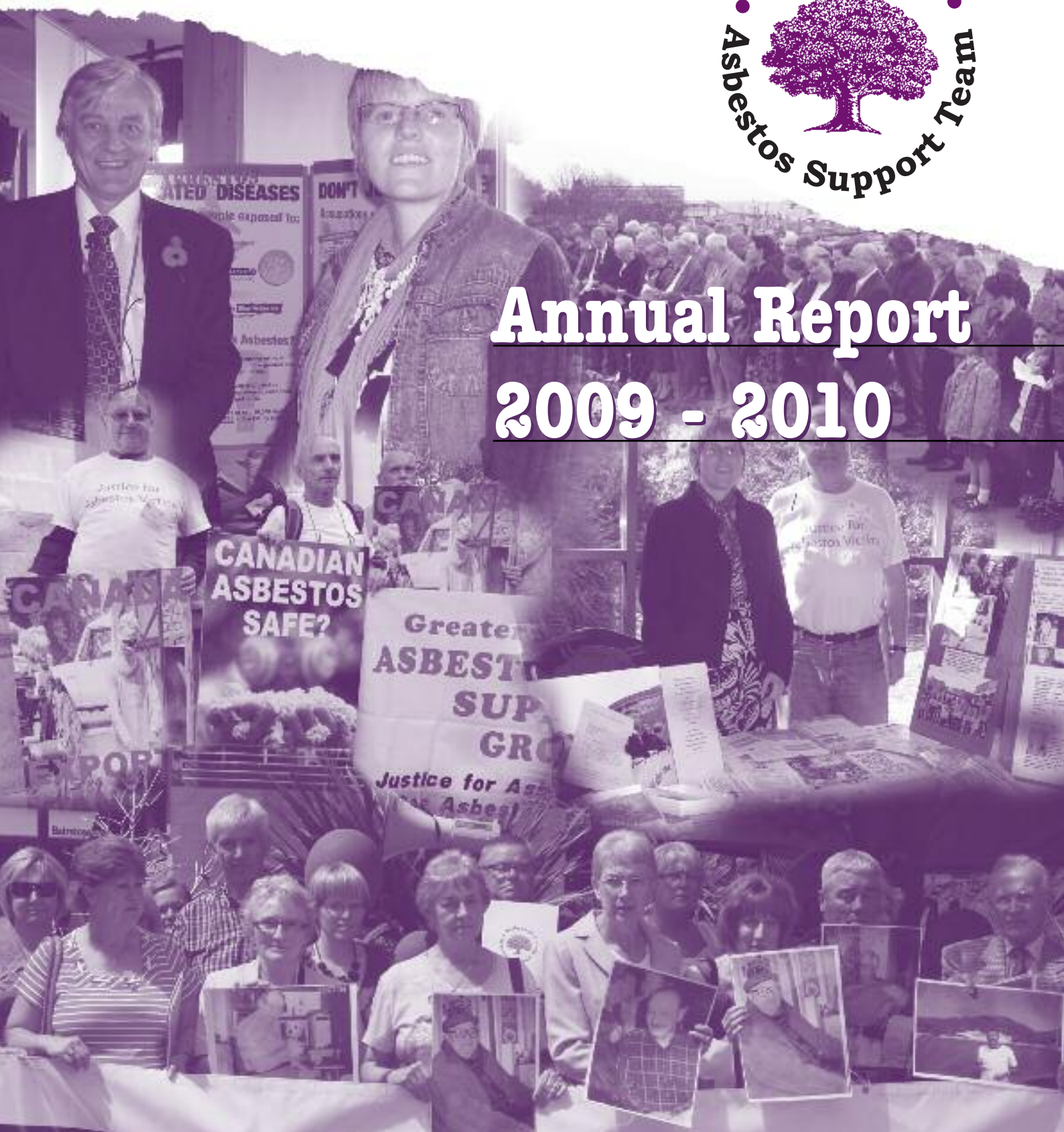




Annual Report 2009 - 2010



**Raising awareness about the
Silent Killer**

Mesothelioma - Asbestos Cancer

www.asbestosupport.co.uk

**ON
LIOMA**

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Introduction

Throughout the year DAST has been busy supporting victims both emotionally and financially as well as campaigning, by working with others to act as one voice to fight for justice for anyone diagnosed with an asbestos related disease.

We were invited to launch DAST in North-East Lincolnshire in March 2010 at Grimsby Town Hall. This was a very successful event resulting in DAST being known from Scunthorpe to Cleethorpes.

We have also had two very well attended events in Derby. All of these events had very good speakers covering a wide range of asbestos related topics.

All our successes during the past year were knocked back on October 8th 2010 when the Court of Appeal gave its judgement in 'EMPLOYERS LIABILITY TRIGGER LITIGATION'. This judgement has thrown the whole personal injuries claims process into a whirlpool. We are being held in judgement by people who have never seen a rainbow before, only objects in black and white. We now await news to see if an appeal to the 'Supreme Court' is to be made.

We welcomed the announcement to commit £3 million from the Association of British Insurers towards a 'National Centre for Asbestos Related Disease'. However, considering they have had a windfall of over £100 million in the last 10 years, it is not unreasonable to expect more.

We also welcomed the consultation on the setting up of an 'Employers Liability Insurance Bureau'. There was, however, some disappointment in that it was only a consultation process and that the deadline was the day before the 2010 general election. We now await the outcome of the consultation process and the new Government's response.

It is very sad that we do not have an ELIB scheme in operation similar to the Motor Insurers Bureau as we are seeing, on a regular basis, solicitors working hard on behalf of claimants where it is difficult tracing the insurer to a past employer.

We are also continuing to see on a regular basis court proceedings brought against employers subjecting their employees to asbestos exposure, YES, it still continues in 2010. Despite all the legislation, known exposure of employees to asbestos is an all too common occurrence. Another common malpractice is the dumping of asbestos waste on any convenient waste ground, places where exposure to the waste is possible. Unfortunately, in our view, the punishment does not fit the crime; the penalties should be far more severe than they are.

I hope that soon we may see some 'JUSTICE FOR ASBESTOS VICTIMS' but I will not hold my breath.

Thank you.

David Trigg
Chair, DAST.



Dave Trigg





DAST's service

DAST offers help and support to anyone diagnosed with an asbestos related disease as well as their family and carers. We offer a home visit to everyone who needs our service and we travel throughout the East Midlands. The holistic service includes advice on welfare benefits, Government Compensation and Civil Compensation. On average home visits take 3 hours including travel time.

Ill-health can make people feel isolated. Therefore, we keep victims and families involved by our regular newsletters, events and meetings. We also encourage families to contact us with other enquiries; if we don't know the answer we can signpost to other support.

DAST continues to work with Macmillan Cancer Support, an association with which we are very proud and which enables us to access their resources. Without Macmillan Cancer Support we could not give the qualitative service that we currently offer.

Some examples of our work

Support for victims and their families

Mr K's case was referred to us by our panel solicitors because he had not received any benefits advice. Mr K was diagnosed with peritoneal mesothelioma (usually our victims are diagnosed with pleural mesothelioma).

We claimed the usual benefits for him – Industrial Injuries Disablement Benefit, Workers' Compensation Scheme and Disability Living Allowance as well as Employment and Support Allowance because his employer was no longer paying Statutory Sick Pay. We also completed a full benefits check for him and his partner to determine if they were receiving the full entitlement to benefits. Mr K's partner was also disabled; therefore, we helped with her continuing claim to incapacity benefit, as well as advising her to claim underlying entitlement to carers. This then helped them both to claim housing and council tax benefit.

Mr K sadly died; however, we have continued to support Miss J with her benefits as well as advising her to claim bereavement benefit.

DAST's service

Mr R contacted us because he wanted to join a support group to be in contact with others diagnosed with Mesothelioma. We were able to put him in contact with other victims. At the initial contact DAST checked to determine if he had applied for the relevant benefits.

A solicitor (not one of our panel solicitors) had already been to visit Mr R but had informed him that he could only claim Industrial Injuries Disablement Benefit (IIDB) and he then sent the form for Mr R to complete himself. In the light of this, we went out to visit him and completed, not only the IIDB claim form, but also applied for the lump sum under the Workers' Compensation Scheme, Disability Living Allowance and Employment and Support Allowance, all of which he was unaware of. This means he is now £358.35 a week better off. He also received a lump sum of £22,133. During the visit it was also brought to our attention that his daughter was having problems with claiming Jobseekers Allowance. We advised her to claim Carers Allowance to support her father as well as Income Support. She is now £29.50 per week better off.

DAST supports victims of asbestos related diseases with Appeals against refusal of benefit.

Mr A had been refused Employment and Support Allowance (ESA) thus being declared fit for work. However, Mr A is suffering from Asbestosis, as well as other work related conditions including Occupational Deafness and Vibration White Finger. We helped him to appeal the decision. At the appeal the decision was overturned and Mr A was awarded £25.00 per week extra benefit.

Where a victim is turned down for benefit, DAST provides evidence where possible to avoid the stress of a tribunal.

Mr L worked as a lorry driver loading and unloading asbestos sheets which got damaged during the process. The Department of Work and Pensions (DWP) refused to accept his claim for Industrial Injuries Disablement Benefit stating he did not work in an industry likely to cause his asbestosis. We provided evidence that the company business was fireproofing and provided additional evidence that the job was very dusty. The IIDB decision was overturned and Mr L is waiting for the outcome of his medical.

On Mr L's initial contact informing us that he had been turned down for benefit, he thought it would be a waste of time to appeal. DAST assured him that he should go ahead. An example that, without the support of DAST, many victims would not appeal.



DAST's service

We monitor claims to ensure victims receive their entitlement

We visited Mr B from Leicestershire in May 2008, but the Department of Work and Pensions (DWP) medical department kept writing to him to attend a medical, even though at the time of applying for benefit, we had requested a home visit because he was living in sheltered accommodation and was not well. As part of our normal file reviews we chase up claims and it came to light that DWP were going to disallow his claim because he had failed to attend a medical.

We explained that Mr B had failed to attend a medical because of his ill health and that we had already requested a home visit. As a result of our intervention Mr B did finally get a medical and has received backdated benefit for a year amounting to over £2000.00.

The importance of panel Solicitors

It is important that victims use Solicitors who are experts in Asbestos related disease litigation and who are also aware of benefits or local victim support groups. On a number of occasions victims have chosen a Solicitor who has not informed them about the Workers' Compensation Scheme and/or benefits.

Mr C from Lincolnshire was referred to us by a local MP on the day of our Launch into North Lincolnshire. Although Mr C already had a solicitor, he had not been successful in finding the insurers of the firm where Mr C worked; also Mr C had not applied for the Workers' Compensation Scheme within the 12 month time limit and, therefore, was refused the lump sum. Sadly Mr C died but we advised his widow to re-apply for payment under the Workers' Compensation Scheme. However, she received less money than if Mr C had received it in his life-time. We also asked for a second opinion on Mr C's case and one of our panel Solicitors has now found the insurers of the firm he worked for.

In another instance Mr F from Derby, had been diagnosed with Mesothelioma for one year before he contacted DAST. He was already pursuing a civil claim. However, he was turned down under the Workers' Compensation Scheme because the administrators of the scheme believed the firm Mr F worked for was still in existence. He was also turned down under the 2008 Scheme because he had been diagnosed for over one year. DAST undertook research which revealed that the company Mr F worked for had split into several factions which were sold to different companies. The company Mr F worked for was no longer in existence; therefore, he received the Workers' Compensation Scheme payment.

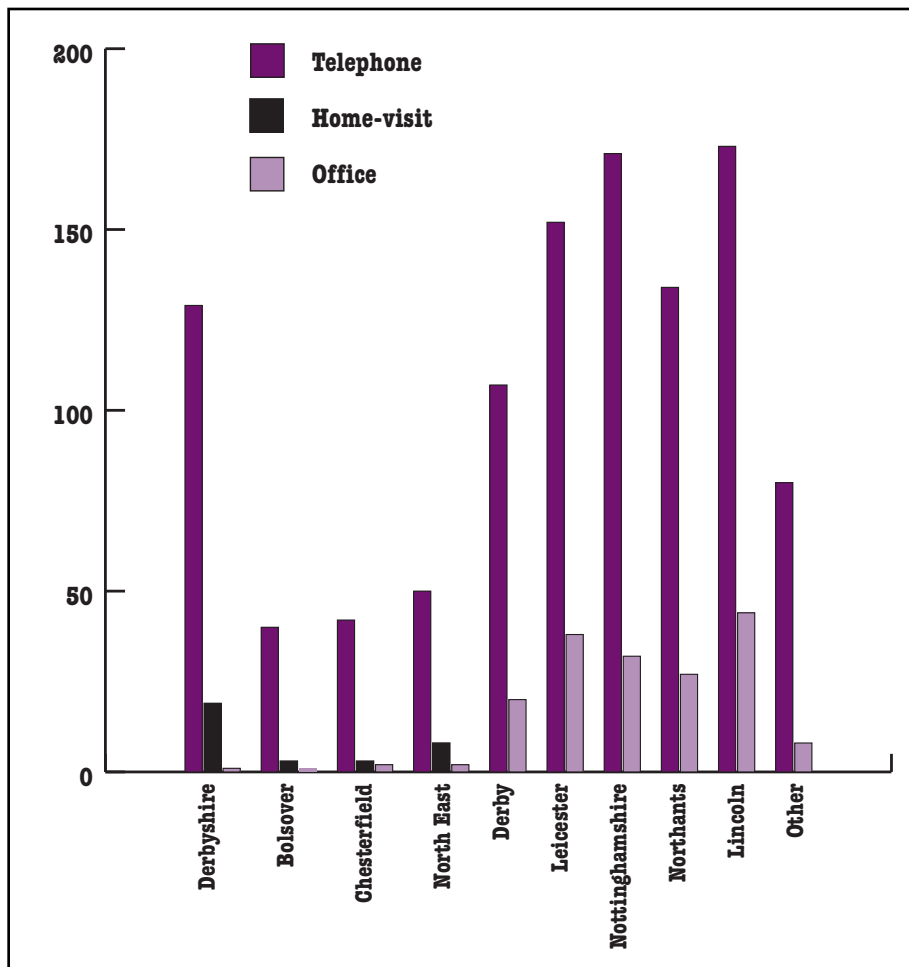
Compensation and benefits

The table on page 6 illustrates the amount of benefits and compensation DAST has helped people with asbestos related diseases to recover. The benefits include Industrial Injuries Disablement Benefit (IIDB). The benefit is awarded specifically because victims have a disease caused by work. Disability Living Allowance is a benefit awarded for mobility and care needs because of their condition. The benefit is awarded to anyone under the age of 65. Attendance Allowance (AA) is for care needs for victims over the age of 65. Carers Allowance is awarded to people who are caring for someone for at least 35 hours per week and the person being cared for is on Attendance Allowance or Disability Living Allowance (on either the middle or high rate for care). Other benefits relate to all benefits including means tested benefits. It also includes Employment and Support Allowance and War Pensions. The table also illustrates the amount recovered under the Government Compensation Schemes and civil compensation.

Derbyshire refers to South Derbyshire and Erewash and Derbyshire Dales. Civil claims can take many years to finalise particularly for benign conditions such as pleural thickening and asbestosis.

Advice

The graph below shows the number of telephone calls, home visits and office visits undertaken by DAST.



Compensation and benefits

Area	Disease	IDB	WGS	2008	DLA/AA	Carers	Other	Compensation	Total
Derbyshire	Mesothelioma/Lung Cancer	£22,950.55	£415,553	£43,653	£33,559.43	£5,665.05	£10,886.58	140,000	£672,057.41
	Others	£29,228.80	£27,406.00				1,346.10		57,980.90
Cheshirefield	Mesothelioma/Lung cancer	£71,078.00	£95,166		£9,346.47		£3,044.80		£178,635.27
	Others	6,940.04	13,354						20294.04
Bolsover	Mesothelioma/Lung Cancer	£9,079.80	£5,210						£14,289.80
	Others	£194.04	£2,649.00						£2,843.04
North East Derbyshire	Mesothelioma/Lung Cancer	14,252.40	34,213	27,734	958			105,000	182157.4
	Others	2,297.60							2,297.60
Derby	Mesothelioma/Lung Cancer	£16,985.23	105482	7813.52				320,578.65	£450,859.20
	Others	9,085.20	20,698						29,783.20
Leicestershire	Mesothelioma/Lung Cancer	£159,393.60	£393,492	£27,460	£30,023.60		693.6	298,153.50	£909,216.30
	Others	£3,348	£24,087		7,070.40				£34,505
Nottinghamshire	Mesothelioma/Lung Cancer	£146,702.92	£341,290.00	£53,132.00	£32,102.10	£2,777.50	£9,946.03	144,500	£730,450.55
	Others	£12,308.88	£16,919.00				£5,549	23,750	£58,526.88
Northants	Mesothelioma/Lung Cancer	£169,156.00	£469,827.00	£10,939.00	£37,657.25		£27,891.50	488,420	£1,203,890.75
	Others	£10,798.72	£121,230.00		2,532.60				£134,561.32
Other HV	Mesothelioma/Lung Cancer	£2,794.40	£138,036	£9,334.45				313,000	£513,164.85
	Others	£16,801.20	£4,562.00	£5,376.80					£24,740.00
No HV	Mesothelioma/Lung Cancer	£19,581.60	£16,903.00	£14,934.40			£690.13	204,000	£256,109.13
Lincolnshire	Mesothelioma/Lung Cancer	£251,905.06	£510,922.00	£121,519.00	£51,534.80	£3,663.90	£14,287.00	488,420	£1,441,851.76
	Others	£26,215.87	£20,457.00						£46,672.87
Totals		£1,051,097.71	£2,777,426	£284,237	£240,043.62	£12,106.45	£74,134.74	2,525,822	

Key WGS = Workers' Compensation Scheme

2008 = Mesothelioma Scheme (introduced October 2008)

Other = Asbestosis, Pleural Thickening

Action Mesothelioma Day 2010



On Action Mesothelioma Day this year, Mesothelioma victims demanded that the government honour a commitment to spend more on research.

Poignant messages and epitaphs to loved ones who have died were hung on special trees by victims and their families calling on the Government to take immediate action.

One person who attended Action Mesothelioma Day was Bernard Dean from Derbyshire who was exposed to Asbestos as a Joiner. Bernard had to cut asbestos to make partitions and wall panels. He was diagnosed with Mesothelioma in February 2009. Bernard received chemotherapy. He stated on the day that he would welcome the Research Centre.



Left to right, Liz Darlison, Joanne Carlin, Jill Lemon

Bernard had been taking part in drug trials as he recognised that this was the only way in which research could be carried out to find the most effective treatment and hopefully a cure. Sadly Bernard lost his fight to Mesothelioma in August 2010.

Currently very little government money is put into researching this killer cancer caused by merely going to work. Cash for research mainly comes from donations from victims and their families whose lives have been blighted by this devastating disease.

The Association of British Insurers (ABI) has promised £3m over the next three years (£1m per year), and the money will be administered by the British Lung Foundation but more is needed for the research centre to be effective.

Over the last 10 years, the insurers have had a windfall of over £100 million because when a victim went on to win a successful civil claim, the Insurers reduced the claim by the amount the victim had already received through the Government compensation. Thus the insurers pocketed the Government's money. However, the Government finally closed this loophole in 2008 and the money from the compensation scheme is now recouped by the Government not the Insurers.



Action Mesothelioma Day

In particular, money is needed for research into patients' palliative care needs, for finding the most effective pain relief and ways to cope with breathlessness. There should also be more support for families and carers of Mesothelioma victims.

Mr Antonio Martin-Ucar, Consultant Thoracic Surgeon at Nottingham University Hospitals, who spoke on the day, commented "We have a duty to continue to gather information about Malignant Pleural Mesothelioma as well as provide the best clinical care. We need to support National Randomised Controlled Trials and also to monitor

and assess different areas of care. Specialists should be involved in the care of patients at all stages of the disease. Assessment of Quality of Life is extremely important in this disease”.

This was the first year that Action Mesothelioma Day had moved from February to the first Friday in July, which fell on the 2nd of July. As well as Mr Antonio Martin-Ucar, Consultant Thoracic Surgeon at Nottingham University Hospitals, other speakers included Clare Darlington, a lung cancer nurse specialist and Lisa Barker from Derbyshire Carers' Association. The meeting also heard from Graham Sherlock-Brown, who gave hope and support for Mesothelioma victims attending the meeting.

Graham was diagnosed with Mesothelioma in 2002 after spending his entire career in IT and has no idea where he came into contact with asbestos. He was offered major surgery to remove his right lung, which seems to have worked for him, as eight years on he is symptom free and enjoying a good quality of life. He set out his guide to recovery – The 'Petal Guide'

P - Positive Attitude

E - Eating properly and exercising well

T - Targets – setting manageable targets

A - Adaptability

L - Living your life

Having now reached the age of 60, he is looking at where to spend his 70th birthday as well as becoming a writer. A number of people on the day spoke to Graham after the meeting as they wished to keep in touch with him.

Fortunately it was a sunny day so everyone at the meeting moved outside to hang their messages on the trees. Those attending then heard from Tony Tinley of UNITE the Union and a poem was read out, which had been written by Audrey Carlin, one of DAST's volunteers. Many victims and families said afterwards that their story had been captured in the poem.

Sponsorship from the messages raised £2,300 for Mesothelioma UK who run a National Helpline support for victims, carers and families on clinical issues as well as organising meetings and conferences.



Action Mesothelioma Day

Continued campaigning

Employers Liability Insurance Bureau

Many victims fail to receive compensation because they cannot trace the company's insurer that negligently exposed them to asbestos. Therefore, over the last few years we have been campaigning for an Insurer of Last Resort – an Employers' Liability Insurance Bureau.

One person who would benefit from the bureau is Sally Ward from Derbyshire, whose husband Stephen died of Mesothelioma aged only 48.

Mr Ward was exposed to asbestos while working as a semi skilled mechanic for Gary Oliver Car Sales Limited between 1982 and 1983. He instructed specialist lawyers, Thompsons Solicitors in Nottingham, to pursue a claim for compensation but it is unlikely his family will ever see a penny because his former employers are no longer in business and the company's employers' liability insurers cannot be found. Reuben Greenwood of Thompsons made extensive enquiries on behalf of Mr Ward with the Association of British Insurers (ABI) who were unable to trace the insurers. Mr Greenwood's enquiries extended to tracking down the former company director in Spain who was unable to recall who the insurers were for the periods when Mr Ward was employed.



Stephen Ward

We highlighted Stephen's case in the local press, calling on the Government to introduce an Employers Liability Insurance Bureau (ELIB), as well as calling for Stephen's former colleagues or anyone with information about Gary Oliver Car Sales to get in contact, but to no avail. Sadly Stephen passed away in June 2010.

In November 2009, Mr Dean from Derbyshire was given the opportunity along with six other Derby Telegraph readers to ask former Prime Minister Gordon Brown a question in an Open Forum.

Mr Dean said "I've got Mesothelioma and I know you (Gordon Brown) have lost a friend to Mesothelioma. What will you do to help Mesothelioma victims get compensation if they cannot find the insurer of the company that exposed them to asbestos?"

Although the insurers of the company that exposed Mr Dean to asbestos can be traced, he felt angry that other victims do not get the justice they deserve.

Jack Straw responded in a letter to Mr Dean stating "We are actively considering measures to make the UK a global leader in research for the alleviation, prevention and cure of asbestos-related diseases and also to help speed up compensation claims for those who develop serious asbestos-related diseases. A key part is an examination of the process for tracking and tracing employment and insurance records, as well as looking into the support given to individuals unable to trace such records."

In an attempt to fulfil their promise to Bernard Dean and other victims, the previous Government sent out a Consultation Document to interested parties to gauge the need





for an ELIB. Unfortunately, the Consultation period ended immediately prior to the General Election. The new Con-dem Government has been consulting with the Asbestos Support Groups Forum, the Association of Personal Injury Lawyers as well as the Association of Business Insurers. Minister Lord Freud accepted that the insurance industry had taken premiums and morally they should be made to pay out compensation to victims. However, we still await to hear whether an Employers' Liability Insurance Bureau is likely to be implemented.

In a recent Insurance Times article, the Royal and Sun Alliance Chief Executive, Adrian Brown claimed a fund of last resort for injured and dying workers would hurt companies recovering from recession. He also stated that insurers would have to increase premiums by up to 7% to pay for the fund.

Dave Fisher, Solicitor for Thompsons stated at Action Mesothelioma Day "This is no time for the insurance industry, which is still failing injured and dying people, to start scare mongering about premium increases to try and avoid its responsibilities".

DAST will continue campaigning and have written to victims and their families who were unable to get compensation to urge them to contact and visit their local MPs.



Bernard Dean

Industrial injuries disablement benefit disregard

It is utterly perverse that asbestos victims in receipt of Industrial Injuries disablement benefit, particularly Mesothelioma victims dying of the condition, should lose/or have their means tested benefits cut for the short period of their remaining lives.

The Industrial Injuries Scheme is a no-fault compensation scheme, designed to compensate victims suffering from industrial diseases. The scheme is laid down in an Act of Parliament and there should be no doubt that the purpose of the scheme is to compensate. However, there has been a fundamental misconception with the scheme that has allowed it to be used as one of many other 'benefits', the purpose of which is to supplement or replace lost income. Over time this misconception has taken firm hold, so that the common misnomer 'benefit', applied to no-fault compensation, has resulted in the loss of means tested benefits for impoverished people.

If a man is diagnosed with asbestosis, he receives Industrial Injuries Disablement Benefit (IIDB) for the restrictive effect the disease has on his lungs. However, if he is also in receipt of means-tested benefits to supplement his income, his IIDB is also counted as income and he will lose his means tested benefits pound for pound. In other words, he has to use his compensatory benefit to pay for the means to live such as buying food and clothing etc. This does not happen where a man is in receipt of an occupational pension.

Asbestos victims including those suffering from Mesothelioma, account for such a high percentage of those in receipt of IIDB, many of whom are elderly or living on the poverty line. Even though they are amongst the most vulnerable in society, they still lose their compensation. Yet a legal loophole allows this morally wrong issue to continue.

DAST has calculated that 14% of the people we help lose or have their means tested benefits cut. In three cases, the people were so concerned about the effect of claiming IIDB on their current benefits that they refused to claim. This is grossly unfair.

Case Studies

Mr C was diagnosed with Mesothelioma, he claimed IIDB, but lost £115.00 pension credit and £19.05 council tax, a total of £134.05. Mr C's compensatory benefit was worth only £9.55.

Mr H was diagnosed with Mesothelioma, he claimed IIDB but lost £74.36 pension credit, £16.00 council tax benefit and £48.07 in housing benefit, a total loss of benefits of £138.43. Mr H's compensatory benefit was worth only £5.17 to him.



Asbestos warning to homebuyers and tenants

“More needs to be done to make tenants and homebuyers aware of the dangers of exposure to asbestos”, according to speakers Linda Waldman and Heather Williams.

This message is the conclusion of their report commissioned by the building Trade Union UCATT. The report entitled “Safe as Houses” argues that it is morally wrong that homebuyers and tenants have no legal right to be informed where asbestos is located when they buy or rent a property.

Social housing companies have a legal obligation to inform

employees and contractors where asbestos is in their properties but not their tenants.



Raising Awareness Nottingham City Homes

Since the late 1970s and early 1980s there have been waves of panic about asbestos risks interspersed with periods of indifference. This has been due to the failings of scientific knowledge as well as legislation and financial constraints. Research has shown that 1 in 100,000 living for 10 years in a home containing asbestos is likely to develop an asbestos related disease, suggesting there is little risk from asbestos in our homes. However, this research does not take into account the housewife who daily washes the asbestos floor tiles as she cleans up after her young children or a family pet. Nor does it take into account the DIY enthusiast, who undertakes alterations in the home.

The report argues that there is a conflict between social housing providers' responsibilities and residents' rights. Legislation provides for security of tenure for residents, as well as giving them the right to undertake repairs and improvements to make their house a 'home'. “Such a relaxed attitude towards written consent prior to beginning alterations means that the residents undertake DIY without ever knowing where asbestos is”.

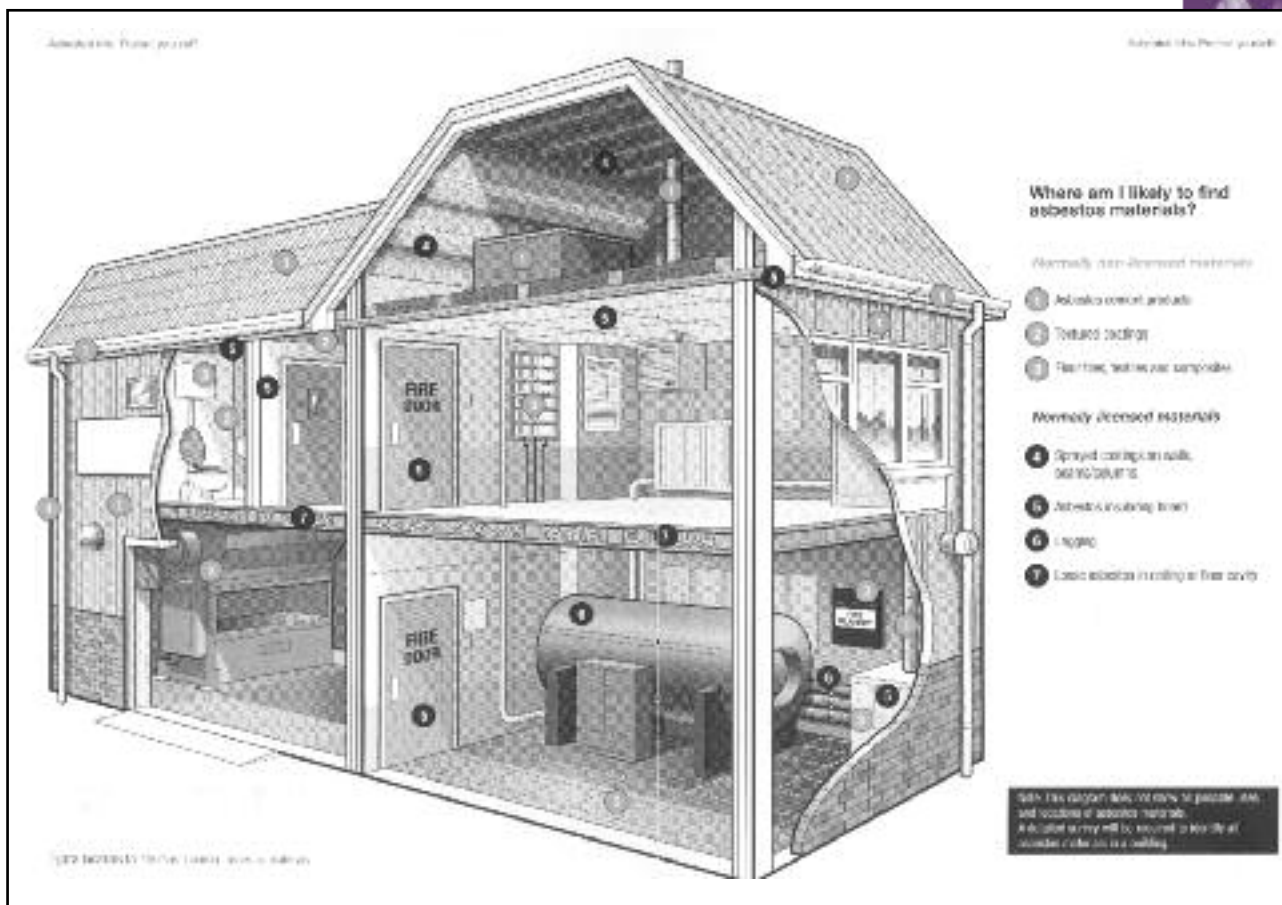
The research found that different housing providers use different styles of information dissemination. Ironically those who were good at it were often portrayed in a negative light. Moreover, the costs of dealing with asbestos, bringing in specialised stripping companies, delaying work schedules, replacing asbestos with other forms of fire protection means that social housing providers may downplay the risks of asbestos. Financial and time constraints will inevitably favour encapsulation and management of asbestos, not removal. The same constraints are also placed on home owners.

The research also argues that the HSE's message that 'asbestos is safe in situ' coupled with their media concentration on certain categories of workers (plumbers, joiners, electricians), sends out the message that only 'certain' categories of people are at risk. This is not the case and should also include teachers, DIY enthusiasts and other workers who may come into contact with asbestos during the course of their work.

Clearly more needs to be done –

- Legislation needs to be amended so that power tools display warning symbols to advise users to check what materials they are using the power tools on
- Asbestos surveys should be mandatory when selling houses and the information included in the Housing Information Pack introduced by the Government
- Social housing providers should maintain an Asbestos Register and a survey should be carried out when tenants move
- There should also be more information campaigns to alert DIY enthusiasts about the dangers of exposure to asbestos and a 24-hour hotline to deal with private asbestos-related enquiries

“As Safe as Houses? Dealing with Asbestos in Social Housing” Report for UCATT Linda Waldman and Heather Williams June 2009



Where Asbestos can be found

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Canada's bloody day of shame

Asbestos Victims and Trade Union campaigners gathered in Trafalgar Square on the 1st of July 2010 'Canada Day' from 10am to 12 noon, accusing the Canadian Government of having blood on its hands from its continuing export of the killer dust, asbestos, to developing countries. Chairman of DAST, Dave Trigg joined the campaign on behalf of DAST.

The Quebec Government is considering a request from Jeffrey Mine Inc. for a loan guarantee of \$58 million to enable the company to open a new underground asbestos mine. The company plans to export 200,000 tonnes of asbestos a year to developing countries.



Chair Dave Trigg with campaigners outside Canada House

The Canadian Medical Association, the Canadian Cancer Society, the Canadian Public Health Association, as well as the World Health Organisation and the International Labour Organisation, have all called for the use of chrysotile asbestos to end as the only way to eliminate asbestos-related diseases. The Québec government and the Canadian government refuse to listen.

In Québec itself, the government's Occupational Health & Safety Commission (CSST) has a policy of "zero exposure" to chrysotile asbestos for Québec workers. However, ironically, the Québec government states that exposure to high levels of asbestos (1 f/cc, which is a ten times greater exposure level than that permitted by provinces across Canada, by the US and by industrialized countries and a hundred times higher than that permitted by a number of countries) is perfectly safe for people overseas. Workers in India have written to Premier Charest saying that his government's double standards seem to be an example of racism.

Dave Trigg stated

"Sixty percent of the asbestos used in the UK was imported from Canada and very likely responsible for thousands of deaths. It is a crime to continue to export this deadly substance to developing countries which have little means of protection when it has been banned in most European countries. This is Canada's Day of Shame."

DAST is shocked and appalled that in an attempt to promote the safe use of asbestos, Canada are inviting tourists to look around the asbestos mines.

Devastating court of appeal Asbestos judgement

“Trigger Case”

The Court of Appeal on Friday 8th October 2010, handed down a judgment which overturns 50 years of settled law regarding which insurer must pay compensation to asbestos victims.

For 50 years, insurers of negligent companies **at the time exposure to asbestos occurred** have been liable to pay compensation for the asbestos-related disease, mesothelioma, which occurs many decades after exposure.

This judgment allows for the interpretation of the policy wording, so that insurers may only be liable when the **disease occurs** if the wording of the policy indicates this. In such cases, the disease, mesothelioma, will often be diagnosed 50 years after exposure to asbestos, so those companies are unlikely to be trading after such a lapse of time; hence there will be no insurer to satisfy a claim and no compensation.

The effect of the judgment This judgment will have a devastating impact on dying mesothelioma sufferers. It will mean that thousands of mesothelioma sufferers may lose their right to compensation. Furthermore, the Government will no longer be able to recover lump sum payments made pending civil compensation from insurers.

Caught in the cross fire Mesothelioma sufferers have been caught in the cross fire of a war between insurers, where the protagonists have no regard whatsoever to the collateral damage to asbestos victims.

This is a disastrous decision. As a last resort, DAST, as part of the Asbestos Support Groups Forum, will be calling on the Government to overturn any judgment which upholds the Court of Appeal decision and which has such a devastating effect on compensation to dying asbestos victims.

Both insurers and claimant Solicitors have been given leave to appeal. Unfortunately, it means another long wait for victims, who will never see their compensation, or have knowledge that their families will be provided for.



Workers' Memorial Day

Workers' Memorial Day "Remembers the Dead – Fights for the Living". On this day, now Internationally recognised, DAST remembers all the thousands of workers in the East Midlands who have died through asbestos-related diseases, as well as promoting awareness to the dangers of exposure to asbestos.

28th April every year is "Workers' Memorial Day" and DAST was invited to attend a number of events.

We were asked to speak at the "Workers' Memorial Day" in Lincoln, which was attended by Joanne Carlin. At this event Joanne read out a poem written by volunteer, Audrey Carlin, who told the typical life story of a Mesothelioma victim and a poem written by a young girl remembering her Grandfather, who died of Mesothelioma.

Speeches were also heard from Thompsons Solicitors and Industrial Chaplain – Andrew Vaughan, whose father died of Mesothelioma.

Chairman of DAST, Dave Trigg, attended a trio of events in Grimsby, Cleethorpes and Immingham. Dave said a few words remembering DAST's victims from the area and a wreath was laid at each event. The events were well attended by families and victims who had lost loved ones. Dave also spoke on behalf of DAST at the combined Derby Workers' Memorial Day and Silk Mill Rally.

On Friday 30th April, DAST supported the Workers' Memorial Day event organised by the Trade Union Safety Team, which took place in Shirebrook.



Workers' Memorial Day - North Lincolnshire



Joanne Carlin with widows who have lost their husbands to mesothelioma

North Lincolnshire launch

North Lincolnshire was a heavy industrial area with many factories, power stations and foundries relying on the properties of asbestos, as well as being a dockland area with many workers being employed on board ships and trawlers.

We thought it was crucial that we agree to the North Lincolnshire Trades Council's request to offer our service in North Lincolnshire. Therefore, on Friday 12th March 2010 we launched our service at a meeting at the Town Council in Grimsby.



Pictured left to right: Neil Baines, Thompsons Solicitors; Dave Trigg, DAST; Joanne Carlin, DAST; Local Councillor, Grimsby; Austin Mitchell MP and Herbert Styles - UNITE the Union.

The meeting was well attended with local councillors, lung cancer nurse specialists, trade union members, local welfare rights organisations and two local MPs. Unfortunately, one MP lost her seat at the recent elections but we have been in contact with Austin Mitchell MP, who referred to us one of his constituents, whom we are currently supporting. We have also received a number of referrals from Diana, Princess of Wales Hospital in Grimsby.

We also received good media coverage. Speaking to the media

Steve Elliott of North Lincolnshire Trades Council stated: "DAST is a fantastic organisation that offers so much to people affected by asbestos related diseases. I'm delighted that they will be able to offer the same service to victims of asbestos related diseases in North Lincolnshire".

Alana Green from Scunthorpe, lost her father to mesothelioma in April 2009. The Macmillan nurses at the hospital informed Alana and her mum about the Derbyshire Asbestos Support Team and we visited them at home.

Alana commented to the media "DAST understood how mesothelioma affects people diagnosed with it and also how it affected my life and Mum's. Without them we would not have known how to get support and the fact they visited us at home was a big help."



Networking with Mesothelioma UK

DAST is proud to report that we have forged closer links with Mesothelioma UK. Mesothelioma UK offers clinical helpline support for Mesothelioma patients and carers. The Helpline is run by a dedicated team headed by Mesothelioma Nurse Specialist – Liz Darlison.

Liz approached us to join her meetings to offer benefits advice. The aim of the group is to provide useful information and friendly support in a safe and informal environment. Patients and carers have the opportunity to meet and talk to other people who are sharing a similar experience. There is also a specialist talk about Mesothelioma, aiming to help patients manage their cancer better and deal with some of the wider issues related to coping with the physical and emotional effects of the disease.

The meetings have been well attended and DAST has provided benefits advice as well as an update about our service and support. We have also used the information from meetings to distribute in our bulletins.

DAST Meetings and Reports

As well as linking with Mesothelioma UK, we organise support group meetings which are inclusive of anyone diagnosed with an asbestos related disease as well as family members. The meetings are an opportunity for victims to meet each other and share experiences. We are also able to update them on wider issues affecting them. In November 2009 we organised a social event and meeting at the Spot in Derby, funded by Unite the Union, which was well attended and enabled victims to chat informally and support each other. We are organising a similar event in November 2010. For those who are unable to attend due to our large geographical area, we produce a newsletter and report of the meetings.



DAST Meeting

Over the past year we have heard speakers from

- The Health and Safety Executive, giving us an update on their successful awareness campaign and how they are targeting young apprentices entering trades which may bring them into contact with asbestos
- Legal updates from our panel Solicitors
- Researchers Linda Waldman and Heather Williams who produced a report “Safe as Houses” commissioned by UCATT
- Local MPs

Through meetings, newsletters and telephone support we have put a number of victims in contact with each other, including two men who were members of local male voice choirs.

DAST - Highlights message “All Asbestos is dangerous”

Part of our work is to raise awareness about the dangers of exposure to asbestos. This is particularly important as the general public are still bombarded with messages from defenders both here in the UK and Canada that chrysotile (white asbestos) can be safely used. Some even state that it presents no ill health effects including that of cancer, and argue there's no link to mesothelioma at all!

This is contrary to the views held by the British Government, the Health and Safety Executive and the World Health Organisation, amongst others.

Furthermore, research by the Health and Safety Executive shows that young tradesmen, such as plumbers and electricians, know that asbestos is dangerous but just don't believe that they are personally at risk.

It is for this reason that DAST believes that it is important to support the Health and Safety campaign which reminds tradesmen that, unless they take precautions, asbestos could kill them too. Throughout the year DAST has undertaken talks and displays at various Trade Union Conferences attended by maintenance and trade workers to highlight the dangers of exposure to asbestos. We were also asked by the Union to attend a workplace conference for Nottingham City Homes, which took place over 3 days, to highlight the dangers of asbestos in the workforce. The conference was attended by many craft and trade workers.

At talks and displays DAST is able to provide real-life examples of construction workers who have developed mesothelioma after exposure to asbestos.

We are also able to provide examples of people diagnosed with mesothelioma who have only been exposed to relatively low levels of asbestos.



Awareness Raising - UNITE Conference, Joanne Carlin with Dave Trigg.



DAST offering a good quality service

In order to assess the quality of our work, we sent out questionnaires to victims, to which seventy per cent responded. Forty people said they were 'very satisfied' with the support we give and one person said he/she 'was satisfied'. Eighty-eight per cent stated that we made it 'very easy' for them to understand the benefits system; the remainder said it was 'fairly easy' to understand our explanation of what they were entitled to. Everyone stated we were 'very helpful' and 'listened to them very well'. Furthermore, they all stated that they would 'recommend our service' to others.

Some of the comments we received:

"When you are in a state of emotion you really need the support of someone other than family members. I think the service to people who have this dreadful illness is beyond words. Thank you again for all you did for my darling husband John".

"Explanation of all benefits and procedures and simply put so that the 'layman' can understand the 'minefield' of the system. Everything was very professional, helpful and friendly."

"I cannot thank you enough, I would have been lost without your team, thanks again – keep up the good work."

We also asked people how the financial support had improved their lives, below are some of the comments we received.

"The support from DAST has been fantastic, to not have to fill out forms and get information from the hospital to claim benefits at such an upsetting time has been invaluable. The financial support helps with fuel, for hospital visits and heating, which we have to have on more now, and for any further adaption to our home as deemed necessary."

"Without the help offered by your service and the speedy and expert response, I would have been left worrying about finances in addition to coping with a life threatening illness. You are great."

"We do not have to worry about getting things we need to make life easier. Keep up the good work."

The money that DAST has helped victims to apply for has enabled them to afford costly travel insurance to take a much needed holiday. They have also been able to purchase items for the home such as a walk-in shower, comfortable chair and stair lift.

Fundraising

We would like to thank everyone who has undertaken fundraising events for us this year. Thank you to those who have participated in marathons or half-marathons, undertaken car boot sales and sold hand-made cards. Thank you to everyone who sponsored Joanne on her peak district walk. Also to Mr Beatson (who has mesothelioma) and who is a member of Bestwood Male Voice Choir for nominating DAST as their charity to raise funds at their annual concert in November 2009.

Thank you to everyone who has arranged donations in lieu of floral tributes in memory of their loved ones. A special thank you to the families of Ian Hall and Major Bernard Dean. Ian climbed the Laxey Wheel, Isle of Man in October last year to raise funds for DAST but sadly lost his battle to Mesothelioma in June 2010. Major Bernard Dean raised funds for DAST through his work with army cadets but sadly passed away in August 2010.



Bestwood Male Voice Choir - Brian Beatson (centre) holding cheque



Oscar Childs, aged 2 is DAST's youngest fundraiser



Joanne Carlin and Simon Gordon, 40 mile Peak District walk



Vic and Heather Andrejewski. Vic has mesothelioma, he gave money to DAST in lieu of Birthday presents



Ian Hall

Recognising Volunteers

We are very grateful for all the work and support of our volunteers, without whom the organisation could not run as effectively and efficiently.

Forget-mesothelioma-not

Good life, good jobs, good times to be had
Life looks great, nothing is bad
Just left school; a job's come my way
The days are long but I get good pay

Plenty of jobs to choose from
There's money out there to earn
A Plumber, Electrician or Joiner
As long as I'm prepared to learn

Decided to train as a Joiner
Refurbishing and doing new builds
An apprenticeship I'm going to serve
I'll work hard for the cash I deserve

Worked hard to earn my first week's pay
Sawing up stuff that they say
Is a magic mineral, too good to be true
It comes in brown, white and blue

A magic mineral that's fireproof
For walls and ceilings and in the roof
With dust like snow and so we play
Making snowballs every day

My pal is working as a Plumber's mate
He also thinks his job is great
Lags pipes and boilers, can't believe his luck
Mixes asbestos powder they call monkey muck!

With plenty of money jingling in my pocket
Off to the pub for a pint with my pals
Then to the Palais to rock 'n roll
Hoping to meet some pretty gals

Meet up with the girls, at the dance
We drink and jive and have some fun
I've met a girl, quite by chance
We'll meet next week when work is done

I proposed to her and she said "yes"
So wedding plans are in full swing
I'm ready now, more or less
For the Big Day to arrive I'll feel like a King

The days are long and tedious
I'm working very hard just now
'Cos soon there will be three of us
I'll work as hard as time will allow

The years roll by, the kids have grown
From the family nest they now have flown
Just my wife and me are left at home
So we plan our future on our own

I saw my mate the Plumber today
He said he wasn't well
He had a cough and was short of breath
And said to walk it was just like hell

Alas I too do not feel right
I'm having sweats all through the night
It's hard to breathe I feel so weak
I'm off to the doctors, hope the future's not bleak

We're in our 50's me and my mate
We should be feeling fine
Looking forward to retirement
So we can have a good time!

Have seen the doctor his face looked grim
Have you worked with asbestos he said
Oh yes, I have, I explained to him
He stared at me and held his head

Sent me to the hospital for lots of tests
X-rays, fluid drain and biopsy too
All my life I'd felt so blessed
But though still young, life is looking blue

Went for my results and who should be there
My mate the Plumber, life isn't fair
Every day we've worked hard to care for our family
And now they tell us we have Mesothelioma

Our lives have been cut short so cruelly
Whilst others made lots of money
Knowing that what we did could kill us
Knowing it was so dangerous

The silent killer has lain in wait
But now it's sealed our fate
Years it's taken to manifest
If only there was a simple test

My friends! – fight hard for what you are due
We've given our lives just by going to work
This could have been avoided, we didn't shirk
Why weren't we told by those who knew!

How many more have already died
By merely going to work
Our moral rights have been denied
No reward for loyalty – what a perq!

I hope our story will live on forever
And that those who knew will never
Play with lives and cause so much pain
So our lives have not been in vain

Listen everyone to what I say
Make sure your work is safe
This is more than a simple choice
Demand Safety – join as one voice!

No cure as yet for this cruel disease
Though many are trying hard
To raise the profile for research
Its name is called NCARD*

We must fight to the bitter end
To make sure our families are safe
Future generations to defend
The mistake of others we must amend

Life is precious, I won't give up the fight
For what is my human and moral right
I will stay positive, cling to what I've got
But please do not "forget-me-not"

Abridged version of a Poem written by Audrey Carlin, DAST Volunteer

**NCARD – National Centre for Asbestos-Related Diseases*

Acknowledgments

Our thanks and gratitude are extended to all the voluntary and professional bodies with whom we have worked, as well as to our local MPs for their continued help and assistance.

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- **Macmillan Cancer Support**
- **UNITE**
- **Other Trade Union Fundraising**

DAST is supported by the Trade Union Safety Team

A SPECIAL THANK YOU TO VOLUNTEERS WITHOUT WHOM WE COULD NOT EXIST.

We would also like to thank Derbyshire Unemployed Workers' Centres for their support and use of facilities.

**WE ARE
MACMILLAN.
CANCER SUPPORT**

**unite
the UNION**