



SHINE
LAWYERS
RIGHT WRONG.

A helpful guide to
**Asbestos, Silica and
Occupational Dust
Diseases claims**



Shine Lawyers' Asbestos, Silica and Occupational Dust Diseases Team

Shine Lawyers has a strong history of representing people who have been exposed to a hazardous substance as part of their work and develop a lung disease. We advocate for safer workplaces for all Australians.

Symptoms of occupational lung diseases may not be present until many years after your exposure at work and can then progress quickly. Our expertise and experience mean we know how to advance a claim for compensation for you or your loved one, to secure the best outcome possible. We conduct each case with sensitivity and compassion.

Shine Lawyers pursue claims Australia-wide and have a proven track record, as far as the High Court of Australia, in delivering successful

outcomes for our clients, with compensation allowing access to medical treatment and support for their families. Our Asbestos, Silica and Occupational Dust Diseases claims are run on a No Win, No Fee* basis and we recommend reaching out sooner rather than later, as strict time limits can apply.

This guide provides an overview of occupational lung disease and autoimmune conditions and how to make a claim for compensation for you or your loved one.



* Conditions apply



Understanding Occupational (Workplace) Exposure

Occupational exposure means you or your loved one has been exposed to a hazardous material or product at work, usually through breathing in a substance. The substances can be released through work processes such as cutting, drilling, grinding, mining, and sanding. Inhaling hazardous substances can lead to an occupational lung disease or illness, which vary in their severity and the speed of their progression. Protective measures at work can limit or manage your exposure to hazardous substances, which include:

Silica

Asbestos

Dust and fibre particles from products such as coal, hard metals, cotton, bagasse, mouldy hay, straw or wood

Fumes

Gases

There are over 30 different types of lung diseases. Australia has limited official data on the prevalence of occupational lung diseases. Internationally, approximately 15% of adult-onset asthma and chronic obstructive pulmonary disease (COPD) are believed to be related to workplace exposure, and between 10%-25% of lung cancer. The Australian Government is setting up a National Occupational Respiratory Disease Registry to improve understanding about how common occupational lung diseases are and provide better workplace education to minimise exposure risks.

Autoimmune diseases are also known to be linked to occupational silica dust exposure

In this guide, we'll talk more about some lung diseases which can be caused by your work:

- **Silicosis**
- **Asbestos-related conditions**
- **Silica related autoimmune conditions**
- **Toxic exposure and other dust diseases**

| Who is most at risk of occupational lung disease

Working in some trades and industries may increase your likelihood of developing an occupational lung disease. These can change over time as new products develop with unknown long-term effects on lung health, but include:



Stonemasonry



Mining or quarrying



Tunnelling



Construction



Demolition



Waste management



Automobile repairs



Engineering



Cleaning

You or your loved one is at risk of developing an occupational lung disease if:

- **You worked with hazardous substances, particularly over a long period**
- **Protective measures at work weren't effective or in place**
- **You worked or were present in an environment with hazardous substances, even if you had second-hand exposure (e.g. administration staff or laundering of partner's dust ridden clothes)**

Occupational lung diseases can have what's called a 'long latency period'. This means your risk of developing an occupational lung disease can continue for many years after you were exposed to the hazardous substances.



| What you can do if you or a loved one is exposed

If you or a loved one becomes unwell and you believe it's due to toxic exposure in the workplace, it's important to seek medical advice immediately. Be clear about the industry that you work (or worked) in, the toxic substance you have been exposed to, the symptoms you are experiencing and what your concerns are, as some diseases will not turn up on initial scans.

If you or your loved one has been diagnosed with an illness or injury due to hazardous substances at work, seek legal advice quickly. Occupational lung diseases can take years to develop but then progress quickly once symptoms start. If you have a lung disease from your exposure at work, you may be able to claim, even if:

1. You're no longer working at the place of exposure

2. Your employer is no longer in business

3. You were self-employed or engaged as a contractor

4. You are or were employed by multiple organisations

5. You suffered second-hand exposure

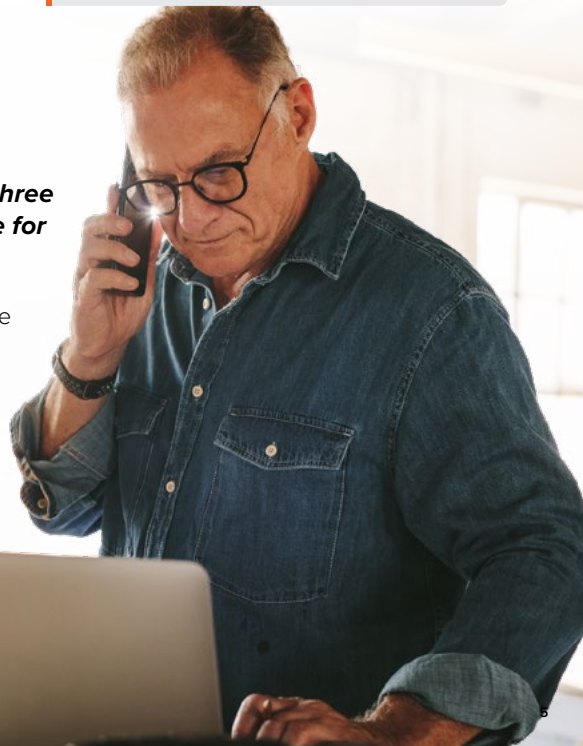
6. You are or were a smoker

Further in this guide you'll find the three important steps to follow to prepare for making a claim for compensation:

1. Document your occupational exposure

2. See your doctor

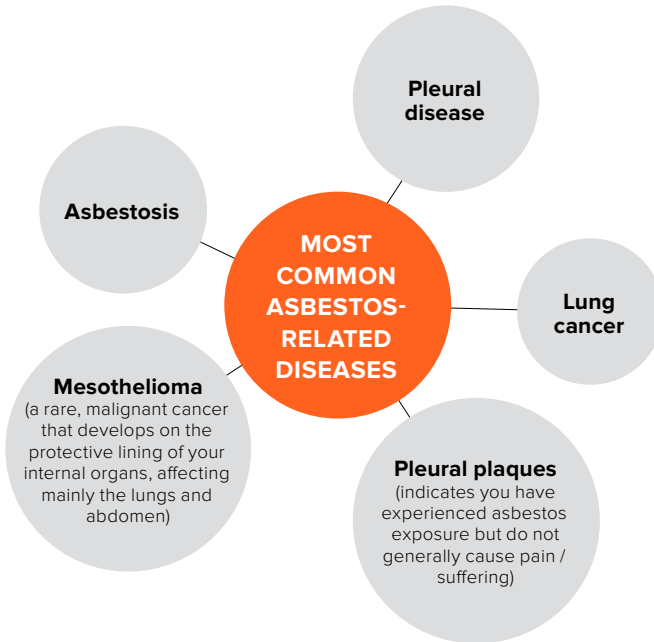
3. Contact Shine Lawyers





Understanding asbestos-related diseases

Breathing in asbestos dust and fibres can cause a range of diseases. The fibres lodge in lung tissue, causing inflammation and scarring. Asbestos-related diseases can take years to develop and progress at varying rates from person to person. Repeated exposure to asbestos increases your risk of developing an asbestos-related disease.



Did you know?

Australia has one of the highest rates of asbestos-related diseases in the world. This is because of our heavy use of asbestos in the manufacturing and construction industries prior to the total ban on its use and importation in 2003.





Who is most at risk of asbestos-related diseases

Your risk of an asbestos-related disease increases if you've been repeatedly exposed to asbestos. Asbestos-related diseases have been most diagnosed in workers from these trades and industries:

Building and construction, including demolition

Carpentry

Electricians and Plumbers

Roofing contractors

Industrial and power plant workers

Insulation installation

Shipyard

Painters and decorators

Automobile repairs

Asbestos removal

Symptoms of asbestos-related diseases

Symptoms can take many years to develop after asbestos exposure, in some cases between 10 and 30 years.

Common symptoms can include:

- Shortness of breath
- Coughing, wheezing and hoarseness
- Mucous in the lungs
- Chest wall pain
- Tiredness
- Clubbing (swelling) of fingers (in asbestosis)
- Weight loss (in later stages)



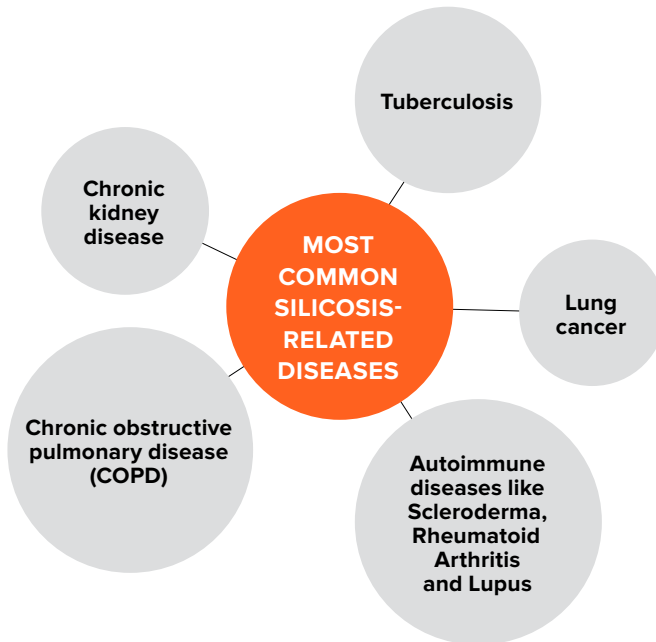


Understanding silicosis and other silica related conditions

Including silica induced autoimmune diseases

In recent years the increasing incidence of silicosis in Australia has proven to be the worst occupational dust diseases crisis since the peak of the asbestos disaster. Shine Lawyers has advocated for and welcomes the Australian ban on high silica content engineered stone, effective from July 2024. Silicosis is caused by inhaling silica dust, which is created when materials containing silica are disturbed. These materials include sand, stone, concrete, mortar and engineered stone.

Disturbing the materials can be via cutting, crushing, drilling, grinding, polishing, sanding or sawing. Silica dust particles are 100 times smaller than a grain of sand. They lodge in your lung tissue which leads to inflammation, fluid build-up and scarring. The lungs stiffen, which makes it hard to breath. As well as silicosis, exposure to silica dust can cause:





Who is most at risk of developing silicosis and autoimmune diseases

You are at risk of developing silicosis or an autoimmune disease if you've been exposed to silica dust. Your risk increases based on the amount of time you were exposed to silica dust. This could be a high level of exposure in a short period, or a low level of exposure over many years.

Engineered (or artificial) stone benchtops have a silica content of up to 97%. Working with engineered stone can create high levels of silica dust. This means those working in stonemasonry or with engineered stone are at an increased risk of developing silicosis and/or autoimmune diseases.

Symptoms of silicosis

Symptoms of silicosis can take years to develop, even after your occupational exposure has ended. Progression of the disease can vary from person to person. Common silicosis symptoms include:

- Shortness of breath
- Coughing
- Tiredness
- Chest pain
- Weight loss

Some people may have no symptoms at all.

Symptoms of autoimmune diseases:

- Skin thickening
- Skin lesions / rash
- Puffy hands and fingers
- Joint pain or stiffness
- Fatigue
- Internal organ damage including digestive system, lung heart or kidney destruction



Understanding toxic exposure and other dust diseases

There are several other dust diseases from toxic exposure that are prevalent in Australia. These include:

Nose and nasal sinus cancer

- Around 16% of men's and 2% of women's nose and nasal sinus cancer can be attributed to prolonged exposure to wood dust and formaldehyde
- Wood dust and formaldehyde have been classified as Group 1 carcinogens by the International Agency for Research on Cancer

Who is most at risk of nose and nasal sinus cancer

You're most at risk if you work with wood and pressed wood products such as by milling, cutting, sawing, routing, turning or sanding. Occupations most at risk include:

Woodwork machinery operators

Cabinetmakers

Carpenters

Manufacturers of wooden products

Furniture finishers

Symptoms of nose and nasal cancer

Symptoms of nose and nasal sinus cancers can include:

- A reduced sense of smell
- Congestion or blockage in the nose or ear
- Frequent nosebleeds
- Frequent sinus pressure or headaches
- Difficulty in swallowing
- Double vision or loss of vision



Pneumoconiosis/Coal Miners Black Lung

Pneumoconiosis is a general term for lung scarring (also known as lung fibrosis), caused by inhaling dust. Different types of dust cause different types of pneumoconiosis, such as:

- Asbestos, which causes asbestosis
- Silica dust, which causes silicosis
- Aluminium bearing dust, which causes aluminosis
- Vegetable fibres (such as flax, cotton and hemp) which causes byssinosis or brown lung disease
- Coal dust, which causes coal worker's pneumoconiosis or black lung disease

Who is most at risk of pneumoconiosis

You're most at risk of a type of pneumoconiosis if you work in an industry creating a dust that can be inhaled. Occupations most at risk therefore include:

People who have worked with asbestos

Stonemasons who have worked with engineered stone

Aluminium industry workers

Textile industry workers

Coal industry workers

Symptoms of pneumoconiosis

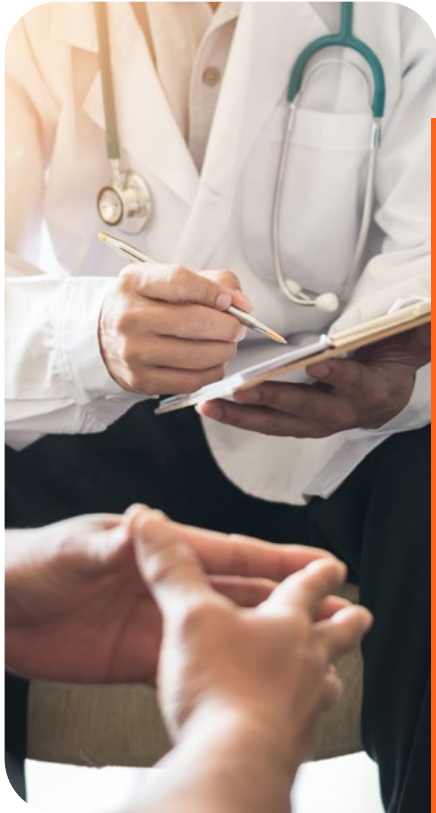
Symptoms of pneumoconiosis can take years to develop, even after your occupational exposure has ended. Progression of the disease can vary from person to person. Symptoms can range from mild to severe. Common pneumoconiosis symptoms include:

- Shortness of breath
- Coughing
- Tightness in the chest

Other causes and symptoms from toxic exposure

There are several other less common materials and products that may cause illness or injury due to prolonged exposure. These include:

- Organic solvents (e.g. adhesive)
- Isocyanate poisoning (e.g. spray-painting cars)
- Benzene poisoning (in fuels)



Preparing for and making an Asbestos, Silica and Occupational Dust Diseases claim

Preparing for and navigating an occupational lung disease claim can be challenging and overwhelming. There are numerous compensation schemes available, and depending on where you were exposed, different laws and time limitations in each state and territory. At Shine Lawyers we can assist with managing your claim from start to finish.

We'll ensure you receive the maximum compensation entitlements based on your circumstances. And we'll take the time to fully explain the process, so you can understand your rights and regain some control at an exceptionally challenging time. Our advice and guidance will be tailored to your situation, and we'll keep you fully informed every step of the way.



When preparing to make a compensation claim there are three important steps to take:

1 Document your occupational exposure

If you know you've been exposed to a hazardous substance at work or in other circumstances, document your exposure. This will help to support your claim if you're diagnosed with a dust related disease. Include records of your:

- Employment such as timesheets, contracts, letters from employers
- Income statements and payslips
- Medical records
- Proof of diagnosis

2 See your doctor

If you or your loved one has ever worked with hazardous substances, or if you have any symptoms, see your GP who may refer you to a specialist. Some diseases take many years to develop, long after your exposure to a hazardous substance. In the early stages, the diseases can be difficult to diagnose.

When you see your GP or specialist, it's important to explain:

- The exposure circumstances such as your occupational history including your exposure to a hazardous substance and your working conditions
- Any preventative measures that were in place at work to reduce your potential exposure
- The duration and level of your exposure
- Any symptoms you're experiencing

3 Contact Shine Lawyers

As soon as you become concerned that you or your loved one may have a dust exposure related disease, contact Shine Lawyers for an obligation-free appointment. We can assist with managing your claim from start to finish, to ensure you can access the compensation you're entitled to. Strict time limitations apply, so get in touch today. We will meet you at a location of your choice, in the comfort of your own home.



Process for making a claim

Each Australian state and territory has different laws and strict time limitations for making a compensation claim for an occupational lung disease. Your claim will be made in the state or territory where your exposure to a hazardous substance occurred. Depending on your circumstances, your claim would be for workers' compensation, and you may also be eligible for benefits through your superannuation. Here's the process for making a claim:

1

Obligation-free confidential initial consultation

We'll listen carefully and understand your individual needs. We'll fully explain the legal process to you, so you understand your rights and feel in control.

2

Build your case and keep you informed

Your Shine Lawyers team will work with you to gather all the documentation and evidence needed to support your claim. We'll consider all evidence so we can assess your options and provide guidance tailored to your specific situation, state or territory.

Our Shine Lawyers Asbestos, Silica and Occupational Dust team can give you advice specific to your situation and your state or territory.



3

Negotiate to settle your claim early

We may need to directly approach parties relevant to your claim to engage in pre-court negotiations outside of the court process. We know you've been through enough. Wherever possible, we'll seek to minimise any stress this process might have for you and aim to resolve your claim in a way that's sensitive to your needs and your situation.

4

If required, go to court

If we can't reach a resolution of your claim through negotiation, we'll commence court proceedings on your behalf. Only a small percentage of cases result in a court hearing, with most cases settling before going to trial. Whatever happens, we'll be by your side, providing support, compassion and skilled legal representation every step of the way.

We'll also work closely with your family, primary care providers and / or medical professionals to minimise any stress or inconvenience from this process, where possible.



5

Resolve your claim

At Shine Lawyers, we'll passionately work to deliver the outcome and compensation you or your loved one deserves. We'll keep you informed every step of the way.

We offer a No Win No Fee* guarantee, meaning you won't pay legal fees if your claim isn't successful.

| How long does a compensation claim take?

In some cases, it's possible to speed up a compensation claim to make sure it's finalised in yours or your loved one's lifetime. The time depends on your situation and the facts of your case.

It can be within weeks or months, depending on your circumstances. There are mechanisms to expedite claims to resolution where there is diminished life expectancy or imminent risk of death.

If you or your family member passes away during the claim process it may be possible for dependents or the estate of the family member to continue the claim. There are multiple factors influencing the eligibility for the continuation of the claim including if court proceedings were commenced during the deceased's lifetime and if those who were dependent on the family member require ongoing care and support. To ensure you have investigated all possible compensation options, contact Shine Lawyers to discuss your claim.

*Conditions apply



| What compensation you or your loved one can claim

If you were exposed to a hazardous substance because of your work, you could be eligible to make a workers' compensation claim. If you're unable to work due to your occupational lung disease, you might be entitled to benefits through your superannuation or other insurance policies.

No two compensation cases are the same. The compensation you're entitled to, and the way we handle your case, will depend on your circumstances.

Claiming compensation can help to cover you for:

Lost income now and in the future

Ongoing care and medical expenses

Support services to improve your quality of life

Pain and suffering





How Shine Lawyers can help

As one of Australia's largest personal injury and Toxic Exposure, Asbestos, Silica and Dust Diseases litigation firms, we have helped thousands of Australians right wrong and access more than \$1 billion per year in entitlements and compensation.

We have the expertise, experience, and nous to go up against the big companies and insurers to get you the result you're looking for. 95% of the cases we represent settle without the stress of going to court.



We are here for you

We care. We listen carefully to your situation and provide you with tailored advice. We'll keep you informed and be by your side every step of the way through your claim process. Your privacy is important to us. Your case and personal details will always remain confidential and secure.



We are honest

We're upfront about your case so you know where you stand. We'll keep you informed so you know what's next. There won't be any surprises about legal fees.



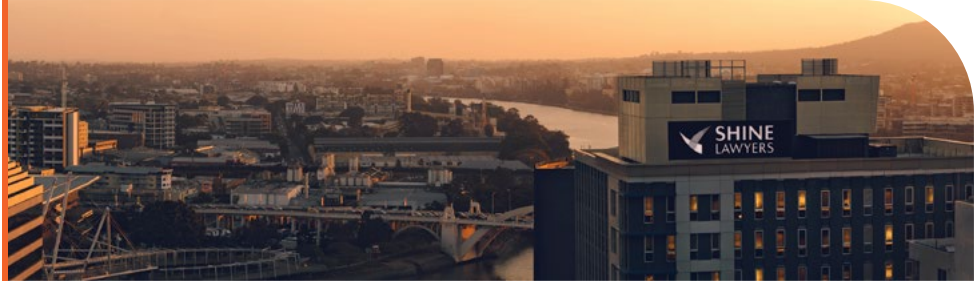
We keep it simple

We provide advice that you can easily understand. We'll be clear about your claim process and the relevant laws and time limitations for making a claim. Together we'll agree on the best way to communicate with you – in person, by phone or online.



We take action

We progress your case as quickly as possible while securing the best result. We value your feedback about our legal service and act promptly on it. We do everything in our power to right your wrong, so you receive the justice you deserve.



Our locations

Shine Lawyers has offices across Australia. Location is no barrier to accessing our legal expertise, experience, and support. If you'd like to speak to our Asbestos, Silica and Occupational Dust Diseases team over the phone, online or in person, get in touch with us.

No matter where you're located, our lawyers can meet you in a location that's comfortable and convenient for you. We'll always provide the same, expert advice and manage your claim with the same level of quality and commitment.

We offer access to affordable legal advice, including on a No Win No Fee* basis.

*Conditions apply



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How we **can help**

Our expert Asbestos, Silica and Occupational Dust Diseases team offer expert legal representation. We listen to our clients' concerns and build an understanding of their unique situation, so we can achieve the best possible outcome for them.

To arrange a confidential, obligation-free discussion, please contact us at:

shine.com.au or call **13 11 99**
