



Health & Safety **MATTERS**

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The Asbestos Victims Charter for Justice

Introduction

Deaths from asbestos related diseases annually in the UK now far outstrip fatalities from traffic accidents with at least 4,500 deaths per year. Contrary to predictions that these deaths would start to decline in, firstly, 2010, and now 2015 it is now assumed that they will not begin to reduce until 2020 at the earliest. In reality asbestos related diseases remain one of the biggest industrial killers. It is timely that the Asbestos Victims Support Groups Forum UK has launched a charter calling for justice on all aspects affecting asbestos sufferers and their families. These include the following:

Welfare Justice

Industrial Injuries Disablement Benefit (IIDB) should be disregarded for the purposes of calculating entitlement to other means tested benefits such as pension credit or housing benefit. This benefit is not taxed and is not regarded as an earnings replacement benefit but is regarded as income for means tested benefits. In addition any posthumous payments for compensation should be at the same rate as life payments, and Constant Attendance Allowance, which provided extra help with care needs, should be automatically awarded where IIDB has been awarded for mesothelioma or asbestos related lung cancer. Without this provision all too often sufferers are too ill to apply for this and therefore lose it.

A Fair Compensation Scheme

Payments from the Diffuse Mesothelioma Payment Scheme should be available to all sufferers from prescribed asbestos related diseases. To cover this, the levy of 3% on the insurance industry should be written into law. The Compensation Act (2006) should be amended to include lung cancer asbestos sufferers, as these victims are finding it increasingly difficult to get justice through the courts. Reform of the way mesothelioma claims are settled is also needed as the current situation, where a settlement for compensation is higher after the victim is dead, is frankly perverse. As well as lacking funds while still alive and suffering there is the added uncertainty of not knowing how your family might survive without you.

Decent Medical Treatment

It is time to review the 2007 Mesothelioma Framework. The framework has led to a number of positive improvements in the treatment of mesothelioma and the quality of the care given. However as the framework is not mandatory spreading the message on treatment amongst GP's has not been done in a systematic way which can result in inconsistent

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treatment and advice across the country. This could be facilitated by each region of the country having at least one specialist mesothelioma nurse available. Again while there has been a growth in their numbers since the introduction of the framework there should be a further drive to ensure every victim has access to a specialist nurse in the next five years.

Prevention into the future

Obviously as any safety rep knows it is far better to prevent exposure to a hazardous substance, such as asbestos, than to try and deal with the consequences of exposure. However it is clear that many people equate the 1999 ban on the import and use of asbestos with asbestos exposure no longer being an issue. This highlights the very real need for a national information campaign to inform the public on the continuing dangers from asbestos. Government, (HSE) advice is that if asbestos is in a good condition it should be left undisturbed. This does not take into account the already long time that asbestos has been in many buildings, the general wear and tear on the fabric of many buildings and inaccessible areas where asbestos fibres are being released. The charter calls for a tough regulatory framework that ensures that those who break the Control of Asbestos at Work regulations get prosecuted. However GMB believes that the growth in asbestos exposure will in the future often happen inadvertently in buildings where workers carry out their normal tasks. The Asbestos in Schools campaign which GMB is involved in is probably the highest profile campaign currently raising this as a concern. The TUC has taken this issue a step further and is calling for asbestos to be removed from all buildings by 2035. Now 20 years may seem too long for some but it is a realistic ambition when the thousands of tonnes of asbestos that remain in buildings are taken into account, as well as the high cost of removing and disposing of asbestos safely.

Conclusion

The charter is calling for 100% justice for victims and their families. Victories in cases where asbestos exposure has been involved have been hard fought and developed over a long timescale. Recently the Victims Forums took the Ministry of Justice (MoJ) to a judicial review where they had proposed to raise court fees to nearly £10,000 in cases where compensation was likely to exceed £200,000, which might apply to mesothelioma cases. As many mesothelioma victims are often in financial difficulties that would have meant not taking cases forward. The MoJ backed down from this unfair proposal. This highlights the continuing good work done by the Victims Support Group Forums. You can support this work, and the charter, by going to www.asbestosforum.org.uk and signing up to the charter. It will only be when all asbestos has been removed from buildings that we will start to see an end to suffering from asbestos exposure. For more information on this or other health and safety matters please contact Daniel.shears@gmb.org.uk or john.mcclean@gmb.org.uk

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