

PRESS RELEASE...PRESS RELEASE...PRESS RELEASE...

NO EMBARGO TIME.

"ASBESTOS VICTIMS LOBBY FAT CATS"

Members of the Merseyside Asbestos Victim Support Group (MAVS) will be travelling to the Association of British Insurers' (ABI) AGM in London on Tuesday 9th June to lobby the organisation to meet their demands on compensation. The group are demanding an equitable system for compensating asbestos victims WHO DO NOT receive any compensation from their members when insurance policies cannot be traced.

They will be asking the ABI to implement the proposals of the All-Party Parliamentary Group on Occupational Safety and Health proposals to set up a scheme similar to that for road traffic victims who are injured or killed by uninsured drivers.

John Flanagan of MAVS said:

"It is an affront to common decency that many asbestos victims including the terminally ill, suffering with Mesothelioma, a cancer of the lining of the lung caused by asbestos exposure, are deprived of compensation from insurers that is provided to other victims who are fortunate enough to have found insurance policies covering their period of work for liable employers for whom they worked many decades ago."
he added:

"we will be asking the ABI to do justice by victims of asbestos who are often left with meager amounts of compensation provided by the government whilst employers and insurers who made vast profits during the time of their employment, walk away Scot free".

Protest: Asbestos victims groups will protest at the Association of British Insurers (ABI) biennial conference at 1pm on the 9th June at the Grange St. Paul's Hotel, 10 Godliman St., London EC4V 5BD.

The protest is in support of the call by the All Party Parliamentary Group on Occupational Safety and Health for a change to Employer's Liability Insurance to provide for an insurance fund of last resort where employers' liability insurance policies cannot be traced.

Insurers escape liability for untraced premiums. Since 1972 it has been a legal requirement for employers to hold EL insurance. Employers have universally complied with this requirement (HSE research shows 95.5% compliance) but there was no central database to secure records of insurance. Consequently, hundreds of policies are untraceable. The discredited ABI insurance tracing scheme success rate for post-1972 traces was only 39% and for post-1999 traces only 41%. Despite the

fact that insurance was bought and paid for, insurers refuse to accept liability if the policy cannot be traced.

Protection for motor traffic victims – none for injured workers. Injured workers have little protection compared to motor traffic victims. The Motor Insurer's Bureau (MIB) compiles a central data base for insurance and provides a fund to pay full compensation where a negligent driver drives illegally without insurance. There never has been a central record of EL insurance and there is no fund to provide compensation for asbestos victims whose employer's EL insurance simply cannot be traced. The All Party Group is calling for an Employers Liability Insurance Bureau (ELIB), similar to the MIB.

Insurers 'on the take' for 10 years From 1999 insurers took government lump sum payments into account when paying compensation because the government failed to recover those payments until Oct. 2008. They took a windfall of over £14 million over 10 years. Insurers have refused a request to give this money to mesothelioma research. They continue to refuse liability for insurance they wrote if the policies cannot be traced.

Ronald Tetlow, pictured above, who is seriously ill with mesothelioma, a fatal tumour caused exclusively by asbestos says:

"I worked for an established engineering company, Henry Crossley (Packings) Ltd. in Bolton, which was taken over in 1988. I cannot accept that my company did not have insurance when I worked for them until 1970. A court ordered £111,000 in compensation, which I had hoped to leave to provide for my children, but the insurers cannot be traced. The compensation system is nothing but a lottery. It is a disgrace."

Tony Whitston Chair, Asbestos Victims Support groups Forum says:

"There is an overwhelming case for insurers to fund compensation where insurance premiums cannot be traced. If motor traffic victims are compensated for the flagrant law breaking of non-insured drivers, there is no reason why dying asbestos victims should not be compensated where premiums, which have been bought and paid for, simply cannot be traced. Insurers are getting away with murder."

For information about the protest contact Tony Whitston: 0161 636 7555 or 07748189837

EDITOR'S NOTES

Victims will be available for interview at 09.20hrs (boarding 09.48hrs) at Lime Street Station on 9th June. Telephone John Flanagan 0151 236 1895 or 07791019641.

Asbestos diseases take many years to develop so that by the time a disease is diagnosed employers are no longer trading. Since there has never been a system to centrally record employers liability insurance many records are now lost.

The Employers Liability (Compulsory Insurance) Regulations 1969 (effective from 1972) has been universally complied with and it would be reasonable to expect compensation to be paid in 100% of cases where negligence is proved. But, the ABI tracing code has failed to find most insurance policies leaving asbestos victims uncompensated. Even before 1972 it is estimated that 90% of insurers held EL insurance.

The Motor Insurers Bureau provides for a central database of insurance and also a fund to pay compensation where a negligent driver fails to obey the law to insure. There is no comparable protection for asbestos victims whose employers obeyed the law, but the EL policies just cannot be traced.

The government pays small lump sum payments to asbestos victims where insurers cannot be traced. If subsequently the insurer was found and compensation paid, insurers were allowed to reduce the compensation they paid according to the amount paid by the government. This was money the government should have recovered and which the insurers 'recovered' instead for 10 years, until the government finally took action. Although legally permissible, the insurers had no moral right to this money and should not have been subsidised by the tax payer. They have refused to give this money to medical research into mesothelioma.

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