

FILE NAME: Eternit (ETER)

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To: Belgium

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L MC
ADM
RO/RN

9th April 1954

Societe Anonyme Eternit,
Kapelle-Op-Den-Bos (Malines),
Belgium.

Dear Sirs,

Asbestosis

We have received your letter dated 1st April and would advise you first of all that claims now arising in respect of asbestosis are made on the State in accordance with the National Insurance (Industrial Injuries) Act, 1946 which came into operation on the 5th July 1948.

Prior to the 5th July 1948 the procedure was laid down by Government Regulations known as the "Silicosis and Asbestosis (Medical Arrangements) Scheme, 1931" and we feel we cannot do better than quote from these Regulations dealing with the Right to Compensation; this extract is attached.

You will notice from the attached extract that the paragraph marked 5 is apparently the one in the minds of the employers representatives, mentioned in the third paragraph of your letter.

At the beginning of paragraph 3 of your letter you refer to the question as to how long an employee should have been exposed to dust inhalation before he can make a claim. You will see from the Regulations enclosed that there has never been any time limit in this country; in other words, an employee was always at liberty to claim compensation but the Government Regulations defined certain circumstances (see (a), (b) and (c) of the extract) under which compensation would not be payable.

We hope these details will be of assistance to you in deciding the point at issue. If there is anything which is not quite clear or if anything further is required, we shall be glad to render what

p.t.o.....

Extract from SILICOSIS AND ASBESTOSIS
COMPENSATION SCHEMES

PART I - RIGHT TO COMPENSATION

4. Where the Medical Board certify :-

- (1) that the death of a workman has been caused by asbestosis or by asbestosis accompanied by tuberculosis; or
- (2) that a workman is totally disabled from asbestosis or from asbestosis accompanied by tuberculosis; or
- (3) that a workman, though not totally disabled, is suffering from asbestosis or from asbestosis accompanied by tuberculosis to such a degree as to make it dangerous for him to continue work in the processes, and is for that reason suspended from employment;

and where the disease is due to employment in the processes whether under one or more employers, the workman or his dependants, as the case may be, shall be entitled to claim compensation as if the disease as aforesaid were a personal injury by accident arising out of and in the course of that employment, as provided by the Act, but subject to the modifications hereinafter contained:

Provided that no compensation shall be payable :-

- (a) if the Medical Board certify that the asbestosis cannot have been contracted in the processes owing to the shortness of the time during which the workman has been employed therein;
- (b) in cases where the workman has not been employed in the processes or has not been in receipt of weekly payments under this Scheme at any time within the three years previous to the date of the injury;
- (c) in cases where the workman, or his dependants, as the case may be, are in receipt of compensation under any other scheme or enactment providing compensation for asbestosis or silicosis whether in Great Britain or elsewhere.

5. If the workman has been employed in the processes for a period or periods amounting to not less than five years, the disease shall be deemed to be due to employment in the processes unless the employer proves the contrary.

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ADRESSE TELEGRAPHIQUE
ETERNIT-KAPELLE-OP-DEN-BOS
CODES
A B C 571 5 071 EDITIONS
BENTLEY'S BENTLEY'S SECOND
SCOTT'S PRIVATE CODE

SOCIETE ANONYME
CAPITAL FRS 400 000 000

COMPTE CHEQUES POSTAUX N° 44178
TELEPHONES
GRIMBERGEN 59 12 91
MALINES 71111 (3 LIGNES)
REGISTRE DU COMMERCE
BRUXELLES No 44178

USINES KAPELLE-OP-DEN-BOS ET TISSELT
BUREAUX A KAPELLE OP-DEN-BOS



REF A RAPPELER S.V.P.

DICT L DACT MC
ADM

KAPELLE-OP-DEN-BOS (MALINES). LE

April the 1st, 1954

ADRESSER TOUTE CORRESPONDANCE
A LA SOCIETE
SANS INDICATION DE PERSONNE

Messrs. TURNERS ASBESTOS CEMENT C°
TRAFFORD PARK
MANCHESTER 17.
England.

Dear Sirs,

Asbestosis

We are referring to our exchange of letters of February 1952 on this subject.

A medical committee appointed by the Ministry of Labour are presently elaborating in this country rules to apply to employees in their claims for compensation.

One point only is difficult to settle viz. how long an employee should have been exposed to dust inhalation before he can file a petition. While the employer's representatives in the committee suggest five years for this, which is provided by the french regulations, several members are recommending one year, which we believe to be far too low from both a practical and psychological point of view.

May we ask you to tell us what is provided by the British regulations in the matter so as to clear the difficulty if we can help it.

Thanking you for your cooperation we are

Yours very truly,

S. A. ÉTERNIT

Jacques LOHEST.

NOS VENTES SONT FAITES AUX CONDITIONS GÉNÉRALES DU TARIF EN COURS. POUR TOUTES CONTESTATIONS LES TRIBUNAUX DE BRUXELLES SONT SEULS COMPÉTENTS.
FALLE D'EXPOSITION: 39 BOULEVARD DU JARDIN BOTANIQUE, BRUXELLES.

Asbestosis5/4/54

- (1) An employee is entitled to make a claim at anytime and entitled to compensation if certified by the Medical Board, that:-

(a) No compensation shall be paid (a) if the Medical Board certify that the disease cannot have been contracted in the processes, owing to the shortness of the time during which the workman had been employed therein, or

(b) in cases where the workman had not been employed in the processes or had not been in receipt of weekly compensation under the scheme at anytime within 3 years previous to the date of injury, or

(c) in cases where compensation is being paid under any other scheme for asbestosis, whether in Great Britain or elsewhere.

- (2) If the workman has however, been employed in the processes for a period or periods amounting to not less than 5 years then the disease shall be deemed to be due to the processes, unless the employer proves the contrary.

It will be seen from the above picture of that there is no direct answer to the first point raised in Edmund's letter, but it proves that where an employer has been in the processes for 5 years, he has a 99% chance, of obtaining a certificate; and that for any period less than 5 years previous employers may be made wholly or partially liable for compensation & the 3 year time limit in (b) is so that the claimant's history may be checked & so avoid claims being made against employers who ought not to be liable.

611 [H. True] As far as he is aware the workman is in the same position with Ministry of Labour Insurance, as he was with the private employers, and would be entitled to compensation.

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Eternit

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MARQUE PROTEGEE PAR LA LOI

REF A RAPPELER S.V.P.
DICT. L ADM
DACT. MC KAPELLE-OP-DEN-BOS (MALINES)

ADRESSER TOUTE CORRESPONDANCE
A LA SOCIETE
SANS INDICATION DE PERSONNE

LE April the 13th, 1954

Messrs. TURNERS ASBESTOS CEMENT C°
TRAFFORD PARK
MANCHESTER 17
(England)

Dear Sirs,

Asbestosis

We are much obliged to you for your letter of April the 9th, and the information you are so kind to give us which we are confident will help in clearing our problem here.

Yours very truly,