



# The Durham Miner

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The Durham Miner is the magazine of the Durham Miners' Association, PO Box 6, Red Hill, Durham, DH6 4BB  
General Secretary D. Hopper, President: D Guy

## Face the Future with Confidence



*Dear Members,*

The Association has had an extremely testing year and we would like to thank all those members who have stood by us during these difficult times. Without your contributions and support there would be no organisation to represent the interests of Durhams' former miners, their families and communities.

As a result of changes in Government legislation we have been forced to de-register as a trade union and become an authorised claims management organisation. This will in no way affect the service we provide for our members or our ability to fight future compensation claims. We are still pursuing claims for VWF, CB&E, asbestosis and pneumoconiosis and are part of the group taking legal action to win compensation for ex-miners who sustained damage to their knees as a result of their work in the mines.

We will continue to give advice,

assistance and representation on social security benefits involving Disability Living Allowance, Incapacity Benefit, Disablement Benefit, Industrial Injuries Benefit, Pensioner's Tax Credits and Housing Benefit.

In short the objective of the Durham Miners Association is to provide the best possible service to our members for the foreseeable future and to this end we are in the process of establishing a business plan which will lay out our future activity.

This plan will include our continued defence of the rich cultural heritage of the Durham Coalfield. We are already working in conjunction with Sunderland University and the Newcastle based Institute of Mining and Mechanical Engineers to catalogue and house the extensive records of the DMA for the benefit of future generations.

We work with and fully support the North East Coal Industry

Social Welfare Organisation of which myself and Dave Guy are trustees. Its rest and convalescent homes for miners and widows have proved both popular and useful to our members.

The Gala, and the Thomas Hepburn Memorial Service will remain focal points of our years' activities. The many community initiatives that have flourished in the years since our industry was destroyed are testament to a spirit that has made Durham miners famous.

With your loyalty we can face the future with confidence.

I wish you and your families a very happy Christmas and a peaceful and prosperous new year.

*Yours sincerely,*

*Dave Hopper*  
General Secretary

# Compensation Report

## £27.5 Million makes Another Successful Year

£450,000 committed to fight Knee damage

Dave Guy, President



Dave Guy

Once again your Compensation Department has had another successful year with £27.5 million paid to members for Vibration White Finger (VWF) and Chronic Bronchitis and Emphysema (CBE).

### Chronic Bronchitis Scheme

All medicals should have been completed by October 26 of this year and all fast-track offers for live claimants have now been concluded.

In deceased cases the DTI have secured a court order requiring all grants of probate or letters of administration to be in place by February 28, 2008 otherwise they will seek to have these cases struck out of the Scheme. It is therefore important in all deceased claims where our solicitors have requested information that you respond quickly. If you are experiencing difficulty contact the Area Office.

In a number of cases involving loss of earnings and pension loss we have encountered undue delays with the insurers of UK Coal and Small Mines. Despite the fact that a court order has been issued setting out how the compensation should be

calculated, our solicitors have still not received the calculator to allow these claims to proceed.

These scandalous delays have been reported to MPs and the claimants group of solicitors and we await the outcome of our approaches.

### Vibration White Finger

The vast majority of the claims for pain and suffering have now been concluded though a number of Group 3 claims are still outstanding.

The VWF Scheme is now dealing with the service awards for assistance with DIY, gardening etc. It is necessary for members claiming this award to attend a further medical to assess whether there are medical conditions other than vibration white finger which may be contributing to the need for assistance with various tasks. In a number of these claims British Coal's insurers have denied liability in full or in part for various reasons. Where appropriate and with the assistance of Thompsons Solicitors we have challenged the denial of liability with some success. We will continue to make these challenges when appropriate.

### Category Group 3 Claims

We continue to represent those claimants who were employed on grades other than power loading and where witnesses are required to verify that they used vibratory tools. With Thompson's assistance a further sixty-seven cases in this category have succeeded this year bringing the total to 1,072, and leaving 184 outstanding claims.

### Pneumoconiosis

There has been a massive increase in the number of applicants to the DSS and to the Pneumoconiosis Compensation Scheme this year. This is largely due to the change in the DSS criteria prescribing the condition of Category 1 or Simple Pneumoconiosis. If in the past your doctor or the DSS has identified dust retention or slight scarring of the lungs then you should consider an application to the DSS for an assessment.

### Occupational Deafness

The Union continues to give financial support for medical costs to assist with claims for Industrial Deafness for members who worked in the

mines after 1963. If you have not submitted a claim previously you should do so as soon as possible due to the legal issue of time limitation.

### **Asbestos**

The Union is currently supporting a number of members' cases against former employers and we are having some success. One former Eppleton miner who was exposed to asbestos after he left the colliery and as a result developed mesothelioma has been awarded over £190,000.

### **Knee Related Injuries – Common Law**

The Association will now have sent to you a questionnaire for knee related injuries. The purpose of the questionnaire is to gather information for potential common law claims. On the basis of the information gained from these forms, cases will be selected which in the opinion of our solicitors have a good chance of success. These cases have to be registered with the court within a strict time limit.

I have to stress, however, we have to establish that the NCB were knowingly negligent. After 'discovery' (evidence gained from viewing NCB documents) we then have to take legal advice as to whether the case has sufficient merit to proceed.

To date the Durham Miners have committed £450,000 but we will require the financial support of the National Union and other Areas of the British coal field to fund the claim.

### **Osteoarthritis of the Knee Occupational Disease**

The union is hopeful that osteoarthritis of the knee will be deemed an occupational disease by the Parliamentary Committee currently considering the issue.

It has been established that miners are twice as likely to suffer from the condition than members of the general public thereby supporting the argument that working in the mining industry, travelling on uneven roadways, often carrying materials, crawling along coal faces, working in

cramped conditions, stooping or kneeling while working has contributed to osteoarthritis of the knees and related conditions. The Committee is due to report its findings in February of next year and we will keep you informed of developments.

### **Vibration White Finger – New Prescription for DSS Claims**

As from October of this year there will be a new prescription to determine whether miners can be assessed by the DSS as suffering from the occupational disease vibration white finger.

The new prescription recognises the sensorial loss associated with vibration white finger and as a result members previously turned down due to insufficient blanching of their fingers may now succeed. This is of particular importance to those members who have assessments for other diseases or injuries but with insufficient points to qualify for Industrial Injuries Benefit. If you are in this position please give us a call.

### **Incapacity Benefit Changes**

Changes to the qualification for incapacity benefit is to be introduced during the course of the next year, placing additional stress on those of our members who have been declared incapacitated by DSS doctors and tribunals. The changes are designed to make it more difficult to achieve the 15 points required to qualify for benefit. In addition the Department of Work and Pensions is considering assessing *what claimants can do* as opposed to what they cannot do.

There is also a pilot scheme operating in Lincoln where claimants' phone calls are being subject to lie-detector technology in an effort to crack down on benefit fraud. The technology they employ is supposed to be able to detect stresses in a caller's voice which they say indicates that they are telling lies.

We will be monitoring the introduction of the changes in Incapacity benefit and the pilot scheme in Lincoln and members will

## **BENEFIT RATES FROM APRIL 2007**

### **INCAPACITY BENEFIT SHORT TERM**

LOWER RATE £61.35

HIGHER RATE £72.55

### **INCAPACITY BENEFIT**

LONG TERM £81.35

STATUTORY SICK PAY £72.55

SEVERE DISABLEMENT ALLOWANCE  
£49.15

AGE ADDITIONS

UNDER 40 £17.10

40 – 49 £11.00

50 – 59 £5.50

CARERS ALLOWANCE £48.65

### **DISABILITY LIVING ALLOWANCE CARE COMPONENT**

HIGHER RATE £64.5

MIDDLE RATE £43.15

LOWER RATE £17.10

### **MOBILITY COMPONENT**

HIGHER RATE £45.00

LOWER RATE £17.10

### **CHILD BENEFIT**

ELDEST CHILD £18.10

OTHER CHILDREN £12.10

### **INDUSTRIAL INJURIES BENEFIT DISABLEMENT BENEFIT**

20% £26.34

30% £39.51

40% £52.68

50% £65.85

PLUS £13.17 EACH 10% TO A MAXIMUM  
OF £131.70

### **REDUCED EARNINGS ALLOWANCE**

MAXIMUM RATE £52.68

RETIREMENT ALLOWANCE £13.17

be given advice if and when required.

**I would like to take this opportunity to thank you all for your loyalty over the past year and to wish you and your families a very merry Christmas and a prosperous and happy New year**

*Dave Guy*

# Thomas Hepburn

## Never to be forgotten

The annual Thomas Hepburn Memorial Service was held this year on Saturday October 13 at Heworth Church, Gateshead. A church packed with union officials and members, civic dignitaries and a party of school children from the nearby Thomas Hepburn School listened to an impressive tribute to Thomas delivered by Midlothian MP and former miner David Hamilton.



*Top: Laying wreaths at Thomas Hepburn's grave-side  
Middle: Thomas Hepburn School's pupils at graveside  
Bottom: Speaker David Hamilton MP, receives commemorative plaque from Dave Guy, centre, and Dave Hopper, left*



**Thomas Hepburn**  
1795 — 1864

Thomas Hepburn was born in 1795 at Pelton, Co. Durham. When his father was killed in a pit accident, Thomas started work at the age of eight at Urpeth colliery to help support the Family. He subsequently worked at Lamb's Colliery, Fatfield and Jarrow Colliery before finding work as a hewer at Hetton Colliery in 1822. The same year he became a Primitive Methodist and a lay preacher.

'The Colliers' United Association of Durham and Northumberland' was formed in 1825. Hetton became its recognised centre and Thomas Hepburn its undisputed leader. The union led a successful strike in 1831 which resulted in the reduction of the working shift of boys from 18 hours to 12. In 1832 the coalowners conspired to smash the union and Hepburn and other leaders were victimised. After an unsuccessful attempt to re-establish the union in 1835 Hepburn, now reduced to selling tea round the villages, was given a job at Felling Colliery on the condition that he took no part in union activity. However, he remained an active Chartist and a champion of working-class education. He died in 1864 and was buried at Heworth.

The miners' union still pays tribute to his achievements and his portrait honours the Banners of the Sacriston, Easington, Westoe, Wearmouth, Murton and Blackhall Lodges as well as that of the North East Area NUM.

# Prudent Investment Pays Dividends



*Sam Watson Rest Home*

The Sam Watson Rest Home pictured above is one of several holiday facilities available to former Durham miners and their wives. The Watson Rest Home, however is reserved exclusively for the wives and widows of former miners. It is an impressive listed building close to the town of Richmond in North Yorkshire and can accommodate 29 guests who are able to stay for periods of 11 days. To take advantage of this facility application forms can be obtained from the Area Office at Red Hill or by contacting the Lodge Secretary in your district.

*Left Trustees of CISWO photographed at a recent visit to The Sam Watson Rest Home*

*Front row l to r: Gerry Huitson ( Vice Chairman), Dave Guy (Chairman), Dave Hopper*

*Back row l to r: Vince Clements, Ian Lavery, Dennis Murphy MP, Bill Etherington MP*

Coal Industry Social Welfare Organisation (CISWO) was founded in 1952 bringing together the mining unions and the National Coal Board to provide welfare, social, educational and cultural facilities within the mining communities. Initially the organisation was funded by a levy on every ton of coal produced in the industry. When British Coal was privatized an endowment was settled on the organisation which was then given charitable status. Since then the activity of CISWO including the operation and maintenance of the Sam Watson Rest Home has had to rely on income derived from investments.

The Trustees of CISWO North East which include DMA President Dave Guy and General Secretary Dave Hopper have been so successful in the management of the Trust Funds that they have calculated that at the present level of expenditure could be sustained for at least the next 20 years.





# Another Successful Big Meeting

Durham Miners Gala has long been a legend of the Trade Union Movement. Its colourful display of banners and marching bands and its celebration of community solidarity has inspired generations.

The first of the annual galas was organised by the two-year-old Durham Miners Association in 1871. It took place on a Monday in Warton Park behind Durham's railway station as a show of strength.

The DMA was by no means the first union amongst the pitmen of Durham and this was not the first Big Meeting. 200 years ago an illegal movement known as the Brotherhood of Miners organised pitmen against the harsh terms of the 'Bond' — the legal agreement that bound miners to the pit owners for a year. It was on 'bonding day', the one day in the year that pitmen were free, that the tradition of holding a 'Big Meeting' began. Pitmen from the counties of Northumberland and Durham would all march to one place to decide collectively whether or not to sign the bond.

By the 1830s miners were marching to these meetings flying banners and marching with bands. Our forefathers marched against injustice with a burning spirit of defiance and when the county was occupied by the king's army with considerable courage. At a time when there were no holidays they would also celebrate their short spell of freedom with music and gaiety. It was in these dark days that the spirit of Durham Miners Gala or the Big Meeting as it is more commonly called was born.

Many thought and some 'New Labour' leaders hoped that when the pits closed the Gala would just fade away and two hundred years of tradition would be lost forever. It did not happen. Not only did the Big Meeting not fade away it got stronger with more people attending and more banners flying than at any time since the early 60s when the county boasted of over a hundred pits.

Why? Because the spirit of the Gala was so strong in our mining communities that to have lost the Gala would have meant losing an important part of who we are.



# Caring in the Community



*Alan Cummings*

## **Alan Cummings:**

‘In my opinion the compensation scheme has been a complete success. Obviously there has been some minor problems but this is mainly due to a backlog of work because the scheme has been so successful. Thompsons and the Durham Miners take time to make sure that each case gets the best representation and most lads have accepted that where there is a delay it has been in their interests.’

‘Some private solicitors have settled cases quickly and for far less compensation just to get the fees off the DTI. I’m pleased that everyone can now see from the figures published by the DTI just how much more Thompsons have been able to get on behalf of our members.’

‘The benefit of having access to Thompsons through the Durham Miners and Mechanics was highlighted in the case of a lad that worked at Easington Colliery. The case was only worth about £5,000 but it was taken as far as the High Court. The costs were enormous but it just shows how far the union is prepared to go to get a member’s case settled. Any other solicitor would have dropped that case like a hot brick.’

Alan Cummings and Joe Whitfield were respectively Secretary and Chairman of the Easington colliery NUM Lodge. The pit closed in April 1993 but that was not the end of their work. Here they discuss how the work of the union has helped to deal with some of the problems faced by a mining community which after 94 years of mining was left to fend for itself.

## **Joe Whitworth:**

‘Alan is right. When you look at the figures that Thompsons have been able to recover compared with other solicitors Thompsons are way, way ahead of the rest of the field. The figures tell you that Thompsons who were involved in fighting the original test cases for VWF do a lot more than other solicitors. If you take the case of the Services Award for vibration white finger. In the early days some solicitors were recommending that men take a full and final settlement before the service award had been agreed.’

‘These men lost thousands of pounds. Some of them came back to the union and Thompsons were able to make a case against the other solicitor for negligence and get the lads compensated for what they had lost.’

## **Alan:**

‘Hopefully the litigation which we are pursuing against the DTI for damage to the knees can soon go forward. Without the money that has been raised through the compensation scheme we would have had no chance. If that money hadn’t been there there is no way we could have taken on the DTI. We are taking on the Government and hopefully the case will be successful but it shows that the union is committed to fighting on behalf of the membership and taking it right to the end. It shows that the money is being used for the right kind of purposes.’



*Joe Whitworth*

‘Apart from the compensation it’s really good that we have a union in the area to support us. There may be no pits left but the union is still there for us.’

## **Joe:**

‘The money coming into our area as a result of the compensation has made a big difference. You’re talking about thousands and thousands of pounds that people would never have dreamt of having. It’s made a big difference to their lives especially to lads who have never worked since the pits closed.’

## **Alan:**

‘It’s the money that has come into pit villages that are really struggling. When this first started I don’t think that anyone in their wildest dreams ever expected that this amount of compensation would flow through and

that's been a big plus. It just saddens me that these sort of attacks are made on our trade union for whatever political reasons. It's wrong and I have no idea why people want to undermine a trade union that is only looking after the interests of its people and their families.'

'They don't realise how much our people appreciate what is being done. We are the first point of contact in the communities for ex-miners to get advice, not just on compensation but many other important issues. Those people we help are genuinely, and I mean genuinely appreciative of what we do for them.'

'The men we talk to who have been with the union since the pit closed have no intention of leaving the Durham Miners because they know that the union is their safety net.'

**Joe:**

'The vast majority of the men who have stuck with the union are true union supporters, and whatever is said in the press, they take the line that the union has proved to be right in the past and will be proved right in the future. The union has looked after them in the past and will do so right down the line.'

**Alan:**

'That's right. The lads know the way the union looked after them when the pit was working and since the pit closed we have continued to serve the community looking after members fuel interests, benefits, form filling etc. There is always some one knocking on my door and Joe's. We are there to help. I've always been of the opinion that if you can't help someone in life it's a poor thing. I get a lot of pleasure helping people.'

'For instance we go to see members

who can't get out because they have chest problems or go with them when they have an examination — just to sit with them and give them a bit support.'

'If they have a problem and we can't sort it out we go to the Area Offices. Davy Guy and Davy Hopper have been out to our members on numerous occasions just sorting problems out.'

'The pits no longer there but the union is still functioning. Pits have always closed in Durham since time immemorial but there was always someone there in that village to look after the widows and pensioners. Its like the Gala people say why bother with the Gala now the pits are gone. But the Gala is our heritage its our pride. Looking after people is what trade unionism is all about and we're proud to be Durham Miners.'



Above: Lodge officials of the Durham Miners who give up their time to help our members with compensation, benefits and the many problems caused by the destruction of the Durham coalfield. They meet for two days twice a year for a compensation school to be updated on changes to benefit law and the progress of compensation claims.

## We have the Union to Thank



*Alan Johnson*

**Alan Johnson started work at Dawdon colliery in 1952 at the age of 15. In 1957 he left to join the army but was back working at Dawdon in 1964. In 1972 he was elected to the Lodge committee and remained a committee member until he was elected secretary in 1987.**

**The village of Dawdon was built at the turn of the 20th century for the sole purpose of housing the miners of the colliery and when the mine closed in 1991 the community was devastated.**

**Alan told how,**

**‘At first it wasn’t so bad, there was a bit of redundancy money about and that kept families going for a while. When the money started to run out the village started to slide. We were going down and down. I know by the number of men coming to me with problems just how bad the situation was becoming.**

**When we won the cases for Vibration White Finger it gave a lot of hope to folks in Dawdon. On Tuesdays and Thursdays my front room was open house advising men how to fill in forms — how to make a claim.’**

**‘The compensation scheme has brought tens of millions of pounds into this community and that has made a big, big difference. Of course it’s no substitute for the pit but I hate to think what it would have been like if it had never happened, but it did and we have the union to thank for that’**

# Following a 90 year-old Tradition

When former miner and NUM branch official Albert Nugent was elected leader of Durham County Council (DCC) in 2006 he continued a tradition first established when miners leader Peter Lee was elected chairman of the County Council in 1918. After 1925 Labour never lost control of the DCC entering the record books as the first county council to be controlled by the Labour Party and the longest held by Labour.



*Albert Nugent*

The Durham Miners are particularly proud of Albert who has served both the union and the community selflessly.

Albert started work at Dawdon colliery in 1957 at the age of 15. He left his employment with the NCB for a short spell and was re-employed at Seaham colliery where he became secretary of the Lodge. When Seaham colliery closed 1986 he transferred to Vane Tempest and was again voted Lodge secretary.

In addition to his many duties as a trade union official and a Labour Party member Albert was an active supporter of the anti-apartheid movement. His involvement was by no means a token gesture. He befriended South African students at Durham University who would often be found enjoying a meal in his house. At Christmas time rather than leave these students alone in their university accommodation he and his wife Margaret welcomed them into their house for the festive season and encouraged others to do the same. It is little wonder that this kindness has resulted lasting friendships.

It is this personal concern for people

that clearly motivated Albert to stand for the position of Leader on the basis of a pledge to the community that no old people’s homes would close while he was leader.

While Albert was a union official, he experienced how concern for a personal case can lead to a benefit to many. A member of his lodge was selected to be one of the seven test cases which the union ran to establish compensation for vibration white finger.

At a recent compensation school Albert recalled the case:

‘Because the union put its assets on the line to run these cases and because we had the benefit of Thomsons Solicitors one of my members received over £50,000 for his condition. That made it possible for tens of thousands of miners to benefit throughout Durham and the other coalfields. Without the union and in particular Dave Guy and Dave Hopper that would not have happened and we would all have lost out.’

# 40 years of Service to the Community



*Chris Lowther*

Each year they raise funds to provide holidays for members of the community. A party of elderly residents take two seven-day trips to various seaside resorts. While they have visited many venues the old faithful Blackpool is always favourite. They also organise weekend excursions which have proved so popular that on some occasions seven buses have to be booked.

The highlight of the year is an old folks Christmas party which they organised in conjunction with the Durham Aged Miners Homes Association. This year 200 old folk from all over the county enjoyed a meal and entertainment at Sacriston Club.

*Below: senior citizens enjoy the party at Sacriston Club*

in Sacriston's thin seams long after they had been abandon at the other pits on the Durham Coalfield. Hand hewing with pneumatic picks, piece work and pit ponies remained a feature of production until the colliery closed in December 1985.

The vibration from pneumatic picks and the dust they created caused a high incidence of vibration white finger and respiratory diseases amongst Sacriston's miners. While Chris and Lawrence spent many hours helping ex-miners with their claims, compensation advice was not the only service they provided for the community.

During the course of the 1985/85 strike the lodge was instrumental in forming a residents association. The centre of the association's activity is the Sacriston Workingman's Club where Lawrence is the secretary.



*Lawrence Clangham*

Chris Lowther and Lawrence Clangham have enjoyed a working partnership in the union and in the community that has endured for over forty years.

Chris started work at Hilltop colliery, Langley Park in 1944 at the age of 14. When Hill Top closed he moved to Sacriston colliery where he was elected secretary in 1968.

Lawrence started his working life at Chester Moor colliery in 1954 at the age of 15. When Chester Moor closed in 1967 he transferred to Sacriston and it was there that he met up with Chris.

In 1972 Chris and Lawrence agreed to an electoral pact — Lawrence would stand for secretary of the Lodge while Chris would give up his position as secretary and stand for chairman. They were both elected and held these positions until the colliery closed.

Old working methods were common





*Above: Christmas party December 3, 2007 at Sacriston Club*

## **Thompsons Still Leading the Field**

**Latest statistics from the DBERR show that of the top ten firms of solicitors with the highest numbers of claims, the average damages recovered per case are as follows as at October 29 2007:**

<b>Solicitor</b>	<b>Average VWF Damages</b>	<b>Average CBE Damages</b>	<b>Combine Average</b>
Thompsons Solicitors	15,111	9,289	24,400
Browell Smith & Co.	10,025	6,724	16,749
Beresfords Solicitors	9,794	2,458	12,252
Union of Democratic Mineworkers	10,302	3,179	13,481
Raleys Solicitors	11,068	6,102	17,170
Hugh James	10,659	7,550	18,209
Graysons Solicitors	14,425		NA
Moss Solicitors	9,951		NA
Watson Burton LLP	15,896	4,353	20,249
Towells Solicitors	11,984		NA
Avalon Solicitors		2,113	NA
Mark Gilbert Morse		7,437	NA
Barber & Co.		2,705	NA