

Pleural Plaques

Summary

AXA maintains that pleural plaques should not be compensatable. Pleural plaques are not recognised as an industrial disease by the Industrial Injuries Advisory Council (a body whose members include leading chest physicians and trade union representatives). Indeed Professor Anthony Seaton, former Emeritus Professor at the University of Aberdeen, has said the very fact that the condition could be worthy of compensation sends the message that it is more serious than it actually is, causing anxiety.

The focus for those with pleural plaques should be on education and raising awareness about the reassuring medical prognosis rather than perpetuating out of date views. Making pleural plaques compensatable would fundamentally change the law of negligence, creating rights based around the prospect of anxiety and the likelihood of contracting a future illness, rather than an event that caused damage. Such a move will increase costs for businesses, government, local authorities and insurers.

Following Government announcements in February 2010 to establish an Employers' Liability Tracing office (ELTO) and consult on an Employers' Liability Insurance Bureau (ELIB) AXA will be adapting its systems and processes to further enhance tracing of long term disease claims.

Background

Asbestos is potentially a dangerous commodity and its use has been banned in the UK since 1999. Cheap to produce, resistant to fire, impervious to heat and virtually indestructible meant that asbestos was widely used in manufacturing processes for many decades up until 1999. Just as smoking can lead to lung cancer, working with asbestos can bring about respiratory problems, some of them untreatable which often results in premature death. Diseases associated with the use of asbestos are one of the more common claims insurers deal with from manufacturing companies, typically via Employers' Liability policies.

There are four specific asbestos related illnesses (asbestosis, mesothelioma, lung cancer and pleural thickening) and one symptomless condition (**pleural plaques**). Compensation continues to be paid for those suffering from one of the four defined illnesses where there is a link to the disease having been caused by employment.

Pleural plaques are small fibrous discs on the surface of the lungs that are diagnosed by x-ray and indicate that a person has been exposed to asbestos. Pleural plaques are benign and for more than 99% of people diagnosed with the condition do not impair quality of life. Pleural plaques do not lead to other forms of asbestos related disease and people with pleural plaques are unlikely to know they even have the condition unless they submit to an X-ray or other medical imaging process.

In less than 1% of pleural plaques cases, claimants can have genuine physical symptoms which will be confirmed by medical diagnosis and will result in a valid claim for compensation. Such cases are very rare since health problems (invariably breathing difficulties) will nearly always be brought about by other factors such as smoking, obesity or other cardiovascular conditions rather than the prevalence of pleural plaques.