

ASBESTOS UPDATE

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AMERICAN ELECTIONS AND ASBESTOS

It was the most impressive exercise in democracy the world has ever seen. Hundreds of millions came out to vote. The dollars queued for hours in the rain and sun. The result was indisputable: the candidates with the most money won.

No constituency gained more from the US election than the dollars belonging to a company called WR Grace. On November 3, its shares rose by 14%. By November 5 they were up 26%: the highest they had ever been. It wasn't Bush's victory the stockbrokers were celebrating as much as the defeat of Tom Daschle, the leader of the Democrats in the US Senate.

One of the few courageous things Daschle did was to oppose a law restricting the amount of compensation companies will have to pay to the victims of asbestos. Daschle believed that firms such as WR Grace, which used to manufacture asbestos insulation, should have to pay the full cost of the deaths and injuries they caused. Big business exercised its democratic rights to the tune of \$14m, and the Republican John Thune was duly elected. Now the law will almost certainly be passed, and sufferers from one of the modern world's nastiest diseases - mesothelioma - will be paid roughly half the compensation they were due.

This is almost universally recognised as a Good Thing. Over the past few years, the press in the United States has presented us with the heart-wringing spectacle of bed-ridden multinationals gasping for money. On this side of the Atlantic, where companies that used asbestos are facing a new round of lawsuits, the result was greeted as a defeat for something we call "compensation culture".

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"Mrs Fox rejected the offer of the insurers"



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Compensation culture has usurped political correctness, welfare cheats, single mothers and new age travellers as the right's new bogeyman-in-chief.

According to the Confederation of British Industry (CBI), the Conservative party and just about every newspaper columnist in Britain, it threatens very soon to bankrupt the country.

That there is no evidence to support such a claim, is, as always, irrelevant. Despite the legalisation in 2000 of "no win, no fee" lawsuits, the total cost of compensation cases in Britain has remained, in real terms, static since 1989. The two biggest claims-marketing companies - the great beneficiaries of compensation culture - have both gone bust. Last year the number of accident claims fell by 9.5%. The government's Better

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***“Courage was
rewarded with a
victory for the
applicants”***

Regulation Task Force, which at other times has taken the part of big business, bluntly reports that "the compensation culture is a myth".

None of this should surprise us. It is no easier to win a case under the "no win, no fee" system than it was to win a case brought with the help of legal aid. You still have to convince a judge that the other person had a duty of care towards you, that they were at fault and that they should have foreseen the risk. Because awards are made by judges, not juries, there's very little chance of winning one of the vast settlements people seem to secure in the US for bumping into a lamp post or setting fire to their own hair. Under the new system, the claimant's lawyers get stung for all the bills racked up by both sides if he loses. They are not going to take his case to court unless it's pretty certain to succeed.

Of course, there are malingerers who try to play the system, and, of course, private companies and public services have to respond to the frivolous suits they bring. But while the newspapers delight in telling us about people who sue the church for acts of God, they don't report that in the UK such cases almost always fail.

But compensation culture is a convenient bogeyman, because it allows big business to associate its victims - such as the 3,500 people who die every year in Britain as a result of exposure to asbestos - with scroungers and conmen. It also opens a new front in their perpetual war against regulation.

Last week John Sunderland, the president of the CBI, thundered that "Britain's greatness was built on risk-taking". Today, thanks to the compensation culture, we suffer from a "reduction in personal responsibility" and a "collective aversion to risk". We need to learn from China, whose businesses enjoy the same "fearlessness about risk" as Britain's did during the industrial revolution.

What Sunderland has done is deliberately conflate two kinds of risk: the risk to which we expose ourselves, and the risk to which we expose other people. In the heroic age of industrial accidents, the "risk-taking entrepreneurs" might have lost their money if their products did not find a market, but their profits were dependent upon the risks of losing limbs, eyes, lungs and lives they imposed on their workforce. China's "fearlessness about risk" means that Chinese bosses are allowed to kill their workers. Sunderland is calling for precisely the "reduction in personal responsibility" he affects to despise. The entrepreneur shall not be held responsible for any of the risks he dumps on other people.

The shadow chancellor, Oliver Letwin, gave an almost identical speech to the Centre for Policy Studies in September. "The call to minimise risk is a call for a cowardly society," he said. "If we are to have a courageous society rather than a cowardly society, we need to abandon the rhetoric of risk minimisation." The shadow chancellor failed to explain why it is courageous to expose your workers to asbestos. Or why it is courageous to lie down meekly and die when your lungs have been trashed by your brave employer.

The Clydebank Asbestos Group committee members are as follows....

Secretary

Margaret Lilly

Chair

Sam Irvine

Vice Chair

Bob Dickie

Treasurer

David Colraine

- Jimmy Cloughley
- Charles Marshall
- Colin MacQueen
- Joan Baird
- Carol Ann Wright

Monitoring Officers

- Tom Gorman
- John Hepburn

Administrator

- Janice Strain

**Asbestos Advice Counsel-
lor**

- Alex Cunningham

*"Why cant they claw
back money from the
employers for a change".*

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Clydebank

Asbestos

In April 2002 a resolution was passed at the Scottish Trades Union Congress asking for support for asbestos victims. The Composite motion was moved by the Fire Brigades Union seconded by Midlothian Trades Union Council and supported by Amicus, the T & GWU and Dumbarton Trades Union Council. It called for support for Petition 336 ; an overturn of the Fairchild decision as well as tightening up the process of removing asbestos. This resolution was passed unanimously.

A further outcome of that resolution has been the formation of a Scotland wide Asbestos Campaign Group which has been called Scottish Action on Asbestos consisting of major Trades unions as well as Clydeside Action on Asbestos and

Working for the Victims of
Asbestos

OUR 10TH ANNIVERSARY

David Colrairie an original member of the group explains. The group started through a mutual friend of ours David Dyball who became ill. Joe McAuley had visited Dave at his home. David Dyball had said that he was suffering from mesothelioma , a word I couldn't even pronounce at that time. I asked him what it was and he said it was related to asbestos. After consultation a group was formed, Joe McAuley, John Carney, Eddie Kelly and myself and we had a few meetings in the Hub, we then decided to contact Clydeside Action who were based in Glasgow. Soon after that we went looking for premises in Clydebank as it was agreed that travelling to Glasgow would be too much for people who were suffering from the disease. That is when the Clydebank Asbestos Group was initiated at its present site in Crown Ave.

Charlie Baird, Social Worker for Clydebank District Council, was our main contact for advice and source of funding, his efforts were a major factor in establishing the group. He taught us the "correct way of doing things".

Sam Irvine came in to do a bit of maintenance and never left. Peter O'Neal and John Henderson also joined the group at that time.

Over the years the group has gone from strength to strength with various volunteer workers.

Clydebank Asbestos Group held an Awareness Day which attracted various organisations. As a result a partnership was formed between Clydebank Asbestos Group, Clydebank Health Issues Group, Greater Glasgow Health Board and West Dunbartonshire Council .

More recently, other people have arrived on the scene such as Jimmy Cloughley who has been prominent in the excellent campaign work which he has been doing. This coupled with the work done by his colleagues David Colrairie, Sam Irvine, Colin McQueen, Margaret Lilly, Bobby Dickie, Joan Baird, not to mention our full timers Alex and Janice, has helped to gel the group into a positive campaigning group that truly represents asbestos sufferers.

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