified

Employers must take all reasonably practicable steps to prevent exposure and protect workers from harm.

WHAT SHOULD WORKERS DO?

Workers should take steps to protect themselves and report any concerns regarding asbestos exposure.

They should:

- Follow all safety procedures and training provided by their employer
- Use any protective equipment correctly
- Avoid disturbing materials suspected to contain asbestos
- Report damaged or unsafe materials immediately
- Report any symptoms, particularly breathing difficulties, as soon as they arise
- Seek medical advice if they believe they have been exposed to asbestos

If an employer fails to take appropriate steps to ensure safety, workers should raise concerns with management or their trade union representative.

In some cases, asbestosis may constitute an industrial disease, and individuals may be entitled to state benefits such as Industrial Injuries Disablement Benefit (IIDB) or a one off payment under the Pneumoconiosis etc. (Workers Compensation) Act 1979.

TIME LIMITS

It is important to seek legal advice as soon as possible if asbestosis is suspected.

The law generally provides that court proceedings should be raised **within three years** of:

- The date of diagnosis; or
- The date when the individual first became aware that their condition may be related to asbestos exposure

Given the long latency period of asbestos-related diseases, this time limit usually runs from the date of knowledge rather than the date of exposure.

Although courts may have discretion to allow claims outwith this period, it is always advisable to begin the process as early as possible to ensure evidence can be preserved and witnesses traced.

0141 566 6899

For more information visit:

TalkToThompsons.com

X: <https://x.com/TalkToThompsons>

Instagram: <https://www.instagram.com/talktothompsons/>

Facebook: <https://www.facebook.com/Thompsons.Solicitors.Scotland>

Linkedin: <https://www.linkedin.com/company/talk-to-thompsons/>

The information contained in this booklet is more generalised and not a substitute for individual legal advice. You should talk to a lawyer or adviser before making any decision about a legal issue you are experiencing.