



The Durham Miner

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Knees Case Takes One Step Forward

by
Dave Guy

Durham Miners and the other funding bodies involved in the Miners' Knee Litigation have been given leave to appeal to the Court of Appeal to overturn the Judgment of His Honour Judge Grenfell made on 10 January this year. To grant leave to appeal was the unanimous opinion of all three Judges who felt that the Appeal had a real prospect of success.

In his Judgment of 10 January, Judge Grenfell ruled that the eight lead claims brought before him were time barred and he refused to exercise his discretion to allow the case to proceed. Our appeal against this ruling will cite matters which, we claim, the Judge failed to take into account and which were relevant, plus medical questions

on which he failed to give adequate weight and that he wrongly considered that the passage of time had made it difficult for the Coal Authority to defend itself.

It is expected the Appeal itself will be heard by the Court of Appeal sometime later this year or early 2012.

We are under no illusions that it will be easy to persuade the Court of Appeal that it should overturn the Judgment of His Honour Judge Grenfell. Such Appeals are notoriously difficult and this much was acknowledged by the judges who heard our application.

Nevertheless, the judges clearly felt our case had merit and so the fight for



Dave Guy

compensation on behalf of our members for this debilitating disease continues. It has been a long, tortuous and expensive road just to establish our right to a court hearing. The bill to date for the Durham Miners' Association alone is over £1.4m and if we win the Appeal but lose in court, it will be many times higher.

Without the loyalty of our members who agreed to pay an initial contribution from their awards for Vibration White Finger and for Chronic Bronchitis and Emphysema we could never have got this far. Hopefully we will be successful and our members who have stuck with us through thick and thin will reap the benefit.

Left: Sunderland AFC Chairman Niall Quinn and Boldon Banner Society at unveiling of their new banner



Defending Our Members Against Savage Cuts



March 26, over half a million march through London against cuts

The Compensation Department continues to be very active in supporting applications for Industrial Injuries Disablement Benefit for Osteoarthritis of the Knees, Chronic Bronchitis and Emphysema, Vibration White Finger, Carpal Tunnel, Pneumoconiosis and Allergic Rhinitis. We have also witnessed an increase in members seeking a review of previous accidents where the debilitating effects of the injury have increased with the passage of time. Many of these cases have progressed to Medical Appeal Tribunals.

There has also been an increase in appeals relating to Employment Support Allowance as the new regulations, regarding work-related activity, begin to bite.

Given that we are only in the first year of the austerity measures, with three more years at least to be endured under this Government, the situation can only become worse. Who said there is no difference between a Tory Government and a Labour Government?

DISABILITY LIVING ALLOWANCE

Disability Living Allowance is to be replaced with a Personal Independence payment and all claimants between the ages of 16 and 64 will be reassessed during 2013 and 2014 to determine what they are entitled to claim under the new regulations. The fact that 'disability' has been removed from the title of the new payment is a clear indication of the Coalition Government's intent.

Under this new system most awards will be given for fixed periods of time,

requiring regular assessments which involve face-to-face interviews with an assessor from the Department for Work and Pensions.

The Government has already said that the cost of Disability Living Allowance (DLA) is higher than originally planned, which clearly indicates that they intend to cut the number of disabled people who will receive benefit under the new criteria – a shocking attack on the most vulnerable and fragile people in society.

The DMA will endeavour to assist, guide and represent our members and their families when these disgraceful measures are implemented.

CHRONIC BRONCHITIS AND EMPHYSEMA

In the last two editions of *The Durham Miner*, I have outlined our initiative to seek a change in the current legislation which determines who qualifies for Industrial Injuries Benefit (IIB) with regard to the occupational disease, Chronic Bronchitis and Emphysema (CB&E). A report by Professor Rudd, commissioned by the Durham Mechanics and ourselves with a legal input from Ian McFall of Thompsons Solicitors, has been forwarded to the Industrial Injuries Advisory Council with an accompanying submission.

The report and our submission argues for a lower threshold to be employed for the lung function tests which determines a claimant's right to benefit. The Advisory Council considered the report in a sub-committee on 16 September 2010. A further public meeting is to be held on 23 June 2011, which we will attend.

The major obstacle in our view is a political one. Will this government right an injustice to former miners when their wider austerity measures are attacking social and welfare benefits?

NHS UNDER THREAT

What does this Tory-led Coalition Government's Health & Social Care Bill mean to the future of the National Health Service?

Will it continue to be free at the point of use, based upon need and not on how well off you are?

This Bill is calling for reforms which will require a £20bn cut in spending – a figure equivalent to 25% of England's NHS budget. If this is achieved, simple economics determine that the current level of care cannot be maintained. Minor operations and treatment may no longer be free, as waiting time and delays could mean that 'going private' is the only realistic chance of treatment.

All hospitals will be forced to become Foundation Trusts and the current limit on the amount of care provision for private paying patients is to be lifted, allowing hospitals to generate as much income as they deem necessary from private health care at the expense of NHS patients, thus creating a two-tier health service.

There are further dangers in the proposed new General Practitioners' consortia which is an open invitation for the creeping privatisation of NHS services. GPs, who in any case may not have the necessary business skills, will be obliged to purchase services from health care companies in the private sector. The near collapse of

President's Compensation Report

Southern Cross, the care home provider, is a sure warning of the pitfalls of privatising the care of our elderly people and exposing them to profiteering and market forces.

The GPs will be given a strict budget which will disadvantage areas like the north-east where we have a higher proportion of the population who are elderly, plus higher child poverty levels, low average earnings and higher levels of unemployment and incapacity. These problems will all put a strain on GPs' budgets and this begs the question – will doctors do the best for their patients or the best for their budgets?

Coalition ministers argue that NHS spending is growing and the status quo is not an option. However, the Health Service Journal calculated that the new system outlined in the Bill could cost £1bn to £2bn more than the current one. There is further damning evidence from York University which estimated that the internal market has increased administrative and management costs by 14% of the NHS budget and the act of restructuring alone will cost £3bn.

It is self evident that, when there are 250 GP consortia able to decide their own priorities, massive variations in the availability in drugs and treatment will emerge across the country. Patients may even be forced to move home to access the care they need. This is no wild prediction. Dr Charles Alessi, one of the architects of the reforms, said it was a good thing that different services would be available in different areas of the country and that patients would have to move house to get a particular treatment.

Yes, exactly the same situation as getting a child into a good school – those with the money can move, those without cannot. There is no doubt that inequalities will escalate under this new system.

The founding principle at the heart of the NHS is – *free* at the point of use, based upon *need* – *NOT the ability to pay*. This cannot, by its very nature, be delivered by Capitalist principles and market forces.

The Health & Social Care Bill should be incinerated along with the brains of its architects.

Miners' Concessionary Fuel Under Attack

The Office of Tax Simplification, a commission set up by the Coalition Government to review the Inland Revenue's system of tax relief and allowances, published its final report in March this year.

It will come as no surprise to our members that one target of their simplification proposals is the tax relief granted for miners' concessionary coal and cash in lieu.

If they go ahead and abolish this relief, the value of the coal and cash in lieu will be counted as income and, if the total income exceeds a person's tax allowance, then tax will be paid at the standard rate. Miners' widows and miners who retired due to accidents or ill health will be affected by this

measure and will have to declare the value of their fuel allowance on a self assessment form each year. Also, the employer or former employer, which is the Government so far as the Durham Coalfield is concerned, will have to account for the tax and prepare, where appropriate, P60s, P35s or P11Ds.

This attack on our widows and elderly people is yet another shameful example of the depths to which this Government will stoop. While we await the final decision by the Chancellor as to whether the tax relief will be abolished, we will contact the National Union and local MPs to gain their assistance in opposing these measures.

Another Big Win For Compensation Department

A former Durham miner is over £48,000 better off today thanks to the work of the Compensation Department. The man was denied Industrial Injuries Benefit (IIB) and Reduced Earnings Allowance (REA) for the industrial disease vibration white finger, back in 1994.

After the Compensation Department took up his case a judge in the Upper Tier Tribunal ruled that the decision taken in November 1994 was both wrong in fact and in law. Consequently, all the benefit which should have been paid over a seven-year period was awarded plus compensation of £10,350.

Below: DMA delegation on London demonstration against the cuts March 26





A Day Of Celebration

Sam Watson's Rest Home 50 years Old

The Sam Watson Rest Home was 50 years old on May 26 this year. The building in Richmond care for 29 residents and is administered by the Coal Industry Social Welfare Organization, (CISWO), a national charity which has delivered community and welfare services within mining and former mining communities since its establishment in 1952.

CISWO also runs seven other convalescent homes in England and Scotland, providing breaks for miners and dependants and special breaks for those with serious needs.

Before unveiling a commemorative plaque, Chairman of the Trustees, and President of the DMA, Dave Guy, explained that the Sam Watson's Rest Home was unique in that it catered only for women and was a tribute to the hard working women of the mining communities.

After the coal industry was privatised in 1995, CISWO became a charity and received an endowment from British Coal. Since then it has continued to provide a wide range of services to former mining communities. However, without the regular contributions from miners' wages the money which funds the projects such as Sam Watson's is bound to run out at some point.

Dave Guy explained that due to prudent investment by the Trustees the rest home would be able to continue to provide 12 day breaks for the next 15 years, after which the home would be sold and the proceeds used to give grants for women to take breaks at other facilities.



Dave Guy unveiling commemorative plaque



Sharing a joke



Left: DMA band playing at 50th anniversary

Right: Dave Hopper presents home's matron Carol Rutherford with bouquet of flowers





Far left CISWO North East Regional Manager Vincent Clements presiding at the ceremony.

Durham Miners' Gala Book to be launched November 2011

The Big Meeting – The History of the Durham Miners' Gala is to be published in November this year. It had been hoped that it would be ready for this year's Gala but the task has proved too great a challenge.

Author Dave Temple said,

'I have been working on this book almost every day for two years. I have uncovered many interesting facts after reading all the local reports for every year since 1871 and wanted to include all of them in *The Big Meeting*.

'By March this year I had to make a decision to either finish the book in time for the 2011 Gala or delay it by four months so it could be bigger and even better. In the end, I decided that most people would not mind it being a little late provided it was a better book for the delay.'

There is still time to order a copy of *The Big Meeting* and to have your name included in the list of sponsors. If you have already ordered the book and would like to buy another as a Christmas present it will be sent to you post free.

This book will not be on sale in shops and will only be available through the Durham Miners' Association. Only a limited number of copies will be produced over and above the books which have been ordered in advance, so the only way to be sure of obtaining your copy is: Order it now by filling in the form on the back page.



Tommy Ramsey, pioneer of the DMA



DAMHA's Disappointing Decision Dave Hopper

we have always been proud in Durham that we were the first miners' union to establish an organisation which provided homes for our retired miners and their widows and, although the Durham Miners' Homes Association (DAMHA) is now an independent housing association, they have continued the tradition of caring for the aged and have done excellent work in modernising and building new housing.

We are both annoyed and disappointed therefore that the Executive Committee of DAMHA took the decision to invite a Liberal Democrat to perform the opening ceremony of their new development at Sherburn Village.

This decision was taken despite the strongest possible disapproval expressed by the Durham Miners' Association and the concern of the Local MP Roberta Blackman-Woods.

The Liberal Democrat Party is part of a vicious Tory-led Coalition Government which is attacking the benefits of the elderly and infirm, and diminishing the social wage of hundreds of thousands of working class people, many of whom in Durham are ex-miners. For them to see on the front page of the DAMHA magazine a photograph of a grinning Liberal Democrat Councillor, holding a miners' lamp, could only rub salt into the wounds inflicted by this vicious government.

New Banners



New Follonsby Banner Has First Outing in Ireland

The New Follonsby banner had its first outing, not at the Big Meeting, but in Ireland. The occasion was the Jim Connell Festival held over the Mayday weekend in Kells, County Meath.

A delegation of Durham Miners led by General Secretary, Dave Hopper, was invited to participate in the festival with the new banner, which carries the portrait of James Connolly, the Irish Socialist and leader of the Citizen's Army who was executed by the British after the Easter Rising in Dublin in 1916.

Alongside Connolly are the portraits of AJ Cook, Keir Hardie, Lenin, and the Wardley Colliery Checkweighman, George Harvey.

Jim Connell, whose name was given to the festival, was born in a village close to Kells but spent most of his adult life in London, where he was an active member of the early Socialist movement. He is mostly remembered for being the man who wrote the words to the Red Flag.

Dave Hopper of the DMA, Bob Crow

of the RMT, and Jim Kelly of Unite spoke at the rally alongside representatives from the Irish Labour and Trades Union Movement.

Dave Douglass, who started his working life at Wardley colliery before transferring to the Yorkshire coalfield, gave a talk in the workshop section of the festival on the history of the banner.

Dave explained that the banner was unique to Durham. While many Durham banners celebrated both Cook and Hardie, only three displayed the portrait of Lenin. However, the Follonsby banner was the only one honouring Connolly. The combination of Labour, trade union and revolutionary leaders on one banner was mainly due to the influence and leadership of the colliery checkweighman, George Harvey.

Harvey was an advocate of industrial unionism in the period before the First World War. He joined the Communist Party in 1920 and in later life became a Labour councillor.

The original banner was destroyed in

1938 when the Warderly miners' welfare burned down. A replica of the banner was created to replace the original that year, but during the war the portraits on the front of the banner were painted out and replaced with those of local leaders.

This new banner was made by Chippenham Designs from a grant by Gateshead Metropolitan Borough Council. A Follonsby Miners' Lodge Banner, Heritage and Community Association has been formed and anyone who is interested in joining and playing a part in the Association is welcome. Volunteers should contact the Secretary, Dave Douglass at djdouglass@hotmail.co.uk.

Left: Dave Hopper and Bob Crow with members of the Irish Labour and Trade Union Movement

UNITE the Union Sponsors The Cult Comedy, Beating Berlusconi, at the Gala Theatre Thursday July 7

Based on the true story of a Liverpool fan who got into the Milan VIP suite at the Champions' League Final, Beating Berlusconi is the hilarious story of one man's attempt to rediscover his belief in himself, his city and his class.

At this year's Gala UNITE is proud to be sponsoring this cult comedy about a scouse scally who takes on the rich and powerful.



Photographic Exhibition



The Bolivian Miners

Durham Miners Host Stunning Photographic Exhibition

The Durham Miners' Association is hosting the internationally renowned photographic exhibition, 'Mineros, Bolivia' in Durham, around the dates of the Miners' Gala. This will be an excellent chance for people in the local area and those visiting the Gala to discover what mining means to people in the high Andes, in the heart of South America, and how this relates to the struggles of miners across the world.

Stark black and white photographs convey the stifling darkness and heat as miners toil deep in the veins of the Andes Mountains. Elsewhere, groups of miners make the journey to work across a vast snow covered peak or scale an impossible rockface on a flimsy wire ladder. The striking collection of over 90 pictures was taken by Swiss photographer Jean-Claude Wicky over a period of 17 years, in which time he visited some 30 mines in Bolivia. His deep commitment to bringing the stories of Bolivian miners to the wider world meant he was given unique access to take intimate photographs of the miners at work, their rituals and moments of companionship as well as sensitive portraits of the miners' families and homes.

Mining is central to the history of Bolivia. The Spanish conquistadors used the indigenous people as slaves to extract vast quantities of silver, bankrolling Europe's economic

development and leaving Bolivia destitute. Working conditions have not changed much since and many miners continue to work with little or no safety equipment and minimum basic labour standards. They are rewarded with subsistence level wages and their families remain desperately poor.

The exhibition will be held in the Durham Miners' Offices, Red Hill, and will be taken to venues across the country in Scotland, Yorkshire, South Wales and London. The exhibition has been made possible through the work of the Durham Miners' Association, the Bolivia Information Forum and Union Solidarity International and the collaboration of photographer, Jean-Claude Wicky.

David Hopper, General Secretary of the Durham Miners said: 'Seeing these photos showing the working and living conditions of the Bolivian miners had a great effect on us. It's shocking to see that in the present day, miners on the other side of the world, are facing struggles that we faced here generations ago'.

The Miners of Bolivia

Jean-Claude Wicky
Miners Hall Red Hill
Durham DH1 4BB
July 4 - July 18
10am - 4pm

LEST WE FORGET

Sixty years ago, shortly before 5 am on May 29 1951, just as the first shift men were relieving the night shift, an explosion ripped through the Five Quarter Duck Bill district at Easington colliery killing 81 men. Two more men from the rescue brigades died of carbon monoxide poisoning while recovering the bodies. Just five weeks later on June 6, nine men were killed in an explosion at Eppleton colliery.

Banners of Hope and Faith

by Jules Claire

Unity in peace and war.
The brethren know the score.
Forever let our motto be
Unity, Combination and Liberty.

Clasped hands.
The fable of faggots.
Loyalty and endurance.
Each for all, all for each.

The courage of youth
can safeguard the future.
Firm as a rock
we stand.

All men are brethren.
Sunshine is liberty.
Lest we forget,
We will make the wheels go round.

In our Union great benefit will be
found.
So close the coalhouse door.
See the famous view.
Live in the moment.

We are the far off future
of the distant past.
We are the noble peace
for whom they dreamed and died.

Swords shall be beaten into plough
shears
and spears into sickles.
We take up the task eternal,
the burden and the lesson.

Pioneers oh pioneers!
Workers of the world unite.
Knowledge is power.
Hail the dawn.

The all seeing eye.
Labour and peace.
A history of loyalty.
A history of progress.

It depends on you.
The grip of brotherhood.
The world over.
Service to humanity.

The future is in our hands.
Come let us reason together.
Do not forget the past.
Do not forget our brethren.



**At this year's Gala there will be a record seven new
banners: Chopwell; Follonsby; Boldon; Westoe;
Washington Glebe; Burnhope and Durham Miners'
Association Area banner.**

**So come and join us on the day and we will see you on the
'course!**

Softback £17.00 inc. p&p

Hardback £23.00 inc. p&p

I would like to buy the following advance copy/copies of the Durham Miners' Gala Book:

☐

Hardback copy/copies of the Gala Book and/or

☐

Softback copy/copies of the Gala Book

I enclose a cheque / Postal order for £ _____ made payable to: **Durham Miners' Gala Book Project**

Please send the book(s) to the following address:

Name:..... Address:.....

Post Code.....Name(s) to be printed in book.....

Return to: Durham Miners' Gala Book Project, PO Box 6, Red Hill Durham DH1 4BB