

15 September 2010

MORE HELP NEEDED TO WIN JUSTICE FOR SICK AND DYING

Safety campaigners claim that new plans to help win justice for people with work injuries, such as asbestos-related illnesses, do not go far enough.

The not-for-profit Association of Personal Injury Lawyers (APIL), which fights for the rights of those injured through negligence, says that more must be done to help people who have suffered injury because of the negligence of their past employers.

APIL president Muiris Lyons said: "A fund should be set up to provide these people with damages if they cannot trace who they used to work for or their former employers' insurers. This would act as a safety net for people who cannot claim compensation."

Many who have been injured at work – some left sick and dying - are unable to trace their old employers' insurance policies to make a claim for damages.

It is a problem commonly experienced by those who have worked with asbestos and developed the fatal cancer mesothelioma, where symptoms are often not detected until decades after they were in contact with the poisonous material.

The Financial Services Authority is looking to make insurance companies, which have to pay out for such claims, publish details of their clients' insurance policies either on their own website or through a tracing office, which would collate all such information. A consultation by the FSA into the proposals closes on 15 September 2010.

The plans for a tracing office would mostly relate to insurance policies taken out or renewed after 1 November 1999. This means that most people injured or made ill before that date would be less likely to win justice under this proposed scheme.



APIL says that a fund of last resort should be backed by a Government-run compulsory database of employers' liability insurance policies. A similar fund already exists for injured motorists.

Muiris added: "In up to 55 per cent* of cases which go through the current system people are unable to get justice, either because the employer has gone out of business or because the relevant insurance information has not been preserved properly.

"The current system for recording these details, which is run by the Association of British Insurers, only manages to help 45 per cent* of people it deals with.

"Many people with asbestos-related diseases die without receiving the compensation which could provide some comfort during their last months of life. Employers' liability insurance is a compulsory insurance designed to provide for such an eventuality, yet too many workers are dying without receiving proper redress.

"We have a similar system in place for millions of motorists. There is no excuse for failing to treat workers in the same way. The interests of people who are left sick and dying are more important than those of insurance companies."

- Ends -

Note to editors:

- For more information or a full copy of APIL's response, please contact Chris Birkle, press and communications officer, t: 0115 938 8715, e: chris.birkle@apil.org.uk, or Jane Hartwell, assistant press and communications officer, t: 0115 938 8702, e: jane.hartwell@apil.org.uk.
- Visit the association's website at www.apil.org.uk.
- *Figures taken from the Code of Practice for Tracing Employers' Liabilities Insurance Policies Review Statement 2008
- Muiris Lyons is pronounced 'Miresh Lyons'