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DOCUMENT DESCRIPTION: Union Letter RE Asbestos Cement Industry Deed of Agreement - James Hardie & Co. Pty. Ltd

the federated
miscellaneous workers union
of australia

federal council

RG:JE

file: *Hydrex*
Federal President C J RAPER
General Secretary R GIETZELT
Assistant Gen Sec H E MITCHELL

SUITE 1: 1ST FLOOR
LABOR COUNCIL BUILDING
377-383 SUSSEX STREET
SYDNEY 2000
TELEPHONE : 61.9681 (2 LINES)

June 5, 1980.

Mr. Charles Levinson,
Secretary General,
International Federation of Chemical,
Energy and General Workers' Unions,
P. O. Box 277,
CH-1211 GENEVA 19,
SWITZERLAND.

Dear Charles,

re: ASBESTOS CEMENT INDUSTRY DEED OF AGREEMENT
- JAMES HARDIE & CO. PTY. LTD.

Our organisation during 1979 negotiated a Deed of Agreement on behalf of our members employed in the states of New South Wales, Victoria and South Australia, providing for a Special Financial Benefit to be paid to members of our Union who are permanently disabled as a result of working in the asbestos cement industry and for the dependents of those of our members who are deceased.

The Deed of Agreement in May of 1979 provided for the sum of \$13,958.00 to be paid as a Special Financial Benefit, being additional to whatever Workers Compensation Entitlements were available to our members under the state law in New South Wales, Victoria and South Australia, and, I point out, in addition to any claims which could be made against the employer by way of Common Law proceedings.

We believe the Deed of Agreement is a significant break-through in establishing additional payments over and above legal entitlements to workers in Australia and we were able to prevail upon the New South Wales Labor Government to have the excellent facilities of the New South Wales Dust Diseases Board made available to our members domiciled in the states of Victoria and South Australia.

The operation of the agreed upon scheme obviates the unnecessarily long delays in Victoria and South Australia where our members have suffered delays of up to eighteen months from the time of making application for Workers Compensation Benefits.

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AUSTRALIAN CAPITAL TERRITORY
NORTHERN TERRITORY

The Deed of Agreement provides for all employees or former employees, or their dependents, who either died from or are totally disabled by an asbestos induced disease provided the following criteria are met:

1. Any employee suffering from or who died from the disease having been employed by James Hardie & Company on or after 5th December, 1973;
2. Any such employee referred to in Paragraph 1 who is or was a member of the M.W.U. 2
3. A successful Workers Compensation or Dust Diseases Board claim is processed provided that no benefit shall apply to persons whose Workers Compensation claim was settled prior to 1st July, 1978.

The Special Financial Benefit is a lump sum payment calculated as 50% of the death benefit entitlement under the Workers Compensation Acts in New South Wales, Victoria, South Australia, Western Australia and Queensland.

At the time of signing the Deed the amount was \$13,958.00, but since that time has now increased to \$16,027.00.

There is, however, provision for the lump sum amount to be prepaid in instalments where there is a delay in settling Workers Compensation claims.

You will note from the enclosed Deed of Agreement the Agreement shall operate for a period of three years from 21st May, 1979.

I would be interested in your comments in due course and would also be interested to know whether any such similar additional payments have been established by any of our affiliates involved in the asbestos and associated industries.

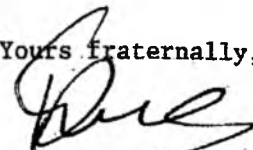
Our organisation has commissioned an occupational hygienist employed by the Western Region Health Centre in Victoria to prepare a report on a study of occupational hygiene at asbestos cement plants in New South Wales, Victoria and South Australia.

Mr. Noel Arnold, the occupational hygienist, is currently engaged on this project and a copy of the report will be forwarded to your office when available.

I have requested the Assistant General Secretary, Harry Mitchell, to forward to you a suitable photograph as per your circular.

With kind regards and best wishes.

Yours fraternally,


GENERAL SECRETARY.

Encl.