

Confusion reigns after Asbestos ruling

Submitted by: No Pork Pies

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A new ruling regarding asbestos compensation claims

(<http://www.claimsdirect.co.uk/what-are-your-injuries/asbestos-related-illnesses-cancer>) is sure to provoke confusion and dismay from the workers affected by exposure to the deadly substance.

The website of No Win, No Fee solicitors (<http://www.claimsdirect.co.uk>) Claims Direct – a firm which helps victims make asbestos-related claims – outlines the dangers of asbestos.

In the 1970s many British workers found themselves in close proximity to asbestos since it was used to fireproof roofing and flooring as companies exploited the product's potential to provide heat insulation.

The material's desirable physical qualities had made it prevalent in industry long before then as it could absorb sound and was resistant to heat and many chemicals.

But humans have proved less resistant to the effects of inhaling its fatal fibres. Claims Direct website lists Asbestosis, Lung Cancer and Mesothelioma as three conditions associated with exposure to asbestos.

Mesothelioma is the most serious of the asbestos-related diseases; its symptoms appear similar to Asbestosis (shortness of breath, abnormal chest sounds), but it is incurable.

In November 2008 a landmark decision from the High Court ruled that employers' insurers were liable to pay out on from the time that the mesothelioma victim first came into contact with asbestos in the workplace.

But this verdict – hailed as a victory for the victims at the time – seems to have been overturned by the Court of Appeals' October 8th 2010 pronouncement that in some circumstances the liability should only date from the onset of symptoms.

So – first date of exposure or first date of symptoms - what difference does it make when the compensation clock starts ticking?

Well, to the victims of mesothelioma it can be a difference of up to 50 years, as symptoms can take between 10 to 50 years to appear.

The difference of 50 years' compensation to, say, one year's compensation, can be keenly felt by bereaved families struggling to pay the bills after their loved one has died because of dangerous working conditions.

No wonder The Daily Mirror, which has campaigned for asbestos sufferers for many years, lambasted the judges' fudging of the issue.

In its editorial column, the newspaper commented: "It is hard to avoid the impression that if insurance company execs and judges were dying of mesothelioma, this would've been settled a long time ago."

The Mirror blames the last Labour government for the ruling, as it "did not close a loophole which the insurance industry has exploited".

Even Nick Starling of the Association of British Insurers concedes that: "It is regrettable that the judgment in this case could lead to a small number of claimants not getting the compensation they could reasonably expect."

But will it just be a "small" number of claimants affected by the thinking of three Appeal Court judges?

Perhaps the last word should go to Ruth Durham, whose father died from mesothelioma in 2003.

Ms Durham will not lose compensation because of the judges' verdict but for her it seems like a hollow victory.

She said: "I think it is very sad that there is now a divide, with some victims and their families being compensated and some not."

The confusion surrounding the issue makes it vital that those seeking to make an asbestos-related claim should seek out the advice of expert No Win, No Fee solicitors such as Claims Direct.

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About Claims Direct:

Claims Direct (<http://www.claimsdirect.co.uk>) are a No Win No Fee Solicitors. We specialise in personal injury claims involving road accidents (<http://www.claimsdirect.co.uk/what-are-you-claiming-for/road-traffic-accident>), as well as accidents at work (<http://www.claimsdirect.co.uk/what-are-you-claiming-for/accidents-at-work>) or in public places and medical negligence (<http://www.claimsdirect.co.uk/what-are-you-claiming-for/medical-negligence>).

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