

# ill or disabled because of working with asbestos in your job?

A guide to  
**Industrial Injuries Disablement Benefit**  
if you have a disease because of  
working with asbestos

# Ill or disabled because of working with asbestos in your job?

## Who can claim?

If you think you have one of the 4 diseases listed below because your job involved working with asbestos or being exposed to asbestos after 4 July 1948, you can claim Industrial Injuries Disablement Benefit. You do not need to have paid National Insurance contributions.

## About the benefit

The amount of Industrial Injuries Disablement Benefit you get depends on how badly you are disabled. It can be paid after 15 weeks (90 days not counting Sundays) from the first day you were disabled by the disease, whether or not you have been off work. However, if your claim is for diffuse mesothelioma (D3) the benefit can be paid from when you were first disabled by the disease.

## What are the diseases?

- Pneumoconiosis (asbestosis)  
Prescribed Disease D1
- Diffuse mesothelioma  
Prescribed Disease D3
- Primary carcinoma of the lung where there is accompanying evidence of one or both of the following:
  - a. asbestosis
  - b. diffuse pleural thickening  
Prescribed Disease D8
- Diffuse pleural thickening  
Prescribed Disease D9.

## If your disease is because of a job which you did before 5 July 1948

If your disease is because of a job which you did before 5 July 1948, you cannot get Industrial Injuries Disablement Benefit. But for the first three diseases listed above you may be able to get an allowance under the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme. For more information, contact:

Jobcentre Plus  
Pneumoconiosis and Workmen's  
Compensation Section  
Room 306  
Norcross  
Blackpool FY5 3TA  
Phone **01253 333 577**.

## How and when to claim

Ask your local Jobcentre Plus or social security office for a claim form **BI100Pn** and a reply envelope. Fill in the form, the staff at the office will help you to do this if you wish, and return it straight away. Your trade union or Citizens Advice Bureau may also help you make your claim.

Industrial Injuries Disablement Benefit cannot be paid for a period more than three months before the date of your claim. The date your fully completed

claim form is received by a Jobcentre Plus or social security office is the date of your claim. It is therefore very important that you carefully fill in all the claim form and return it to your social security office as soon as possible. Otherwise you may lose benefit for any period more than three months before the date of your claim.

## How your claim is decided

### Your job

If you claim for **diffuse mesothelioma (D3)**, you must have been working for an employer in any job involving exposure to asbestos, asbestos dust, or any admixture of asbestos at a level above that commonly found in the environment at large.

If you claim for **primary carcinoma of the lung (D8)** or **diffuse pleural thickening (D9)**, you must have been working for an employer in any job involving:

- the working or handling of asbestos or any admixture of asbestos, or
- the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos, or
- the cleaning of any machinery or plant used in any of the above operations and of any chambers, fixtures or appliances for the collection of asbestos dust, or
- substantial exposure to the dust arising from any of the above operations.

*Note that more types of job are covered if you are claiming for diffuse mesothelioma (D3).*

We will contact your employer, if possible, to check the jobs you have done. While we are checking the jobs you have done, we may ask you to go to a medical examination (see below). But if we decide that the jobs you have done do not meet the rules, you will not be able to get Industrial Injuries Disablement Benefit.

### Medical examination

As soon as possible after your claim is received, you will be examined by one or possibly two doctors. But if you have diffuse mesothelioma, and send us a letter from a medical professional confirming this, you will not be examined. This is because people with this illness are entitled to the 100 per cent rate of Industrial Injuries Disablement Benefit. Do not delay sending in your claim if you do not have a letter about your illness.

If you are examined, the doctor will give an opinion on whether you have one of the asbestos-related diseases, and if so which disease and how disabled you are by the disease.

You can normally only get benefit if you are at least 14 per cent disabled. But if you have pneumoconiosis (asbestosis) (disease D1), you can get benefit if your disablement is assessed at one per cent or more.

The doctor will give an opinion on how long your present disablement is likely to last and how disabled they think you are likely to be for that time. Depending on the doctor's advice, you may be asked to attend for a further examination at some time in the future.

You will be told what expenses you can claim if you are examined by the doctor.

## The decision on your claim

After the examination your claim will be decided by looking at the doctor's opinion and any other available evidence. Your social security office will tell you the decision on your claim and the amount of any benefit you will get.

## If you disagree

Leaflet **GL24** *If you think our decision is wrong* explains what to do if you disagree with our decision.

## How you are paid

Our policy is to pay all benefits directly into an account.

This is the safest way to pay you and lets you choose how and when you get your money. You can use a bank or building society account. You may be able to use a cash machine, which will usually mean you can get your money at any time of the day or night.

You can use your existing account for direct payment if you are happy to do so. It is easy to provide your existing account details.

The Post Office® also provides a bank account that we can pay benefits into. With this account you can only collect your money in cash from Post Office branches.

There are also arrangements with a number of major banks and building societies so that you can collect cash from some of their accounts at your local Post Office.

We recommend that you are paid your money in this way because:

- it is safe and secure
- it is convenient – you decide when and how much you want to withdraw
- using an account may help you save
- from some accounts you could have regular bills paid. This could save you money but you will need to make sure that there is enough money in your account to pay the bills. If not, you may be charged a fee
- you can get your money from many different places.

The account can be:

- in your name, or
- in the name of your partner. We use partner to mean the person you are married to or the person you live with as if you were married to them, or

- in the names of both yourself and your partner, or
- in the name of the person acting on your behalf, or
- in the names of both yourself and the person acting on your behalf.

If you do not have a suitable bank or building society account, or are unwilling to use an existing account, any bank or building society will help you open an account that suits you better. Remember to ask whether their accounts allow you to get your money from the Post Office, if you require this.

Restricted arrangements apply for the Post Office® card account.

The Post Office® card account is a simple bank account that can only have benefit and tax credits paid into it. You can only collect payment from this account in cash at a Post Office branch. You will not have a cheque book and cannot withdraw money at a cash machine. You will not be able to run up an overdraft, pay bills by Direct Debit or Standing Order, or have your salary or any other money paid in. The account can only be in your name. You may be able to arrange with the Post Office for someone else to collect your benefit regularly from this account.

Benefit is paid either every week (from June 2003), every 4 weeks or every 13 weeks.

## How much benefit you get

The current rates of benefit are given in leaflet **GL23** *Social security benefit rates*.

Industrial Injuries Disablement Benefit is not affected by your earnings or any other income you may have, but see *If you get other benefits* on page 6. It is not taxable.

## Extra money you can claim

If you get Industrial Injuries Disablement Benefit you may also be able to get one of these allowances:

- **Constant Attendance Allowance** – if you are 95 per cent or more disabled and the effects of your disease mean that you need care and attention for most of the time.
- **Exceptionally Severe Disablement Allowance** – if you are very severely disabled and you already have one of the two higher rates of Constant Attendance Allowance and you are always likely to need to be looked after.

## Reduced Earnings Allowance

Whether or not you get Industrial Injuries Disablement Benefit, you may be able to get Reduced Earnings Allowance if:

- you first suffered from the disease before 1 October 1990, and

- you cannot go back to your normal job because of the effects of your disease, or
- you cannot do another job of the same standard with similar pay.

Make a claim as soon as your earnings reduce. If you delay you could lose money for any period more than three months before the date of your claim. You may not get Reduced Earnings Allowance if you are claiming for a disease added to the scheme on or after 10 October 1994, or for an extension made to a disease on or after 10 October 1994.

### If you get other benefits

You can get your basic Industrial Injuries Disablement Benefit on top of any National Insurance benefits you get such as:

- Incapacity Benefit
- contribution-based Jobseeker's Allowance
- Retirement Pension.

If you are getting benefits that are related to the amount of income you have coming in, such as:

- Income Support
- Pension Credit
- Income-based Jobseeker's Allowance
- Working Tax Credit
- Child Tax Credit
- Housing Benefit
- Council Tax Benefit

Industrial Injuries Disablement Benefit may affect the amount you or your partner get.

## Full description of Prescribed Diseases D8 and D9

The full medical descriptions of these two prescribed diseases are:

### D8

Primary carcinoma of the lung where there is accompanying evidence of one or both of the following:

- (a) asbestosis
- (b) unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which:
  - (i) in the case of unilateral diffuse pleural thickening, covers 50 per cent or more of the area of the chest wall of the lung affected; or
  - (ii) in the case of bilateral diffuse pleural thickening, covers 25 per cent or more of the combined area of the chest wall of both lungs.

## D9

Unilateral or bilateral diffuse pleural thickening extending to a thickness of 5mm or more at any point within the area affected as measured by a plain chest radiograph (not being a computerised tomography scan or other form of imaging) which:

- (i) in the case of unilateral diffuse pleural thickening, covers 50 per cent or more of the area of the chest wall of the lung affected; or
- (ii) in the case of bilateral diffuse pleural thickening, covers 25 per cent or more of the combined area of the chest wall of both lungs.

### **Additional payment for people whose employer has gone out of business**

#### **Pneumoconiosis etc (Workers' Compensation) Act 1979**

The above Act provides for payments to people, or dependants of people, who suffer from certain industrial diseases caused by dust. You can make a claim if you are unable to get damages from the employers who caused or contributed to the disease. The diseases covered are:

- diffuse mesothelioma
- pneumoconiosis (including asbestosis, silicosis and kaolinosis)
- diffuse pleural thickening
- primary carcinoma of the lung (if accompanied by asbestosis or diffuse pleural thickening)
- byssinosis.

If you are suffering from one of the above diseases and think you may be entitled to a payment, contact the Pneumoconiosis Workers' Compensation Section at the address below as soon as possible.

You should not wait for the outcome of your claim under the industrial injuries scheme before you make a claim for this additional payment.

Jobcentre Plus  
Pneumoconiosis Workers'  
Compensation Section  
Phoenix House  
Stephen Street  
Barrow-in-Furness  
Cumbria  
LA14 1ZA

Phone **0800 279 2322**.

# Where to get help and advice

To get more information or other leaflets get in touch with your local Jobcentre Plus or social security office. For your nearest Jobcentre Plus or social security office, look for **Jobcentre Plus** or **social security** in the business numbers section of the phone book.

You can get more information from the Department for Work and Pensions website. The address is: **www.dwp.gov.uk**

To contact us by email see the *Contact Us* section of the website.

A confidential telephone service is available for people with disabilities, their representatives and their carers. Ring the Benefit Enquiry Line (BEL) on **0800 88 22 00**. People with speech or hearing problems using a textphone can dial **0800 24 33 55**.

The person taking your call will not have your personal papers but will be able to give you general advice. This advice **must not** be taken as a decision on any matter about which you are making an enquiry.

They can also send you leaflets and claim forms.

You can get more information from the following leaflets:

**SD2 Sick and unable to work?**

**SD3 Long-term ill or disabled?**

**SD4 Caring for someone?**

**SD6 Ill or disabled because of a disease or deafness caused by work?**

**SD7 Disabled because of an accident at work?**

**DB1 A guide to Industrial Injuries Benefits**

**RM1 A guide to benefits for people who are retiring or have retired**

**GL12 Going into hospital?**

**GL16 Help with your rent**

**GL17 Help with your council tax**

**GL18 Help from the Social Fund**

**GL21 A helping hand for benefits**

How somebody with an illness or disability can get help to collect or deal with social security benefits

**GL23 Social security benefit rates**

**HC11 Are you entitled to help with health costs?**

Remember that this leaflet is a general guide to benefits and is not a full and authoritative statement of the law. We have made every effort to ensure that the information in this leaflet is correct at the date shown on the cover. However, changes in the law may make the leaflet become gradually less accurate.

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