

Welcome

At Asbestos Action we find that every day is different and yet there are similarities and repetition in everything we do.

It is a constant pleasure to be able to speak to, or visit, individuals and family members whose lives have been blighted by the UK asbestos scandal and assist them as far as we can. Each person's needs, fears and concerns are individual and we treat them all as such. We've met so many lovely people over the years and it hits us hard when we lose someone. That unfortunately is the nature of the job and the ghastly spectre that asbestos has left the country with.

There is nothing that knocks the team back more than not being able to assist a sufferer as much as we would like. Whether it is a Pleural Plaques case or a Lung Cancer case it always feels that the bad guys have won when we, or our legal partners, cannot successfully obtain a benefit or civil compensation. This unfortunately happens and it is out-with our control but none the less frustrating!

The charity covers from the North of Scotland right down to the Borders on the East Coast and both Dianne and Liz clock up a fair mileage visiting lung cancer and mesothelioma cases in the course of their work. It is vital that we do this as without completing a home, hospital or hospice visit to meet the sufferer face to face how can we possibly know about their lives and put in place a welfare support package to help them. Unfortunately due to the high numbers of people that get referred to us we cannot provide this service, except in extreme cases, for those diagnosed with debilitating but less severe conditions such as pleural plaques, pleural thickening and asbestosis.



John Fearn, Manager



AsbestosACTION

News

Helping, supporting, advising -
to keep you informed

SPRING 2020



Donation thanks

I'd like to take a moment to thank all of you who have donated or contributed to the charity over the years. Without this support the charity would cease to exist as we receive no taxpayers' support and the vast percentage of our income comes from sufferers and their families. I'd also like to thank the corporate support we have also had over the years from Leigh Day, Digby Brown and other contributors.

Well done to the Digby Brown team for again doing a sponsored walk (see p5) on behalf of ourselves and the Clydebank Asbestos Group. Dianne and myself will be walking with them this year so if you don't hear from me again - you'll know what happened.

Best wishes to you all.

LEGAL UPDATE



Beware Time Bar

We regularly warn doctors that members may lose the right to claim damages if court proceedings are not raised within three years of the date of diagnosis of the first asbestos condition.

This was highlighted by a judgement last month in a case *Quinn & Oths v Wrights Insulations Limited* 27/02/20.

Mr Quinn was first diagnosed with pleural plaques in 1994. However, it was not until 2012 he sought advice from another asbestos support group about pursuing a claim. Their lawyers then turned the case down in 2014 when they were unable to persuade insurers for the employers responsible for the asbestos exposure to pay any damages.

Sadly, Mr Quinn was diagnosed with mesothelioma in 2016, and died in 2017.

His family then pursued a claim, arguing that the court should

exercise discretion to allow the case to proceed, even though it was time barred, because that was the “equitable” and fair thing to do. They lost. No explanation for Mr Quinn’s failure to pursue the original plaques claim was provided.

The court ruled that even though mesothelioma was an entirely separate and far more serious condition, the fact Mr Quinn was diagnosed with pleural plaques many years before, and had not pursued a claim, was enough to disqualify any subsequent asbestos claim.

Contrast that with a very recent case for one of Asbestos Action’s members who was diagnosed with mesothelioma last September, having originally been diagnosed with pleural plaques in May 2015.

Our specialist solicitors at Digby Brown were able to put forward detailed reasons why the member did not seek legal advice in 2015.

The result?

The insurer for the negligent employer settled, believing that the court would allow the case to proceed. They agreed in January to pay our member a six figure sum, and have preserved for his family the right to recover full damages for their own loss.

These two contrasting cases underline the importance for anyone diagnosed with an asbestos related condition, no matter how benign, not to delay and to contact Asbestos Action, so that we can offer advice and arrange for urgent, specialist legal representation to give the best chance of a favourable outcome.



Fraser Simpson, Partner
Digby Brown

The Scottish Mesothelioma Network



The **Scottish Mesothelioma Network** is a specialist team of experts who can provide patients with high quality clinical care, information and support and access to potentially life-changing clinical trials wherever they live in the country.

The new service provides patients with a dedicated Mesothelioma Clinical Nurse Specialist (CNS), who offer enhanced support locally for patients and carers. Patients also have a dedicated Mesothelioma Lead Clinician to improve clinical care and access to clinical trials.

Each CNS and Clinical Lead will dial into the weekly Multi-Disciplinary Team meetings to represent patients and feedback clear, high-quality management plans and clinical trial information.

This will improve the quality and speed of information given to patients and carers and help to ensure care can be delivered as close to home as possible.

An Advisory Group has been established which aims to meet

twice a year. The first meeting takes place next month. I will be participating on behalf of Asbestos Action. The group will advise on such areas as:

- **Promotion and further development of the work of the network**
- **National guidelines and policies and service context**
- **Methods underpinning the work programme**
- **Involvement of patients in all aspects of the work programme**
- **Involvement of family/carers**
- **Development of national recommendations arising from the project review and strategies for implementing these recommendations**
- **Identification of service gaps and pathway of influence for any recommendations**
- **Sustainability and sources of funding to further the work of the network.**

Macmillan is working in partnership with Mesothelioma UK supporting local NHS boards across Scotland to fund and deliver this service which will transform the care and support for people affected by mesothelioma in Scotland. The country has some of the highest rates of the disease in the world so this new service will have a great impact.

I am delighted that the Scottish Mesothelioma Network is now operational and that Asbestos Action will be playing an active part in helping to shape the service, ensuring the best quality of treatment and care is available to all those we work with. I am very much looking forward to the first meeting.



*Dianne Foster,
Senior Welfare Officer*

Lung cancer and asbestos exposure

We are always looking for ways to ensure that those affected by asbestos-related diseases get the help that they need. One of the big areas of concern for us is that **some people with lung cancer don't know that it has been caused as a result of inhaling significant quantities of asbestos fibres,** usually over a period of many years.

Lung cancer is most commonly associated with smoking. However, what we want more people to become aware of is that exposure to asbestos can also cause lung cancer. This is known as Asbestos-Related Lung Cancer.

The Health and Safety Executive recently released statistics confirming how many individuals in the UK develop different types of asbestos related conditions. Using statistical modelling, it is their view that asbestos exposure is responsible for approximately 2,500 lung cancer deaths in the UK every. This is equal to the number of mesothelioma related deaths recorded.

We are sure that the vast majority of those suffering with Asbestos-

Related Lung Cancer are not accessing the advice and support or benefits and compensation that they may be entitled. They simply don't know that their lung cancer has been caused by exposure to asbestos. We assist many more individuals with mesothelioma than with Asbestos Related Lung Cancer when the number should be more or less equal.

We will be upping our efforts to work closely with the medical profession to ensure that individuals with lung cancer are asked about any history of exposure to asbestos. Our concern is that if the individual has a history of smoking, no further questions are asked. In fact, as long as there is a history of very significant exposure to asbestos, smoking does not rule out a diagnosis of Asbestos Related Lung Cancer.

We are confident that our conversations with the medical profession will result in us helping many more people diagnosed with Asbestos Related Lung Cancer.

2020 EVENTS

STUC Annual Congress
20-22 April - Concert Hall, Perth

Working closely with the Unions in order to highlight that asbestos is a problem of today.

Asbestos Action AGM

Friday 10 July - V&A, Dundee

We will once again be inviting our members to our AGM.

Royal College of General Practitioners' Conference

1-3 October - Glasgow

Highlighting the importance of GP referrals of individuals with asbestos-related conditions.

Aberdeen Information Day

Date and venue tbc.

Asbestos Victims Support Group Forum

Asbestos victims' support groups started to spring up in the early 1990s, when the true scale of human suffering from asbestos-related diseases was at last accepted by the medical profession, industry, government, and health and safety regulators.

Tragically, in the 1960s and 70s, at the height of asbestos manufacture and use, and when industry and government alike knew of the asbestos health hazard, only a few small organizations and campaigners were prepared to confront the powerful asbestos industry.

For some time, asbestos victims' support groups met informally to discuss issues of common concern, and to take collective action to further the interests of asbestos victims. It is for this reason that the Asbestos Victims Support Groups' Forum UK was set up in 2005.

The Forum is open to all asbestos victims' support groups who work on behalf of asbestos sufferers. All the groups are independent, not-for-profit organisations or registered charities. They must abide by the Forum constitution, and the Forum Principles which set out minimum standards for groups.

Asbestos Action is proud to be a member of this group.

Breathless – Edinburgh Dominion Cinema, 24th February 2020



Asbestos Action were proud to host a charity screening of the award winning documentary, "Breathless", which took place at the Edinburgh's Dominion cinema at the end of February. Nearly 50 people including Asbestos Action members, politicians, medical and law experts viewed the explosive expose on the global asbestos industry. The documentary followed filmmaker Daniel Lambo and barrister Krishnendu Mukherjee in their fight for answers following several deaths linked to an asbestos factory. Their journey brought them face-to-face with covert spies and international corporations before finding answers at a remote town in India where thousands more face the same deadly fate.

Mr Mukherjee attended the exclusive screening where he spoke with guests. Before the screening, he reminded us: *"Scotland is all too familiar with the damage caused by asbestos - literally thousands of people have died as a result of being exposed to asbestos in shipbuilding ports. Asbestos use was banned in the UK 20 years ago but make no mistake - this is not a legacy issue. Our documentary focuses on one firm but it shows firms have wangled*

their way around prohibitions by simply moving abroad. Everything we've unearthed so far proves asbestos remains in our present and Scotland, along with the rest of the world, has a moral obligation to act and ensure it does not poison our future. Lives are literally at stake."

After decades of tradesmen being exposed to the known danger of asbestos it was truly momentous when it was banned 20 years ago in the UK. However such a landmark move is tarnished if officials sit back and let foreign nationals die in our place - it's hard to believe it is still being mined, fabricated and used in some of the poorest areas of the planet. Breathless is a film which strikes a chord among thousands of Scots affected by asbestos-related diseases. We are sure those who attended will agree that Mr Mukherjee's words and the film were utterly moving.

Anyone wishing to donate to the filmmakers' cause of helping clean up the pollution caused by the Indian asbestos mine can do so here - www.crowdjustice.com/case/indianesbestos/

Asbestos Awareness Sponsored Walk - Friday 3rd April 2020



Both Dianne and I will be joining the Asbestos Disease team from Digby Brown Solicitors who will once again be donning their hiking boots in order to raise much needed funds for both Asbestos Action and Clydebank Asbestos Group.

The walk is being completed as part of the Global Asbestos Awareness Week, which runs from 1st -7th April 2020 and follows on the success of the previous two walks, which raised the fantastic sum of £16,500 for the charities!

We will set off on the 21 mile walk from the site of the now decommissioned Cockenzie Power Station before passing Leith Docks, where the shipbuilder Henry Robb was based, on our way to the Forth Bridge in South Queensberry. These names are well known to us due to the high number of asbestos cases we have dealt with from each location.

We will be hoping for good weather and good map reading!

Any donations, big or small, would be gratefully received. You can find details of how to donate on the back page of this newsletter. Or alternatively by using the method below.

www.justgiving.com/fundraising/dbasbestosawarenesswalk

How you can help - donations:

How to donate

- Complete the **form below** and send cheque to "Asbestos Action"
- JustGiving - www.justgiving.com
- **Standing order** (contact us for information)

Your details

NAME:

ADDRESS:

POSTCODE:

TELEPHONE:

EMAIL:

Donation amount - I wish to donate (please tick):

£10 £20 £30

OTHER £:

GIFT AID – important (please tick):

Boost your donation by 25p for every £1 you donate

I want to Gift Aid my donation and any donations I make in the future or have in the past four years, to Asbestos Action. I understand that I must pay an equal amount of UK income tax at least equal to the tax that Asbestos Action will claim in my donations in each year (*currently 25p for every £1*).



SIGNATURE:

DATE:



AsbestosACTION

About Asbestos Action

Asbestos Action is a charity that relies almost entirely on donations from appreciative sufferers and their families.

The charity was founded in 2002 by a small group of sufferers to assist those diagnosed with an asbestos-related condition.

We are committed to helping anyone affected by an asbestos-related condition, from supporting sufferers and their families after diagnosis to home visits to help fill in complicated benefits forms.

With a small staff of five the charity punches well above its weight in providing this emotional and practical support.

You're the reason we can keep providing our vital service, so no one has to face asbestos-related disease alone.

Donating can help us to support more sufferers and their families who have been affected through no fault of their own.

Contact details

Asbestos Action
Caledonian House
Greenmarket
Dundee
DD1 4QB

T: 0808 196 1861

E: info@asbestosaction.org.uk

W: www.asbestosaction.org.uk

Asbestos-Action-Tayside