



# ASBESTOS WORKER GETS £300K

## GMB secures payout for member

**A** GMB member has been awarded more than £305,000 compensation to settle his mesothelioma case.

The member was exposed to asbestos dust/fibres during the course of his employment as a thermal engineer in the 1960s and 70s. With the support of GMB, he took the insurance company of his former employers to court after they refused to accept that he had developed mesothelioma.

During his employment he had to visit premises including Agcroft Power Station [pictured] and various school boiler houses - in order to strip old asbestos lagging off the boilers and pipework. He also had to sweep asbestos lagging from the floor, mix asbestos paste, apply asbestos paste to pipework and cut preformed asbestos sheets using a handsaw.

This work brought him into contact with dangerous asbestos and led to the onset of his terrible disease.

The member had already obtained damages arising from his development of pleural plaques in 2003, and the terms of that settlement allowed him to re-open his case if he developed asbestos-related mesothelioma, lung cancer, pleural thickening causing a respiratory disability and asbestosis. It was only by chance that he first discovered he had developed

pleural plaques, after he went to hospital for a check-up while working for another employer. He refused a higher offer that would have ruled out any further claims.

As his condition deteriorated, the member became unwell in May 2010 when he noticed abdominal pain and weight loss. As a result of his symptoms he came off work on 14 June, and was admitted to hospital several times in November, December and then February 2011.

Because of initial uncertainty about his exact condition, compounded by the fact his own doctor had ruled out peritoneal mesothelioma, the defendants in the case had refused to settle the claim and he was forced to seek further medical evidence.

After representations to the court by GMB's solicitors, further medical reports were obtained and the case was again opened. The member was then able to claim Industrial Injuries Disablement Benefit and a lump sum payment from the government.

The case was listed for hearing and, at the eleventh hour, the defendants accepted the new medical evidence and a settlement of £305,000 was agreed. After the lump sum paid by the government was deducted, he received £250,000.

The member, who is currently undergoing chemotherapy, was very grateful for the help and support provided by GMB and in particular Gill Owen from the union's solicitors.

**“He had to sweep asbestos from the floor and mix paste”**



## NETTO GAINS

**Netto is now** part of the Asda family, and in recent weeks, the last Netto stores have been rebranded. GMB organisers in these new Asda branches have been working hard to help their members with the adjustment, and spreading the word about the benefits of GMB membership to brand new colleagues.

GMB has held 'Big Hello' meetings in each of the new Asda stores in the region, and is now embarking on follow-up sessions, where colleagues can take a 20-minute paid break to talk to their workplace organiser.

If you work in a new Asda store, you can help get the GMB message out to your colleagues by encouraging them to attend one of these sessions. If you have transferred to a different store during these changes, be sure to let us know, so we can keep your membership details up to date.

Also, as the busy Christmas period gets underway, don't forget you can call on your workplace organiser at any time, or contact the regional office by phone or email, for help with any problems you might be facing.

### QUESTION & ASDA!

**I work on security podiums and the store have removed the chairs. Is that right?**

No. Health and Safety regulation 11 states, "If a job can be done sitting down then a suitable chair must be provided." This job can clearly be done sitting down so a suitable (i.e. adjustable) chair must be provided. Show this article to your store PSM. If they still refuse to provide a chair, then contact us to assist with a collective grievance.

**I've been told that Sunday night is not a weekend shift. Is that correct?**

No. Weekend shifts fall between 10pm Friday and 6am Monday, which clearly includes all of Sunday.

**I've been asked to change my hours, but have another job and other commitments. Do I have any choice?**

Yes. You should be having a series of one-to-one meetings where you can take a GMB representative with you. This gives you the opportunity to discuss your commitments with the store and arrive at a compromise that suits them and you. You should always take your GMB representative to meetings. If you don't have one, contact GMB for assistance.