

Asbestos Action (Tayside)

assisting sufferers of asbestos-related diseases in the east of Scotland

WINTER 2017



Welcome to all!

It has been another busy year for Asbestos Action – we have received unprecedented numbers of referrals to the charity.

When we look back over the names, many of them not with us now, we realise how the relationship builds, starting from that initial phone call. Many have become friends and it hits us hard when we lose them. We've shared laughs and tears with sufferers and families over the years. You would think that by repeating this cycle over and over that you would become hardened to the loss – but you never do.

We aim to provide the best support for victims and without charities like Asbestos Action it is difficult to imagine where sufferers and their families would turn to for specialist help and advice.

As a charity that receives little external funding we are heavily reliant on donations from families and supporters and, goodness, you have been brilliant! From the hundreds of small donations of £5, £10, £20 up to the much larger donations – we thank you all. If we can aim to break even at the end of each year then we know that this gives us another 12 months to support the next group of sufferers referred.

Having enough time is always a problem for a small charity, but we try to punch above our weight when it comes to campaigning for justice for victims and the improvement of asbestos awareness among workers and communities.



Labour MSP Kezia Dugdale supporting our 'Asbestos Is Still With Us' Campaign

This year has seen us involved at Westminster, taking a stand at the Scottish Parliament, giving talks to community groups and trade unions and challenging some Department of Work and Pensions decisions. Not bad for a small team!

Best wishes to you all.

Pleural plaques

Well done to Practice Nurse Angie Mackenzie RGN, RM, who is based at Wallacetown Health Centre in Dundee.

For a long while now we have been trying to encourage GPs to advise sufferers of asbestos-related pleural plaques that they should contact us for advice. This would avoid the problem of sufferers becoming time barred should they go on to develop a more serious asbestos condition.

Hospital-based respiratory consultants have always been very good at passing on our details; however, the same cannot be said for local medical centres.

Following a meeting with Angie, this situation has now been dramatically improved at Wallacetown Health Centre and a considerable number of sufferers have contacted us for advice. Over the last few years, following determined attempts by ourselves, the percentage of Pleural Plaque referrals from GPs out of our total workload has risen from around 2% to nearer 12% – a considerable leap. The worrying thing now is that most of these cases have come from a handful of surgeries. So, are there no cases presenting at these other surgeries or are they still being missed? I think we know the answer.

Cancer Nurse Specialists



Gillian at the AGM

We have a fantastic relationship with the Cancer Nurse Specialists in all areas that we cover, and so we were delighted when Gillian Watson from Ninewells Hospital agreed to come and give a talk on her work at our 2017 AGM/Conference. You all do an amazing job and we are grateful!

WHEN IS ASBESTOSIS NOT ASBESTOTIS

As a charity we always put the best interests of our sufferers first. When it comes to advising victims on how to proceed with a possible civil claim we try to stick with a narrow panel of tried and trusted specialist solicitors. These specialists have the necessary expert knowledge, experience and access to case funding to fight for fair damages for those we help. One of the (many) challenges we currently face is the difficulty in achieving a satisfactory outcome when someone is diagnosed with asbestosis. We asked Mark Nicholson from Digby Brown Solicitors to explain why this happens.

Mark said, 'At Digby Brown, we often see clients who when diagnosed, the word "asbestos" sticks in the mind, and they believe they are suffering from "asbestosis" when, in fact they may be suffering from a more benign asbestos condition, such as pleural plaques. Sometimes asbestosis is diagnosed by a GP but during the course of a legal claim, this turns out not to be the case.

'Asbestosis is a fibrosing condition; it is scarring within the lung. It can reduce lung capacity and cause breathlessness. A diagnosis of asbestosis is often made on the basis of the results of a CT scan, lung function tests and a discussion about working history. On a CT scan, often all the doctors can see is a fibrotic pattern. However, this could have a number of different causes. There is no objective test to tell what has caused the condition and often the diagnosis is based upon a brief working history

involving asbestos exposure taken by the doctor. This means that often we see the diagnosis being questioned by insurers trying to avoid liability.

'In addition, insurers often argue that the level of asbestos exposure was not sufficient to cause the condition. A number of years ago the city of Helsinki hosted a scientific conference which sought to determine the amount of asbestos exposure needed to cause asbestosis. In practical terms the "Helsinki criteria" requires exposure at a level of someone spending 3–5 years directly mixing and applying asbestos lagging. For jobs with lower exposure such as cutting asbestos board, exposure over a greater number of years is required. This is a high hurdle for anyone bringing a claim to get over and insurers are not slow to argue that a person's exposure is not high enough in order to avoid having to pay any compensation.

'In practical terms, this means winning a claim for asbestosis can be challenging. It is necessary to prove the level of exposure. The passage of time may mean there are few witnesses and little documentation to assist. A report is required from a Consulting Engineer or Occupational Hygienist to try and calculate the person's asbestos exposure levels.'



Phew! I'm glad we asked.

Mark Nicholson

OUR COMMUNITIES AND WORKPLACES ARE SAFE – OR ARE THEY?



We asked Scott Donohoe, Chair of the campaigning for safety group Scottish Hazards, to comment.

'The Government's ideological drive to deregulate one of the most lightly regulated economies in the world has led to increasing attacks on employment and health and safety legislation, as well as on the trade unions who champion the rights of workers to work in a healthy, safe environment.

'Unfortunately we have also seen the tragic consequences that this light touch self-regulation can have on communities, as witnessed by the Grenfell fire on June 14 this year where at least 80 people are believed to have lost their lives, hundreds more made homeless and the physical and psychological health of fire fighters and other emergency workers unnecessarily put at risk.

'We have seen the figures for workplace fatalities, published by the Health and Safety Executive (HSE), peak in Scotland over the last two years and further cuts to HSE budgets and Government interference in their work can only make things worse.

'There are far more work-related deaths in Scotland than HSE figures show. They do not include those killed by occupational diseases such as mesothelioma and other occupational cancers, work-related road traffic accidents, suicides caused by, or partly related to, work or deaths investigated by other regulators such as the Air Accidents Investigation Branch and the Marine Accidents Investigation Branch.

'The regulatory race to the bottom in regards to occupational and public safety has to end and we are currently looking at how we can make our workplaces safer, healthier and fairer for all.'

VICTORY FOR ASBESTOS VICTIMS SUPPORT GROUPS FORUM UK

The Asbestos Victims Support Groups Forum UK, of which we are a member, have won a case in the High Court for disclosure of historic documents that could reveal that industry and Government agencies knew far more about the dangers of asbestos products than they revealed.

In February 2017, a 6-week long case concluded in the Royal Courts of Justice between insurance companies, who had previously paid compensation to mesothelioma victims, and Cape Distribution Limited and subsidiary companies. The insurers argued that Cape should share the costs of compensation as it was their products that had caused the diseases, and because Cape knew more about the dangers of their products than they had disclosed.

During the course of this case, the Cape companies were ordered to disclose thousands of documents

which showed what they knew about the dangers of exposure to asbestos. Both sides made a confidential agreement to destroy these documents at the end of the trial. On hearing this, the Forum instructed Harminder Bains of Leigh Day to apply to the Court to preserve the documents, which Master McCloud granted in April.

At a 3-day hearing in the High Court in October, Counsel for the Forum argued that it was in the public interest that the Forum be given these documents. They could help mesothelioma victims currently pursuing compensation claims in courts. It was also in the wider public interest to learn more about how Cape contributed to the biggest industrial disaster this country has ever seen and how their political lobbying influenced Government safety measures that were supposed to protect the lives and well-being of workers.

DEVOLUTION OF INDUSTRIAL INJURY BENEFITS

With the devolving to Scotland of the Industrial Injury Benefits coming down the track sometime soon we felt it was important to take our case to the Scottish Parliament (our thanks go to MSP Jenny Marra for organising this for us) to highlight some of the – fairly simple – amendments to the current DWP guidance that would save a great deal of anguish for sufferers.

In particular their definition of Asbestos Related Lung Cancer where the DWP take a very narrow view of what constitutes exposure. Despite the guidelines stating ‘Asbestos Insulation Work’ must have been undertaken, they insist on terming this as having to be an ‘Asbestos Insulation Worker’ – a whole different interpretation. A labourer working for 20 years in an asbestos insulation environment and

being given a diagnosis of asbestos-related lung cancer would therefore not qualify (in the eyes of the DWP) for a payment.

Dianne has now taken several of these cases to a tribunal and won them all. As a small charity, this is incredibly time consuming and very stressful to the sufferer at a time when he/she has been given such terrible news. This process takes a long time to pursue and in some cases the sufferer does not survive long enough to obtain the benefit that this necessary financial support could have brought.



MSP Jenny Marra

SPECIAL THANK YOU FOR YOUR DONATIONS

We would like to take the opportunity to thank all of you who have donated, both large and small, to the Charity this year. Without your support the next group of sufferers contacting us would have little idea of where to turn to for specialist support and advice.

In addition to those pictured on the back, a special mention goes to Erchie Morrison, William Bothwell, June Ventors, Margaret Smith, Ian Fleming, Arthur Pearce, June Thomson, George Willox, William Good, Michael Ryan and Charles McVicars for going above and beyond the call of duty, and Angela Yates for pulling the newsletter together.

Always here to help and listen

Call our helpline
01382 225715



I WOULD LIKE TO MAKE A DONATION

1 Your details

Name _____

Address _____

_____ Postcode _____

Telephone _____

Email _____

2 Donation amount

I wish to donate:

£10

£15

£20

Other: £

3 Payment method

I enclose a cheque payable to
Asbestos Action (Tayside)

I would like to pay by standing order

Signature

Date

4 Make your gift worth more at no extra cost *giftaid it*

I am happy for all donations that I have made to Asbestos Action (Tayside) in the last four years and any future donations to be Gift Aid donations, until I notify you otherwise. I understand that I must pay an equal amount of UK income tax at least equal to the tax that Asbestos Action (Tayside) will claim in my donations in each year (currently 25p for every £1).

Please return the form and payment to:
Asbestos Action (Tayside), Caledonian House, Greenmarket, Dundee, DD1 4QB

HOW TO DONATE

- Complete the form above
- Text 'AAAT11 £10' to 70070 to donate £10
- JustGiving
www.justgiving.com
- Cheque payable to Asbestos Action (Tayside)
- Standing order (contact us for more information)

Give more than a gift
when you shop online
this Christmas



Raise vital funds for **Asbestos Action Tayside**
by shopping at your favourite retailer



www.easyfundraising.org.uk

amazon.co.uk [John Lewis](http://JohnLewis.com) ebay Expedia.co.uk Sainsbury's Argos

THANK YOU!



Amanda and son Jamie crossed the bridge along with dad Matthew on behalf of Amanda's dad Bob Smith who passed away in 2011 with an asbestos condition.



Wee girl of a big bridge! Three-year old Millie walked the new bridge on behalf of grandfather Francis Smith who passed away due to an asbestos disease.



Carol Page, assisted by daughters Shelley and Gayle, organised an event at Dunning Golf Club in memory of late husband Alan who suffered from mesothelioma. Over £2000 was raised.



Comrie Cancer Club has raised funds for us over the years and did so again this year. A great bunch of dedicated volunteers.



Thanks to the Provincial Grand Lodge of Forfar for their donation to support Dianne's 'Those Who Lunch' event.

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Asbestos Action (Tayside) is a Scottish charity set up to assist sufferers of asbestos-related diseases. We are a voluntary, not-for-profit organisation providing practical support and advice to those in the East of Scotland. The charity was formed by a group of people in the East of Scotland who either have an asbestos-related illness or have cared for someone with an asbestos-linked condition.