

Asbestos widow pays the price for insurance industry failures

Support the Campaign for an Employers Liability Insurance Bureau

The widow of a man who died from asbestos related cancer has been denied her rightful compensation as it has proved impossible to trace the employer liability insurers for her late husband's employers, B.Jacquiss & Sons Limited.

This case illustrates the injustice facing thousands of asbestos victims and is a clear example of why it is necessary to support the campaign for the creation of an Employers Liability Insurance Bureau.

Case Study – Walter Wilson.

Walter Wilson was an active 78 year old who was in good health and enjoying his retirement when he developed a persistent cough and chest pain and consulted his GP. Several investigations followed, including a bronchoscopy and a biopsy, before a diagnosis of mesothelioma was made in May 2008. This was a devastating blow for Walter and his family.

Before his illness Walter and his wife enjoyed regular holidays in the Lake District and Yorkshire Moors. Walter spent hours maintaining his immaculate garden and was very skilled at DIY. In his battle against mesothelioma he underwent several courses of radiotherapy and chemotherapy before sadly passing away in November 2008.

When Walter contacted us to investigate a claim for damages he was clear that he had been exposed to asbestos during his employment with TAC at Trafford Park, Turner Brothers Asbestos at their factory in Rochdale and B.Jacquiss & Sons.

At TAC Walter was involved in assessing the quantities of corrugated asbestos sheets that were needed for particular projects. He was nearby when asbestos cement was mixed and used in the manufacturing of asbestos sheets, rainwater pipes, gutters, insulation boards and ceiling tiles. After 9 months Walter moved to Turner Brothers and took up a position as an architectural draughtsman. This job took him all over the shop floor where he was exposed to asbestos dust and fibres.

In 1954 Walter started work for B.Jacquiss & Sons of Gorton Road, Manchester. The company manufactured refrigerators, counters and cold rooms for butchers shops. They employed around 30 joiners and sheet metal workers whose work Walter had to supervise. Asbestos cement sheets were cut and drilled on site without any precautions.

B.Jacquiss & Sons.

Despite extensive investigations including enquiries with the Association of British Insurers (ABI), correspondence with some of the former company directors and other firms of solicitors we were unable to locate any records for the insurers for the period of Walter's employment, 1954-1955. As the company had ceased trading we were unable to hold them accountable and Mrs Wilson did not receive a penny in compensation from their insurers.

Frustratingly, we have been able to trace the insurers for B.Jacquiss & Sons in another case which involved a different period of employment. Therefore, we have two clients, who worked for the same company, in similar if not the same working conditions. Both were negligently exposed to asbestos dust which contributed to their untimely deaths yet only one family can recover compensation as a result of the failure to keep adequate insurance records. Surely this injustice must be addressed immediately?

TAC & Turner Brothers Asbestos

In October 2001 an Administration Order was made against many companies in the Turner and Newalls Group, which includes TAC and Turner Brothers Asbestos. The effect of this order was that the companies spent over £70 million pounds on administration and there was a five year wait before compensation payments began to be made to asbestos victims.

The scheme that the company created to compensate asbestos victims only pays a fraction of what the claims are actually worth, often as little as 17p for every £1.

Walter sadly died before receiving any compensation. His widow received 47p for every £1 that her claim was worth.

The campaign for an Employers Liability Insurance Bureau.

This case study highlights how the lack of insurance records and information is costly for those that can least afford it. Mesothelioma victims simply do not have the time to wait around while extensive investigations into historical insurance policies are made. Many victims are denied the opportunity of knowing that their loved ones will be left financially secure, as they are unable to bring a claim against their former employers.

Since 1972 it has been compulsory by law for employers to have employers' liability insurance in place. However, it was not until 1999 that there was a requirement for employers to keep records of such insurance. To date there is no central body providing details of historical employers' insurance policies. As a result there are black holes in insurance cover which now need urgent attention.

The insurance industry has its own voluntary tracing scheme but their own statistics show it is ineffective and unreliable. Research has shown that prior to 1972 around 90% of employers had employer liability insurance in place. The insurance industry has therefore already received premiums from the vast majority of employers whose employees are unable to trace employers' liability cover.

The proposed Employers Liability Insurance Bureau would provide a statutory fund of last resort in cases where the employer no longer exists and was either uninsured or the insurer is untraceable. There is already a model in the shape of the Motor Insurers Bureau scheme for victims of uninsured drivers. This scheme pays compensation from a fund made up of contributions from every motor insurer.

Such a scheme would prevent people, such as Walter Wilson, from dying uncompensated. Surely innocent employees, who are injured or killed as a result of their employer's reckless disregard for their safety, should be afforded the same rights and access to justice as those who are injured or killed by an uninsured driver.

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[Contact us](#) to find out more about your entitlement to claim compensation if you have been diagnosed with mesothelioma or another asbestos related condition.

[John Pickering and Partners LLP](#)- Specialist **[mesothelioma compensation solicitors](#)**

We are a specialist personal injury law firm. We have been handling claims for industrial disease for over 30 years. Most of our work involves acting for asbestos disease victims.

We only act for the sufferers of asbestos diseases and never act for the organisations that caused the asbestos exposure or their insurers. We have an ethical approach and pledge to donate 10% of our net profits every year to good causes that help asbestos sufferers. [Click here](#) to find out about our donations to good causes. We have also been involved in most of the landmark judgments that shape this area of law. Find out more [about us](#) or find out about [our reported cases](#). We are on the panels of several asbestos support groups and are ranked highly by legal guides. [Click here](#) to find out more about what others have said about us.

[John Pickering and Partners LLP](#) is a niche legal practice that has represented Claimants in the leading asbestos "test cases" in the last ten years. The firm represented Sylvia Barker in *Barker v Corus (UK) Plc*, a case that highlighted the legal tactics of employers and insurers trying to cut back their compensation liabilities to mesothelioma sufferers, and which prompted the amendment of the Compensation Act 2006 to ensure full compensation for mesothelioma claims. The firm represented two of the three Claimants in the *Fairchild appeal*, in which the insurance industry tried unsuccessfully to block compensation altogether for mesothelioma sufferers unable to identify which of two or more sources of asbestos exposure had caused their illness.

The firm represented Alice Jefferson, a mesothelioma sufferer, whose illness and compensation claim against Cape Asbestos were featured in the important documentary "*Alice: A Fight For Life*." Shown by Yorkshire Television in July 1982, the programme was an important catalyst for legal change and public awareness of the plight of mesothelioma and other asbestos disease sufferers and a prompt for important legal reform.

Mesothelioma is a type of cancer that affects the lining of certain bodily organs. It most commonly affects the lining of the lungs (the pleura) but it can affect other areas including organs in the abdominal cavity (the peritoneum).

According to the [British Lung Foundation](#), more than 2,000 people are diagnosed with mesothelioma every year in the UK and there is one mesothelioma death every five hours. The number of deaths from mesothelioma increased from 153 in 1968 to 1,969 in 2004 and is expected to peak at 2,450 between 2011 and 2015.

The [British Lung Foundation](#), supported by John Pickering and Partners LLP, launched the first Action Mesothelioma Day on 27th February 2006, to raise awareness about mesothelioma, to improve the treatment and care of mesothelioma patients, and to lobby for better funding for research into mesothelioma and for the protection and education of people working with asbestos.

If you need advice about an asbestos related illness, [contact us](#) now for information about making a claim for compensation.