

What you need to know: asbestos



Whether at work or renovating a home, our members should remain vigilantly on the lookout for any materials that may contain asbestos. It's important to know what to look for, and what to do if asbestos is found. The key is to be aware of the risks posed by asbestos, and to do everything possible to minimise any exposure to themselves and others.

Follow our top 10 guide to asbestos to make sure the safety and rights of members are protected:

1 Where is asbestos found?

Some of the most common uses for asbestos included:

- asbestos cement sheeting - often known simply as 'fibro', was used as a low-cost building material for many houses, sheds and garages, and came in a number of forms including flat sheets, corrugated sheets, weatherboards and patterned sheets
- profiled sheets used on roofs, walls and flat sheets in flashings
- gaskets, brake shoes, disc pads, clutch housings or elevator brakes
- asbestos cement pipes, gutters and flumes
- asbestos cement insulation products, such as woven 'ropes' and 'blankets'
- loose asbestos fibre insulation. This type of asbestos in particular is extremely dangerous, even if undisturbed
- plaster patching compounds
- textured paint
- vinyl floor tiles
- thermal insulation (not sprayed on).

Asbestos can be difficult to identify. Members should take extra care when handling a renovation and encounter a material they're not 100% sure of. When in doubt, assume that the product probably contains asbestos.

2 What to do if members find asbestos at work or home?

Leave it alone. Never touch or disturb anything that might be asbestos. Members should:

- avoid performing any activities which may disturb or damage the product
- have an expert assess the material to determine if it's safe to leave, or whether it should be removed
- if the building product appears to be damaged, or in bad condition, stay away from it until it is assessed
- not attempt to clean up any dust or debris
- not remove any asbestos materials. By removing or disposing of asbestos incorrectly, members may not only be risking their health; they may actually be doing something illegal
- always hire licensed asbestos removalists to dispose of any asbestos. They will ensure that asbestos is removed and disposed of safely and that affected areas are properly cleaned afterwards.

3 What are the health risks? Why is it so dangerous?

No level of exposure to asbestos is safe.

Exposure takes years to show symptoms and can develop into any of the following diseases, some of which are incurable:

- asbestosis
- lung cancer

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- asbestos related pleural disease
- pleural mesothelioma
- peritoneal mesothelioma
- pericardial mesothelioma
- laryngeal cancer, or
- any other cancer caused by exposure to asbestos.

4 Our member has been exposed to asbestos - can they make a claim?

Yes, if they've been diagnosed with an asbestos-related disease. Their first priority should be to take care of their health, however financial compensation may relieve some of the burden for a member and their family.

If they've been exposed, and they haven't developed any symptoms, the member doesn't ever need to make a claim. Encourage the member to record their exposure on Maurice Blackburn's National Asbestos Register.

5 What is the National Asbestos Register?

The National Asbestos Register is a database established and maintained by Maurice Blackburn. It's a free service that enables people to make a formal record of their asbestos exposure should the information be required in the future.

Registration doesn't automatically make the member a client of Maurice Blackburn - and they are under no obligation to become one in the future. Maurice Blackburn can provide members with further free advice or information via one of their specialist asbestos lawyers if they want, or need it.

For more information on registering please visit Maurice Blackburn's Asbestos Diseases page online at www.mauriceblackburn.com.au

6 How do members make a claim?

Maurice Blackburn will assist members with their claim, which involves:

- obtaining details about their work, including exposure to asbestos and other matters. This can take place in their home, in hospital or our office and usually takes a few hours
- the member gives Maurice Blackburn the authority to access medical records and reports
- arranging all documentation relevant to the claim
- providing instructions (via telephone) as the matter progresses.

7 It happened a long time ago, can our member still make a claim?

Yes. They can make a claim even if they:

- left the employment where the exposure occurred
- were exposed to asbestos 50 years ago, or more
- had an employer who has since gone out of business
- were exposed to asbestos with different employers
- were self-employed or a contractor
- were not exposed to asbestos at work (but elsewhere like at home)
- were exposed to asbestos in the UK, NZ or the US
- are not sure when their exposure to asbestos occurred, and
- smoked cigarettes.

8 Can a member's family bring a claim?

Yes. If their family can show they were financially dependent on the member's earnings, they could bring a claim for the loss of financial dependency.

However, only a member can claim for pain and suffering. As long as the member initiates the claim in their lifetime, the claim will continue to proceed until finalised.

9 How much compensation will the member get?

It's impossible to provide that information without details specific to the claim. But where there is good evidence to support the claim, it is likely that the member could win compensation between tens and hundreds of thousands of dollars.

10 How long will the claim take?

The average time-frame for an asbestos claim can vary between three and six months, from the time our member instructs Maurice Blackburn to proceed until the claim is settled. Claims can proceed faster where there is medical evidence that the member is very unwell. Some claims are resolved within weeks.

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