

“MY SETTLEMENT EXCEEDED MY EXPECTATIONS” SAYS FORMER BRICKLAYER IN ASBESTOSIS CLAIM

Ken Walker was enjoying his retirement with his wife Thelma when he was diagnosed with asbestosis in August 2007. He instructed us to claim compensation from his former employer Pilkington Brothers Limited who exposed him to asbestos dust during his employment as an apprentice bricklayer, bricklayer and technologist. He received a five figure settlement in March 2009.

Ken had been fit and healthy all his life. He played professional rugby league and also rugby union. He was a keen swimmer, going two or three times a week and even competing in the Mersey Mile. He enjoyed gardening, walking and his main hobby of working on clocks in his workshop in the garden. He was living life to the full when he developed breathlessness and chest pain in early 2006. He lost his voice and was referred to a throat specialist. It was then discovered that he had a shadow on his lungs which led to Ken being told he was suffering from asbestosis.

Ken joined Pilkingtons in 1943 from school. He was fourteen years old and served a 7 year apprenticeship as a bricklayer. He assisted the bricklayers with general factory maintenance and new building projects. Ken worked on a massive site covering between 10 and 20 acres. There were four furnaces each about 25 metres wide and 25 metres high. About every 3 years the furnaces were demolished and rebuilt. Ken described this process as being as though ‘a bomb had exploded; the place was full of dust’.

Towards the end of Ken’s apprenticeship he became involved in the repair of furnaces. This involved filling holes in furnace bricks with either asbestolux or asbestos wool. He had to pull the wool of a roll and cut it to size before packing the hole. If the holes were not very big Ken used asbestos rope to fill them. The rope became dry and crumbly very quickly because of the intense heat and fell apart as he removed it. Bricks that were used for furnace repairs had to be preheated in a standby kiln. They were wrapped in asbestos cloth and brought over to the furnace in a wheelbarrow. The asbestos cloth became damaged, worn and crumbly causing dust to be given off. Ken or a labourer swept up the asbestos dust at the end of the day. Ken wore asbestos mitts, a helmet of asbestos and a long asbestos apron. The intense heat caused the asbestos clothing to become easily damaged and dusty.

After a spell in the police Ken returned to Pilkingtons in 1956. He worked on the maintenance of the furnaces. This was hot and unpleasant work. He worked an eight hour shift and a lot of overtime. Ken chose this job as it was well paid and he had a

young family at the time. Ken worked with bricks which were a mixture of silica and asbestos. Sometimes the bricks were just laid on top of each other and on other occasions cement was used. Ken had to make up the cement using a powdered form of the brick which contained silica and asbestos which was mixed with water. This produced vast quantities of asbestos dust. These asbestos bricks were a short term solution lasting only a few days. The bricklayers had to demolish them using a hammer or chisel or sometimes just their bare hands.

Twice a year Ken worked as a stand in labourer demolishing flues and rebuilding them. This involved 12 hours shifts during which he was exposed to vast quantities of asbestos dust.

In 1961 Ken took up a new role with Pilkingtons as a technologist in a research establishment. He was working on a method involving float glass on molten tin which later revolutionised glass production and was licensed all over the world. Ken remained in this role until he took voluntary redundancy in 1976.

Throughout his employment Ken was not provided with any masks or information on the dangers of asbestos materials.

When Ken approached us to investigate a claim we obtained a report from a leading respiratory physician, which confirmed Ken's diagnosis. We outlined our case to Ken's former employers in September 2008. We then entered in to correspondence with their insurers and settled the case, without attending court, 6 months later.

When dealing with claims such as Ken's we regularly enter in to no win no fee agreements. This means that our clients do not pay us for our services and we limit our costs to those we can recover from our opponents. This enables clients such as Ken to receive their compensation in full with peace of mind that they will not face a large legal bill.

Client comments –

“My wife and I would like to thank you and your staff for the way we were treated whilst you have been handling the matter on my behalf. Throughout the whole procedure you have been extremely courteous, polite and most of all very professional. The settlement I received has exceeded my expectations and will make a great difference to our standard of living from now on. I would like it to be made known that the standard of professionalism shown by you has, in my opinion, been of the highest possible quality and we sincerely appreciate it.”

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[John Pickering and Partners LLP](#)- Specialist [mesothelioma compensation](#) solicitors

We are a specialist personal injury law firm. We have been handling claims for industrial disease for over 30 years. Most of our work involves acting for asbestos disease victims. We only act for the sufferers of asbestos diseases and never act for the organisations that caused the asbestos exposure or their insurers. We have an ethical approach and pledge to donate 10% of our net profits every year to good causes that help asbestos sufferers. [Click here](#) to find out about our donations to good causes. We have also been involved in most of the landmark judgments that shape this area of law. Find out more [about us](#) or find out about [our reported cases](#). We are on the panels of several asbestos support groups and are ranked highly by legal guides. [Click here](#) to find out more about what others have said about us.

[John Pickering and Partners LLP](#) is a niche legal practice that has represented Claimants in the leading asbestos "test cases" in the last ten years. The firm represented Sylvia Barker in *Barker v Corus (UK) Plc*, a case that highlighted the legal tactics of employers and insurers trying to cut back their compensation liabilities to mesothelioma sufferers, and which prompted the amendment of the Compensation Act 2006 to ensure full compensation for mesothelioma claims. The firm represented two of the three Claimants in the *Fairchild appeal*, in which the insurance industry tried unsuccessfully to block compensation altogether for mesothelioma sufferers unable to identify which of two or more sources of asbestos exposure had caused their illness.

The firm represented Alice Jefferson, a mesothelioma sufferer, whose illness and compensation claim against Cape Asbestos were featured in the important documentary "*Alice: A Fight For Life.*" Shown by Yorkshire Television in July 1982, the programme was an important catalyst for legal change and public awareness of the plight of mesothelioma and other asbestos disease sufferers and a prompt for important legal reform.

Mesothelioma is a type of cancer that affects the lining of certain bodily organs. It most commonly affects the lining of the lungs (the pleura) but it can affect other areas including organs in the abdominal cavity (the peritoneum).

According to the [British Lung Foundation](#), more than 2,000 people are diagnosed with mesothelioma every year in the UK and there is one mesothelioma death every five hours. The number of deaths from mesothelioma increased from 153 in 1968 to 1,969 in 2004 and is expected to peak at 2,450 between 2011 and 2015.

The [British Lung Foundation](#), supported by John Pickering and Partners LLP, launched the first Action Mesothelioma Day on 27th February 2006, to raise awareness about mesothelioma, to improve the treatment and care of mesothelioma patients, and to lobby for better funding for research into mesothelioma and for the protection and education of people working with asbestos.

If you need advice about an asbestos related illness, [contact us](#) now for information about making a claim for compensation.