



THOMPSONS
SOLICITORS

STANDING UP FOR YOU

An introduction to claiming
compensation:

Industrial diseases – Deafness,
Dermatitis, HAVS, Silicosis,
Latex allergies and Dermatitis

Our pledge to you

Thompsons Solicitors has been standing up for the injured and mistreated since Harry Thompson founded the firm in 1921. We have fought for millions of people, won countless landmark cases and secured key legal reforms.

We have more experience of winning personal injury and employment claims than any other firm – and we use that experience solely for the injured and mistreated.

Thompsons will stand up for you by:

Staying true to our principles – regardless of how difficult our job is made by government, employers or the insurance industry

Remaining committed to the trade union movement, working closely with them and with professional associations for the benefit of working people everywhere

Thompsons pledge that we will:

Work solely for the injured or mistreated

Refuse to represent insurance companies and employers

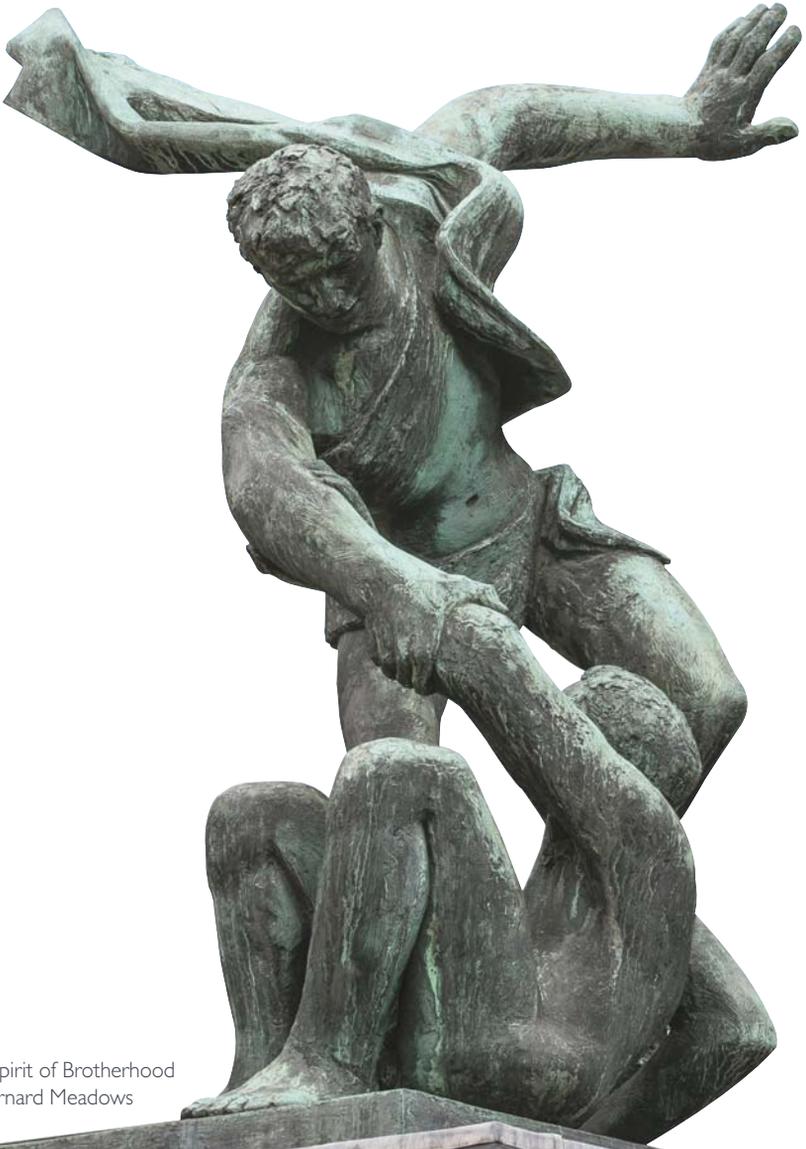
Invest our specialist expertise in each and every case

Fight for the maximum compensation in the shortest possible time

standing up for you

Contents

Types of industrial disease or illness	5
Is it difficult to make a claim?	5
What are the time limits for making an industrial disease or illness claim?	6
Why Thompsons?	6
Industrial disease: Hand Arm Vibration Syndrome (HAVS)	7
Industrial disease: Industrial Deafness	8
Industrial disease: Silicosis	9
Industrial disease: Asthma	10
Industrial disease: Latex Allergy	12
Industrial disease: Dermatitis	13



The Spirit of Brotherhood
by Bernard Meadows

Types of industrial disease or illness

‘Industrial diseases’ are conditions or illnesses caused by exposure to dangerous substances or unsafe conditions in the workplace.

While there are many types of industrial disease, this booklet provides information about the six most common:

- Hand Arm Vibration Syndrome (HAVS)
- Industrial Deafness
- Silicosis
- Asthma
- Latex allergies
- Dermatitis

Is it difficult to make a claim?

Claims involving industrial diseases are often a lot more difficult than other types of personal injury claim. The illness and exposure which caused the illness will often have occurred a long time ago and expert evidence to prove a link between the illness and the employment may be required. For these reasons, it is important that you speak to Thompsons’ experienced lawyers when deciding whether to make an industrial disease compensation claim.

What are the time limits for making an industrial disease or illness claim?

The timeframe for starting an industrial disease claim is normally three years from the date of diagnosis or the date at which you could reasonably have known that your condition had come on as a result of your work.

To guarantee the best chances of success, contact Thompsons Solicitors to discuss your case as soon as possible after receiving a diagnosis.

Why Thompsons?

**Thompsons has been standing up for injured workers since day one.
We never act for insurers or employers and we never will.**

We fight harder and smarter to secure the best possible outcome for our clients in the shortest possible time by drawing on our unparalleled experience of running and winning industrial injury compensation claims.

Our team of expert lawyers have run the test cases that established the law in most areas of disease litigation and have been using it ever since. Thompsons' work set the standard for the legal cases which followed and established vital new protections for workers. Thompsons has teams of specialist lawyers across the UK who review your case and provide expert advice about if, and how, you can make a claim.

Hand Arm Vibration Syndrome (HAVS)

What is Hand Arm Vibration Syndrome (HAVS)?

Hand Arm Vibration Syndrome is an industrial injury which mainly affects people who operate vibrating power tools.

Symptoms of HAVS include:

- cold sensation in the fingers
- feeling of numbness in the fingertips
- tingling sensation in the fingers
- whitening of the skin on the fingers.

Symptoms may prevent you from sleeping properly, affect your sense of touch or your ability to pick up small or heavy objects. Some symptoms are made worse by cold weather.

Control of Vibration at Work Regulations 2005

The regulations aim to protect workers from the risk to health caused by vibrations, they establish limits on use and other restrictions to reduce the risk to workers of using vibrating tools.

Who is at risk of HAVS?

The risk that led to workers developing HAVS was recognised back in the 1970s. As a consequence, Employers have a duty to ensure that they take steps to protect their employees from this risk.

The workers most at risk of developing HAVS are those who use vibrating power tools or machines like:

- | | | |
|---------------------|---------------------|------------|
| ■ Chainsaws | ■ Concrete breakers | ■ Grinders |
| ■ Hammer drills | ■ Hedge trimmers | ■ Mowers |
| ■ Pedestal grinders | ■ Pneumatic drills | ■ Sanders |

Industrial Deafness

What is Industrial Deafness?

Industrial Deafness – also commonly referred to as Occupational Deafness or Noise Induced Hearing Loss – is a deterioration of a person's hearing over a prolonged period of time as a result of their exposure to excessive levels of noise at work.

In the UK, thousands of people have been affected by industrial deafness. Employees can be put at risk in many different industries particularly shipbuilding, coal mining, metal manufacturing and engineering factory environments where noisy machinery is used. Deafness is not however confined to these traditional industries; claims have been successful for example for workers using mowers and trimmers whilst undertaking gardening or groundwork can also be affected.

What are the Noise at Work Regulations 1989 and 2005?

The Noise at Work Regulations 1989 were introduced to help reduce workers' exposure to noise. The regulations put in place new health and safety rules to minimise workers' noise exposure. The Regulations requires employers to monitor noise levels, reduce noise levels from machinery and to provide appropriate protective equipment such as ear muffs. The Noise at Work Regulations 2005 reduced the noise thresholds that employers can expose their workers to.

The Regulations have helped reduce the number of new instances of industrial deafness, however people who were exposed to noisy machinery before this legislation was introduced may unknowingly have been affected. In addition, there are still workplaces where workers are exposed to loud noise without appropriate hearing protection, because employers are failing to comply with the Regulations.



Silicosis

What is Silica?

Silica is a very common mineral found in sand and rocks such as granite, sandstone, flint and slate, and in some coal and metallic ores and it is also used as a filler in some plastics. In the workplace, the dust created when a material is cut, sanded, carved, broken, drilled or crushed can be hazardous to health.

Occupations with common exposure to silica include:

- | | | |
|-------------------|---------------------------------------|-----------------------|
| ■ foundry workers | ■ potters | ■ tunnelling workers |
| ■ stonemasons | ■ sandblasters | ■ glass manufacturers |
| ■ stone cutters | ■ demolition and construction workers | ■ brick cutters |

In workplaces, there are also other every day activities that can cause silica to be released into the air:

- Dust that is not cleaned up safely, for example by dry sweeping rather than wet cleaning
- Clothing and surfaces that are contaminated with dust
- Accumulated dust being 'raised' from the ground or other surfaces by moving vehicles and people

What is Silicosis?

Silicosis is a completely preventable but incurable respiratory disease. It is caused by inhaling silica dust (or 'crystalline' silica). If this dust is inhaled, small particles of it can become embedded into parts of the lung and cannot be cleared by mucous or coughing. The dust is toxic to the lining of the lungs and causes a strong inflammatory reaction. Eventually, this can result in the lung tissue becoming irreversibly thickened and scarred – a condition known as fibrosis. This scar tissue prevents the lungs from taking in oxygen properly.

Serious exposure to high levels of silica can cause disease within a year, but it usually takes at least 10 to 15 years of exposure before symptoms occur. The disease tends to progress slower the longer the interval between exposure and the onset of symptoms.

As well as silicosis, silica exposure can also lead to Chronic Obstructive Pulmonary Disorder (COPD), tuberculosis and lung cancer.

Is All Dust Dangerous?

Low level or infrequent exposure to dust is unlikely to be dangerous but regular exposure to high levels of dust in the workplace can affect the respiratory system and cause workers to become seriously ill. Dust is listed as a hazardous substance in the Control of Substances Hazardous to Health Regulations 2002 (COSHH) and dust exposure occurs across different industries and working environments.

Types of hazardous dust may include:

- | | | |
|-----------------|---------------------|--------------|
| ■ Asbestos dust | ■ Construction dust | ■ Paper dust |
| ■ Wood dust | ■ Flour dust | ■ Coal dust |
| ■ Cotton dust | ■ Metal dust | |

Inhalation of the dust types listed above can lead to serious lung diseases, such as cancer; byssinosis (caused by exposure to cotton dust), chronic bronchitis, silicosis, asbestosis, asthma, Chronic Obstructive Pulmonary Disorder (COPD), and 'metal lung disease' (caused by exposure to cobalt-containing hard metals).

Occupational Asthma

What is Asthma?

Asthma is a chronic inflammatory lung condition which leaves the sufferer with breathing difficulties as a result of their airways narrowing. In some cases the asthma can subside over time, however; in other cases a person may need to take medication to treat the asthma for the rest of their lives.

If a person develops asthma later on in life, then it may have been caused by something breathed in, in their working environment rather than as a result of a hereditary condition. In many cases, asthma is caused by chemicals, fumes, dust, gases and other substances in the workplace. Causes of asthma include:

- | | |
|-------------------------|----------------------------------|
| ■ Exposure to Flour | ■ Exposure to Laboratory animals |
| ■ Exposure to Colophony | ■ Exposure to Grain |
| ■ Exposure to Latex | ■ Exposure to Isocyanates |
| ■ Exposure to Enzymes | |

What are the Symptoms of Asthma?

Common symptoms of asthma are coughing, wheezing, shortness of breath and tightness across the chest.

Common triggers known to worsen asthma are colds and flu viruses, cigarette smoke, dust, pollen or animal hairs. Asthma can start at any time of life as well as being a hereditary condition, it can also be caused by a person's lifestyle and environment.

Many other irritant substances such as dust or smoke can have the same effect. The asthma may not develop immediately after the initial exposure. Usually symptoms improve when the exposures stops, and symptoms may be mild initially.



Latex Allergy

What is a Latex Allergy?

Latex allergy is an allergy to proteins that are present in natural rubber or to the chemicals used in processing the rubber. When a person is exposed to latex, they may become hypersensitive to it. This means that their body's immune system may overreact to it on re-exposure. Basically, the body thinks that the latex is harmful and makes antibodies to attack it. Skin irritation and asthma are common symptoms of the allergy.

Latex gloves are the most common product containing natural rubber latex. In the 1980s and 1990s, the increased use of latex gloves produced a corresponding increase in the number of people diagnosed with latex allergy. Now, latex allergy is a recognised health problem for people who need to wear rubber gloves due to the nature of their work, for example nurses, doctors, surgeons and laboratory technicians. Those who may need to wear them throughout their working day, and if the rubber gloves contain latex, could be at risk of developing a latex allergy. In addition, latex is found in many products that health care workers will come into contact with, including stethoscopes, intravenous tubing, catheters, and bandages.

It should be noted that because latex gloves frequently contain powder, and the powder can become airborne, the allergy sufferer may come into contact with latex even though they are not actually touching the gloves. This can result in symptoms such as allergic contact dermatitis, irritant contact dermatitis and breathing difficulties. There is no specific amount of latex exposure necessary to produce hypersensitivity.

Once a hypersensitivity to latex has developed, a sufferer has to be careful that they do not encounter latex.

What are the Control of Substances Hazardous to Health Regulations (COSHH)?

The COSHH Regulations require employers to control substances that are hazardous to health. As latex can cause asthma and dermatitis, employers have a duty to reduce the exposure of workers to this substance.

What are the Symptoms of a Latex Allergy?

A latex allergy can be potentially fatal (this is called a Type I response). A very serious reaction to the latex protein in rubber can include anaphylactic shock. Fortunately, this is very rare.

More usually, an allergic reaction involves a response to the chemicals used to process the rubber (called a Type IV response).

Dermatitis

What is Work-related Dermatitis?

Eczema (or dermatitis) is a common childhood condition which often vanishes by adulthood; however, in some cases a person can suffer with eczema or dermatitis for their whole life.

If an adult develops eczema or dermatitis or if an existing condition significantly worsens later in life, then there is a chance that it could have been caused by their working conditions. Contact with an irritant such as glue, cleaning products or other chemicals can cause Irritant Contact Dermatitis.



What is Irritant Contact Dermatitis and who does it affect?

A person suffering from Irritant Contact Dermatitis will probably develop the skin condition on their hands.

A person who comes into contact with dust, chemicals or enzymes at work without the proper protective clothing may go on to develop dermatitis or eczema on the exposed body parts such as the face and hands or their existing dermatitis or eczema may become worse.

Some common causes of dermatitis include coolants, oils, dyes, plants and fungi as well as frequent contact with water. Some of the professions most at risk of contracting work-related dermatitis include kitchen workers, hospital staff, manufacturing or factory workers, hairdressers, cleaners, printers and engineers.

0800 0 224 224

For more information visit:

www.thompsons.law.co.uk

 [@thompsons injury](https://twitter.com/thompsons injury)

The information contained in this booklet is not a substitute for legal advice. You should talk to a lawyer or adviser before making a decision about what to do. Thompsons Solicitors is a trading name of Thompsons Solicitors LLP and is regulated by the Solicitors Regulation Authority.

Published July 2015

TH14-491

Standing up for you