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Asbestosis men awarded total of £86,469

DAMAGES totalling £86,469 were awarded in the High Court yesterday by Mr. Justice Thesiger to seven men who contracted asbestosis, a lung disease. Judgment was against the Central Asbestos Company, for whom they had worked.

"There is no doubt in my mind that the breaches of statutory duty which are admitted by the company were numerous and persistent," the judge said.

"Whatever the precautions which resulted from these remarks have proved to be worse than useless."

It was only two weeks ago that a judge had been critical of the company's safety measures.

Mr Justice Thesiger said the [illegible] made for a [illegible] who had contracted for work and for each week of life, and fatally destroyed it.

Individual sums were awarded as follows: Mr Robert Frederick Smith of Fernhill Road, Bellingham £16,284; Mr Francis John McCourt of Sunniside Road, Southwark, £14,187; Mr Ronald Francis Drake, of Blackwood House, [illegible] Walter David of Vauxhall Estate, Spa Road, Rotherhithe, £14,000; Mr Daniel Derrick Reid, of Prince House, St Paul's Way, Poplar (£9,000); Mr Edward Albert Brown of Rowan Drive, West Thurrock (£12,000); and Mr. James Hamilton, of Tarbolton Road, Bromley, £12,000.

The company admitted that the seven had contracted asbestosis during their employment, but alleged contributory negligence by the men in not wearing respirators continuously.

The company also alleged that four of the men brought their actions too late.

All the men had worked at various times from 1935 at the Abbey Street and Barney Lane factories in Bermondsey used by the company for making and lagging asbestos.

As long ago as 1931 factory inspectors were drawing attention to excessive asbestos dust in the air.

"Yet there was six years before there was any serious cause of grievance at these premises," the judge said. Finally, in 1964 the company pleaded guilty to breaches of the Asbestos Industry Regulations 1931.

Last defence

[illegible] evidence during the [illegible] hearing that dust was [illegible] of a serious character and men had to work through the mist in the expectation for their overalls and respirators.

"Respirators were intended to be the last line of defence in particular cases where there could be some danger of dust escaping the exhaust system even in a well-run factory," the judge went on.

It was unreasonable to expect men never to remove their respirators. Although the men signed a written undertaking to wear respirators he was satisfied that the company [illegible] millions were in progress.

The company did not make it evident to the men that there was real danger in not wearing respirators when the mill was not running.

Considering contributory negligence, the judge said: "Certain curious aspects of human nature" had to be taken into consideration.

"One is the many people, despite frequent warnings about [illegible] cancer, nevertheless smoke cigarettes. Another is that many of the younger generation, and by no means the uneducated, smoke pot despite the clearest warnings of the danger."

Nevertheless the "safe, direct and effective" cause of the asbestosis contracted by the men was their [illegible] breach of statutory regulations. Failure to wear respirators continuously did not amount to negligence.

As far as the time claimed was concerned, Mr Justice Thesiger said [illegible] where [illegible] was quite [illegible] abbreviated [illegible] prejudice [illegible] period.

Since [illegible] year ago [illegible] civil awards for any disabilities [illegible] men on one list which [illegible] the judge said "I think that if they had been made [illegible] would have found it hard work to stir them [illegible] a claim against their employers."

The judge explained that Mr. Reid's award was [illegible] different from the others because he was a much younger man with a much longer expectation of life.

The Financial Times.