

Occupational Health Special Interest Group

International Dispute Resolution Centre, London

Minutes of Meeting: Thursday, 25 March 2010, 5.30-7.30 p.m.

A. Discussion on the Government's proposed Employers' Liability Insurance Bureau (ELIB) and Employers' Liability Tracing Office (ELTO).

Lorraine Gwinnutt discussed the proposal and ran through the various questions set out in the consultation document.

The group confirmed its desire for the search facility to be as flexible as possible and noted the benefit of having reference to Companies House registered numbers.

The group would like to see searches going back as far as possible and there was discussion about the Factories Act 1937 as a start date.

The group was against having to pay a fee to use the service.

There was discussion about inclusion of PIBA on the board, as well as the Forum of Asbestos Support Groups.

The group was in favour of universal compensation for all injuries, not just asbestos disease.

Funding was expected to arise from the insurance industry, noting the benefit the industry has received from claims not being made and the benefit the industry has gained from the 1979 Act payments (until this was amended recently to make the payments recoupable).

There was thought to be some benefit to the insurance industry as smaller insurers would not escape the net and the insurance industry itself could trace where there were multiple defendants in divisible disease claims.

The ELIB was expected to reflect the MIB scheme and provide damages equivalent to that provided at common law.

In terms of enforcing employers' liability insurance, the group felt this was not an issue that fell within its remit, but potentially the ELIB could provide feedback to the Government to allow enforcement where necessary.

B. EC Update from Lorraine Gwinnutt.

1. The RTA claims process reform has been put back to 30 April 2010. There is a link on the APIL website relevant to this. The MOJ intention is that all claims go through the electronic portal and all firms need to register accordingly. There is also an FAQ section on the website from the MOJ.
2. Jackson – APIL’s response is based on economics and how feasible it is. They will need some evidence to back up their argument. The EC will contact members for help. There has been a mixed review as to the impact the election is likely to have.
3. Damages – the draft law reform bill offers some extension under the Fatal Accidents Act and to bereavement damages, but does not acknowledge the recommendations to increase general damages by 50%. There will be an APIL campaign in due course and recommendations to follow the Scottish system on bereavement. APIL needs evidence of catastrophic claims and general damages being low.
4. Scotland – there is a civil court review where the intention is that the limit for the Sheriff’s court will be increased from £5,000 to £150,000, which would move nearly all cases into the lower court.
5. Civil Justice Council – They are reviewing the protocols for PI, clin neg and disease.
6. Pleural plaques – Jack Straw announced there is to be no compensation. He said those already in the system are entitled to £5,000, but there are no details yet. There is an MOJ website relevant to this.

C. Dr Chris Davies talk on benign asbestos diseases headed “Common Problems in Asbestos Disease – The Medical Perspective”.

See slides from talk.

Meeting ended 7.30pm.