



Supporting you through
a work-related illness

IM, irwinmitchell



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A work-related illness can be completely life-changing for you and your loved ones. If you need legal support and advice, we're here to protect what matters most.

Your employer has a duty to protect you in the workplace, and if this doesn't happen they can be held accountable. Unfortunately, failure to follow best practice is common, and workers are often put at risk. Our expert solicitors have helped our clients make industrial disease claims following a range of illnesses, including silicosis, occupational asthma and hypersensitivity pneumonitis.

If you've suffered or are suffering from an illness caused by your working conditions, we'll investigate your case. We'll find out if anyone was at fault, and get you the justice you deserve.

Proud partnership

We're proud to be a patron of Asthma + Lung UK's Living Well Alliance, bringing together companies who support people in managing lung conditions through treatments, devices or products. Patrons of the Living Well Alliance have contributed financially to Asthma + Lung UK's charitable objectives.



Asthma + Lung UK remains a fully independent, impartial and unbiased provider of health advice and support, and hasn't contributed to the advice provided in this brochure.



This information relates to the law and procedures in England or Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

0800 023 2233

We're here for you

In these times of change, we're adapting how we work to suit our clients. If we can't come and meet you, we can email you, or talk over the phone or over a video call at a time that's right for you.

We'll begin our investigations by looking into the circumstances of your illness. Our team will work closely with you throughout this process to ensure the best possible outcome for you, both now and in the future. We'll consider the impact the illness has had and will have on your life.

Claims involving occupational diseases are complex and need a specialist solicitor. In many cases, the link between the exposure and the disease is often not made by health treating professionals, and in some cases it's under reported.

Where the employer isn't trading anymore, it may still be possible to pursue a claim, and compensation is normally paid by the employer's insurer. Our team can access several databases to trace the employer and their insurer.

We have a long history of campaigning for improvements in health and safety. Our aim is to improve the quality of life and levels of compensation for those with illnesses caused by their work.



Causes of occupational lung disease

Exposures in the workplace can cause a range of lung diseases. Some are very serious, and can sadly be fatal.

If you feel you may have been affected by exposure to the following substances in your workplace, don't hesitate to contact us for advice.

Silicosis

Silica is a material found in rock, sand, and certain types of stone.

Industrial use of silica is widespread across many manufacturing occupations such as construction, glass, ceramics, foundry, paints and plastics.

The occupations most at risk of silica dust exposure include:

- Construction workers
- Foundry workers
- Glass manufacturers
- Potters
- Stone cutters
- Stone masons.

Silica dust is harmful to the lining of the lungs. When it's inhaled, it can cause silicosis, an incurable respiratory disease. It can also lead to Chronic Obstructive Pulmonary Disease (COPD) and lung cancer, and increases the risk of contracting tuberculosis.

Silicosis symptoms can take 10 to 15 years to start showing, though very heavy exposure can trigger symptoms after only a few months. It's a prescribed disease, and sufferers may be entitled to Industrial Injuries Disablement Benefit and other benefits.

Occupational asthma

Asthma is a chronic inflammatory lung condition which can be caused or made worse by exposure to certain substances in the workplace.

The most common agents for occupational asthma include:

- Animal feed
- Cleaning products
- Colophony
- Enzymes
- Flour/grain
- Glues and adhesives
- Isocyanates (found in paints, foams, glue and flooring)
- Latex
- Welding fumes
- Wood dusts.

Workplaces with the highest risk for occupational asthma are those with higher levels of allergens or irritants:

- Bakeries and flour mills
- Car manufacture and repair workshops
- Electronics and assembly industries
- Engineering and metalwork workplaces
- Farms and agricultural workplaces
- Salons and nail bars
- Woodwork and carpentry workshops.



Irwin Mitchell provided an excellent service from beginning to end. I'm very grateful for all the help and support given by the whole team.

Ann

5* Trustpilot review

Hypersensitivity pneumonitis

Hypersensitivity pneumonitis, or extrinsic allergic alveolitis, is a disease that causes inflammation in the lungs that can lead to permanent scarring. It can develop after repeated exposure to certain substances, such as bacteria, fungi, animal proteins, plants, and chemicals which cause the lungs to develop an immune response.

There are specific types of hypersensitivity pneumonitis depending on what substance you've inhaled:

- Farmer's lung – dust or spores rising from mouldy hay, grain and straw
- Mushroom grower's lung – spores from mushrooms and their bedding
- Bird fancier's lung – in particles from feathers or bird droppings
- Metal worker's lung – cutting fluid used in tool rooms or machine shops
- Byssinosis – cotton dust.

The main symptoms of hypersensitivity pneumonitis are shortness of breath and coughing. The condition can also be progressive, becoming very disabling and potentially reducing life expectancy.

One possible complication is scarring of the lung tissue, also known as pulmonary fibrosis. This can make your shortness of breath and cough worse, and cause other symptoms such as weight loss and fatigue.

When exposure to these substances is a risk at your workplace, your employer has a duty to take measures to keep you safe. If they've failed to give you a safe working environment and you've fallen ill, you have a right to claim compensation.



Making a claim

We're realistic in our assessments, so when you contact us we'll give you honest, straightforward advice on your chances of winning based on the information you give us.

Though it's not possible to give a definitive answer on any case, the more information we have the more accurate our assessment will be.

Many people have come to us who didn't think they had a claim, and we went on to secure them financial security and support for the future.

Legal costs

A 'No Win No Fee'* agreement can often be the best option for our clients, but we can discuss this in more detail when talking about your claim. We'll do everything we can to protect and support you to proceed with your claim, and we'll keep you updated at all times.

Remember, there's absolutely no financial risk to you or your family if you're unsuccessful.

How much compensation will I get?

The amount of compensation you receive will depend on:

- The seriousness of your illness
- How it's affected your life
- How much money you've lost or may lose
- Whether you'll need extra support in the future.

We'll advise you on how the courts approach the assessment of compensation and how that will apply to your case. But it's important to remember that everyone's different, and the effects of the same illness will vary from person to person.

As we learn more about you and your circumstances, we'll be able to provide you with a more accurate idea of the financial value of your claim. We'll do everything we can to recover the maximum amount of compensation available to you. We'll also advise you on the best payment terms to suit your immediate and ongoing needs.

You may also be able to recover lost earnings. Alongside financial compensation, we'll help you and your family with the practical issues and day-to-day impact of your illness, as well as helping you to get access to the best medical care.

Next steps

Once you've instructed us, we'll let you know if we think you have a case. If you do, we'll begin our investigation by gathering witness statements and other relevant details about your illness and ongoing needs.

If we agree to proceed with the case, a claim will be made against the relevant person or company, who usually have insurance. This can go one of two ways: either they decide to meet your claim or they don't. Don't worry if they turn down your claim at first – this often happens and it doesn't mean that your claim will fail.

The vast majority of cases are settled before they go to court. If your case is one of the few to be decided by a judge, don't worry – it's perfectly normal, and we'll be there to help you every step of the way.

*To make a No Win No Fee claim, you need to enter into an agreement that's linked to a suitable insurance policy. We'll explain this in more detail before we start your claim.



The solicitor we dealt with was very professional and courteous, explained everything thoroughly, and answered any questions no matter how trivial. We felt very confident in his guidance and advice.

Janet
5* Trustpilot review

Our employment experts

We have a range of legal experts from all specialisms to guide and support you through your case, depending on your individual needs.

We understand that an injury can cause financial stress, so we're on hand to provide access to our employment specialists, who will guide and advise you.

Our employment team comprises award-winning and highly professional experts dedicated to providing the very best for their clients.

We understand the emotional and financial hardship that's brought about by a difficult workplace situation, and the pressure this can cause.

That's why we pride ourselves on providing top quality legal advice in all aspects of employment law, as well as practical advice to individuals in truly challenging situations.

If you've found that you've been dismissed from work because of an injury or illness you've suffered at work, or that your employer is now treating you unfairly as a result of that illness, we may be able to help you.

If you need support when it comes to your employment or other issues related to your illness, we're here to help, just like we've always been. You'll need to protect your loved ones, whatever the future holds, and this will be considered as part of your claim.



David's Story

David's life changed forever when he was diagnosed with silicosis: a long-term condition caused by inhaling crystalline silica dust, usually over many years.

Silicosis leads to hardening and scarring of the lungs, as well as a loss of lung function. Following his diagnosis, David, 64, instructed our specialist Workplace Illness team to help him discover how he came into contact with the material and developed the illness.

David's diagnosis has had a huge impact on his life. He says: "I can't do a lot of the things I used to enjoy, like fishing, playing snooker and walking in the Fells, as they're just too much for me now.

"I'm short of breath a lot of the time; even just walking a short distance is a struggle. I can't manage much around the home anymore either, so my partner Margaret is run off her feet looking after us both. She devotes all of her time to me."

David began working in the quarrying industry in 1971 at the age of 16, and was then forced into retirement in 2014 because of his diagnosis. He found this incredibly hard to come to terms with, as he enjoyed his work very much.

David explains: "Retirement isn't something that I ever considered, as stone masonry was always in demand. I hoped to go on for a lot longer."

How we helped David

We were pleased to successfully secure a settlement for David, so he's able to know he's going to get the care he needs in the future.

Workplace illness expert Ian Toft says: "This settlement for David is hugely important in ensuring that he'll receive the treatment required to manage his illness. Also, the fact that the case can be revisited at court if his illness develops in the future will provide him with some peace of mind."

David's focus has been on spending as much quality time as possible with his partner, two children and five grandchildren. He says: "I'm so grateful to have my family by my side. While nothing can turn back the clock, I'm glad to know that I'll receive the care I need, and there's also the possibility of future treatment. All I can hope for now is that stricter safety measures are put in place for people working with silica, as I wouldn't want anyone else to suffer the way I have."



While nothing can turn back the clock, I'm glad to know that I'll receive the care I need, and there's also the possibility of future treatment.

David
5* Trust Pilot review

Frequently asked questions

Should my employer have protected me from my workplace illness?

There are a number of steps that employers should take to reduce the risk of their employees developing a workplace illness.

These include:

- Avoiding exposure to dangerous dust, mists and fumes
- Changing metalworking fluids and cleaning machines regularly
- Providing suitable protective equipment such as masks when exposure is unavoidable
- Risk assessments
- Avoiding substances such as bacteria and mould wherever possible
- Training.

If you've fallen ill because your employer has failed to take one or more of these steps, you may be able to make a compensation claim.

Why choose us for your claim?

As one of the UK's largest personal injury firms, we have extensive experience in helping workers claim compensation from their employers, whether past or present.

Our work has seen us at the forefront of many high-profile cases where we've successfully got our clients the justice they deserve. This includes a group action brought on behalf of around 260 British Coal coke oven workers and their families.

These workers contracted respiratory diseases including emphysema, chronic bronchitis and lung cancer, as well as skin cancer, as a result of exposure to harmful fumes at coking plants in England and Wales.

We've supported clients who have worked in a range of industries and job roles, including agriculture, textile workers, tool makers and other metal workers.

Will I lose my job if I claim against my employers?

If you wish to make a claim against your current employer, any compensation would be paid by their insurer. It's been compulsory to have insurance for many years, so it's highly likely that they'll have this in place. There are also legal safeguards in place to protect you from unfair dismissal.

Claiming against an employer, even a former employer, can seem daunting, so it helps to have the experts on your side. We're used to dealing with companies both large and small, and their insurers, and we can guide you through the whole process.



They acted with professionalism throughout, but also with a caring and sympathetic manner. I'd have no hesitation in recommending Irwin Mitchell to anyone.

David
5* Trustpilot review

What else can we help you with?

Whether it's business or personal we understand that everyone's situation is different.

If you need legal advice or support with financial planning, we're here to offer expert advice tailored to your circumstances, so you can focus on what really matters.

We're here to help you with:

- Buying or selling a house
- Court of Protection
- Divorce, children and family matters
- Planning disputes
- Financial planning and wealth management*
- Support with your business and employment issues
- Social, education and healthcare provisions
- Tax and trusts
- Welfare and healthcare matters
- Wills

* Financial planning and wealth management services are provided by IM Asset Management Limited which is authorised and regulated by the Financial Conduct Authority. Its Financial Services Register Firm Reference Number is 402770.




Contact us:


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