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NEW REPORT HIGHLIGHTS NEED FOR WORKERS' COMPENSATION FUND, SAY LAWYERS

Calls for a fund of last resort to compensate injured and dying workers have intensified after a new report has shown chronic failings in the current system.

Figures show the Association of British Insurers' current voluntary scheme for tracing former employers' insurance policies is still failing to help many sick and injured workers, leaving them nowhere to turn for the compensation to which they are entitled and desperately need. The figures show that less than half of the attempts to trace insurance details are successful.

John McQuater, president of the Association of Personal Injury Lawyers, said that after ten years of failings, it is time to finally draw a line under the ABI's scheme, and set up an Employers Liability Insurance Bureau (ELIB) which, he said, is the only "moral, fair and logical solution".

"It is clear that, despite efforts to improve the system, people are still falling through the net," he said. "Many of these people are seriously injured and many are dying without compensation. All are in this position because they were injured by their employers," said John. "It is absolutely reprehensible that many of them are left without compensation because they are unable to trace the necessary documents to make a claim.

"The need for an ELIB has never been more urgent. Year after year we have seen the ABI's voluntary tracing code fail. Something else must now, surely, be put in place. In July this year, the Secretary of State for Justice, Jack Straw, said he would look into the support given to individuals who are unable to trace employers' insurance records. We urge the Government to now take action now before even more people find themselves in this intolerable position."

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Case study: Christine Moore

Christine Moore died of mesothelioma, in a hospice, in early 2008 at the age of 63. She worked for the same



employer in Cambridge for 30 years until 1995 and it is believed her working environment exposed Christine to the asbestos which ultimately caused her death.

But neither Christine, nor her family, were able to claim the compensation to which she was entitled. To be able to claim, an employee must be able to identify the company's insurance policy at the time the illness was caused. But Christine's employer went into liquidation and all company records were reported to have been destroyed. According to Peter Moore, Christine's step-son and executor, the parent company had insurance, a sister company in a different town had insurance, but no insurance records could be traced for the company which employed Christine, even though much of her exposure to asbestos occurred after such insurance became compulsory in 1972.

Christine was widowed in 2006, but was making a real effort to re-build her life following the death of her husband. "She was a very young 60-year-old", said Peter, "and she was making a real attempt to build a new life for herself.

"She was very fit, and cycled everywhere. She was glamorous, always immaculately turned out and loved to be surrounded by people," he went on. "She was a real trooper and even after she had news of her illness, she carried on. It was only when she started to lose her independence that we could see the illness was dragging her down."

John McQuater, president of the Association of Personal Injury Lawyers said: "Christine clearly lived life to the full and should have had many happy and active years to look forward to. Those years have been stolen from her, and Christine's situation is a classic example of why we need a special fund to help people who cannot trace their former employers' insurers.

"Taking all the circumstances into account, it is inconceivable that Christine's employers were not insured and yet details of that insurance cannot be found. Where is the justice in this?

"I fear we will continue to hear about people like Christine until the Government takes urgent action to set up a



proper fund to provide fair and prompt compensation to injured people.”

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Note to editors:

A copy of the report can be found here: <http://www.dwp.gov.uk/publications/policy-publications/tracing-elci-policies.shtml>

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