

Occupational Health Special Interest Group

International Dispute Resolution Centre, London

Minutes of Meeting: Thursday, 22 July 2010, 5-7 p.m.

A. Alan Care, Thompson Snell & Passmore – Bladder/Kidney Cancer Cases and Multiple Chemical Sensitivity.

Paper available on APIL website.

(Alan also showed a campaign film on the abolition of Section 10 of the Crown Proceedings Act 1947).

C. Harry Steinberg, Counsel, 12 King’s Bench Walk – Talking about “The Problems of Low Level Exposure in Mesothelioma Cases”

Paper available on APIL website.

B. Update from Lorraine Gwinnutt on the ELIB.

- APIL had a meeting with the DWP recently. The FSA consultation is still ongoing and the ABI is still developing its new tracing office for claims from 1999 onwards to run in conjunction with the existing tracing office.
- Unfortunately the ABI tracing figures are no better this year than previous.
- APIL has resisted talks with the ABI because they are considered to be premature pending the publication of the Government’s response to the consultation.
- There is still some interest from Government in relation to ELIB, but APIL needs to emphasise the “moral argument” and would like case studies of Claimant’s who cannot claim because of a lack of insurance, particularly mesothelioma claimants for exposure after 1972.

C. EC up-date from Jonathan Wheeler

1. Lord Young has been appointed by the Government to do a Health and Safety review. APIL has put a position paper to him, which is available to be downloaded on the APIL website.
2. Jackson report – APIL are opposed to this on the basis the proposed 10% increase in general damages will not make up for claimants having to pay success fees in PI cases. APIL are setting up a focus group to look at this.

3. Damages consultation – Not sure what is happening with this. The Government has failed to implement law commission proposals to increase general damages for the last 12 years.
 4. Civil Justice Counsel review of protocols for PI, clinical negligence and industrial disease are finished so we are awaiting publication.
 5. ELIB – see above.
 6. Pleural plaques – indications are the Government will go ahead with the scheme, which was announced by Jack Straw for people who have “*started claims*”, but we still don’t know what that means.
 7. Claims Process Reforms – Any portal problems for RTA claims should be reported to Abi Jennings at APIL.
 8. Third Party Capture – Please continue to send case studies to APIL.
 9. NHSLA. APIL is setting up a working group with the NHSLA to iron out problems in clinical negligence claims.
 10. CICA – There are anecdotal reports of claimants being unfairly treated particularly when represented by lawyers. APIL are setting up a working party with the first meeting planned for 14 September 2010. Anyone interested should contact Abi Jennings at APIL.
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Meeting ended 7pm.