

# Asbestos Action Tayside

assisting sufferers of asbestos-related diseases

SPRING 2014

**Welcome to all our new members.** It's been almost a year since we sent out our last newsletter and I can't quite believe we're well into 2014 already!

Many of you have had home visits but for those who we have simply talked to on the phone, hopefully we'll get a chance to meet you at one of our events soon.

The last 10 months have been particularly busy for us here in Asbestos Action Tayside, with an overall 30% increase in new sufferers, 47% of which were new mesothelioma sufferers. As a result, the amount of benefits and compensation we have managed to generate so far this financial year is at an all-time high, topping over £7m already. We are also continuing to give emotional support to those who need it most and families who have lost a loved one.

2014 will be a challenging time for us not only because the number of sufferers are continuing to increase, but also because we have now reached the end of our National Lottery Funding. We are now totally dependent on donations and the goodwill of fundraisers. Thank you to everyone who has supported us in even the smallest way.

I always think the wonderful thing about this charity is that it was set up over 11 years ago by sufferers who wanted to help the people of today – and the people of today are helping to continue that support for the sufferers of tomorrow.

I know that 2014 will not be easy for many of you, but please know that we are here to help in any way we can. Wishing you all the best.

*Alison Blake, Manager and John Fearn, Support Officer*



## ASBESTOS ACTION HELPLINE CARDS



At the recent Kirkcaldy Information Day, we launched the Asbestos Action Helpline cards. Distributed to doctors throughout the East of Scotland, we hope these cards will help reduce the number of people suffering from asbestos illness who do not receive the correct advice.

We have constantly been finding sufferers who have not claimed for the proper financial justice to which they are entitled. Some sufferers have gone on to develop a more serious asbestos condition and find themselves legally time barred and unable to make a claim.

The cards and the recent stories about Asbestos Action Tayside in the press have led to an increasing number of people calling us and we had a record month in November with 22 sufferers contacting us.

If you know someone who has been diagnosed with an asbestos condition but hasn't sought any advice, please ask them to contact us immediately.

Call our helpline  
**01382 225715**



# BAD GUYS... AND VICTIMS

*by Fraser Simpson*

Disease caused by asbestos exposure is preventable. The dangers of asbestos dust have been known about for over a century, but despite this many workers continued to be exposed to this danger, in various industries, well into the 1990s.

It is a fundamental legal principle that employers should take reasonable care for their workers. Where they fail to take reasonable steps to protect workers, or reduce the risk of exposure to dangerous substances, they are negligent.

Anyone who has suffered loss or injury under such circumstances is entitled to seek compensation to reflect their loss. Most employers have insurance to meet such claims. Many businesses grow rich on the sweat and labour of their workforce, and it is only right that where they have behaved badly, put profit before welfare and failed to reasonably protect their workers, they and their insurers should pay for the damage their negligence has caused.

Accordingly, it is with considerable relief on the part of those representing mesothelioma victims that news of the government's decision not to pursue a 'reform agenda' proposed by the Association of British Insurers, as part of the recent Mesothelioma Consultation, has been met. The proposals were based upon misconceptions about

the existing claims process and used selective and unrepresentative quotes from distressed mesothelioma sufferers. The proposals would have seen control over the claims process passed from the victim to those representing the wrong doer.

Insurers of negligent employers do not pay compensation because they want to – they are required legally to do so. The amount of compensation is determined by the extent of the loss, injury and damage the defender's negligent behaviour has caused. Insurers will rarely make early offers of compensation that properly reflect a victim's loss. It is only by ensuring cases are properly presented and quantified, by specialist solicitors, often within the framework of a court action, that early, just and reasonable compensation can be recovered.

The fight to secure just compensation also extends to those diagnosed with other asbestos conditions, including lung cancer, asbestosis, pleural thickening or pleural

plaques. All these conditions, if arising from negligent asbestos exposure, may be compensatable in Scotland.

It is important to seek legal advice as soon as a diagnosis is made. Failure to pursue a legal remedy within three years of the date of diagnosis, even if the diagnosis is only one of pleural plaques, could result in the loss of the right to pursue a later claim for compensation in the event of diagnosis of a more serious asbestos exposure condition.

It is accordingly essential that anyone whose life is affected by asbestos has early access to specialist legal advice. Asbestos Action Tayside can arrange for anyone concerned about the consequences of asbestos exposure to receive independent and confidential legal advice by contacting their helpline on 01382 225715.



*Fraser Simpson,  
Partner and Head  
of Union and  
Industrial Disease  
Departments, Digby  
Brown Solicitors.*



## QUESTIONS ABOUT A LUNG CONDITION?

When you are diagnosed with a lung condition, it's likely that you'll have lots of questions.

As well as thinking about the condition itself (for example, what treatment options are available to you and how you will manage the symptoms), you might well have concerns about how to cope with the impact your lung condition will have on your day-to-day life.

Living with a lung condition doesn't mean life has to stop, but it will inevitably affect you in different ways. For example, you may need to think about your diet, if the weather affects your symptoms, how to approach activities that typically trigger breathlessness, like exercise and sex, and if you'll still be able to travel and do the things you've always enjoyed.

Many people find that their mood and way of thinking also changes. It's not uncommon for someone with a long-term condition to feel depressed or anxious, or to worry about work and finances.

The British Lung Foundation has a series of guides to help cope with such issues.

To request a guide, call 03000 030555 or visit [www.blf.org.uk/publications](http://www.blf.org.uk/publications)



## INFORMATION DAYS

Our Information Days for asbestosis and pleural plaques sufferers continue to be extremely popular with around 70 attendees coming along to each event.

The events, held in Kirkcaldy, Aberdeen and Dundee, are designed to be light, informative and give sufferers and their partners the chance to meet others who are in a similar position.

Quite a few stories about previous work with asbestos have been shared between attendees.

We usually try to get a physiotherapist to come along and give sufferers some advice about maintaining as healthy a lifestyle as possible despite the underlying health issues.

If you cannot attend but wish to have a look at our exercise sheets, please give us a call and we can send one out.

We appreciate that many of those who attend are the healthiest of all our sufferers and our thoughts and willingness to help are extended to those who cannot physically come along.

## MESOTHELIOMA SWEATS

Often when mesothelioma patients experience sweating, it can be excessive and is thought to be caused by the cancer itself. We don't fully understand why, but it may be the body fighting the cancer.

It is estimated that at least 15% of mesothelioma patients will experience excessive sweating. The sweats usually occur at night, are profuse and bed-soaking in nature and are not associated with a rise in core body temperature. The sweats may occur indiscriminately for a prolonged period of time or they may be quite intermittent; there is no set pattern.

It is important to discuss any sweats with your health care team, particularly a specialist palliative care professional, who will be able to fully assess you for treatable causes and advise on the range of medications available.

Recognising the severity of some cancer patients' sweats and the debilitating effect they can have, one UK-based charity, Lavender Touch Enterprises, has launched male and female nightwear to help those suffering with sweats.

For more information, visit [www.lavendertouchenterprises.co.uk](http://www.lavendertouchenterprises.co.uk)

*Article courtesy of Mesethelioma UK*





## I WOULD LIKE TO MAKE A DONATION

### ① Your details

Name \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_

### ② Donation amount

I wish to donate:

☐ £5

☐ £10

☐ £15

☐ Other: £

### ③ Payment method

☐ I enclose a cheque payable to  
Asbestos Action Tayside

☐ I would like to pay by standing order

Signature

Date

### ④ Make your gift worth more at no extra cost

*giftaid it*

☐ I am happy for all donations that I have made to Asbestos Action Tayside in the last four years and any future donations to be Gift Aid donations, until I notify you otherwise. I understand that I must pay an equal amount of UK income tax at least equal to the tax that Asbestos Action Tayside will claim in my donations in each year (currently 25p for every £1).

Please return the form and payment to:

Asbestos Action Tayside, Caledonian House, Greenmarket, Dundee, DD1 4QB

## HOW TO DONATE

- Complete the form above
- Text AAAT11 plus your donation amount to 70070
- JustGiving  
[www.justgiving.com](http://www.justgiving.com)
- Cheque (payable to Asbestos Action Tayside)
- Standing order (contact us for more information)

### DATES FOR YOUR DIARY

Global Asbestos Awareness Week  
1 – 7 April 2014

Asbestos Action Tayside  
AGM and Mesothelioma Conference  
5 July 2014, venue tbc, Dundee

National Lung Cancer Awareness  
Month  
November

## FUNDRAISING



Graham McBain and his friends cycled from Glasgow to Edinburgh and raised over £780. Graham also raised his blood pressure when he had to stop suddenly to avoid another cyclist and went over the handlebars moments before the end of the ride! Thankfully he never broke anything and was able to continue until the end!



Russell Osborn and his friends David, Richard, Ian and Andrew took on the National Three Peaks Challenge and raised over £1500. Russell's father David Osborn sadly lost his battle against mesothelioma.



Katie Scott participated in the Tough Mudder event, a 10-12 mile obstacle course designed by Special Forces to test your all round strength, stamina, determination and camaraderie. Only 78% of entrants successfully complete each challenge. We're so grateful to Katie for raising funds on our behalf and raised £530.

## Asbestos Action Tayside

Published by Asbestos Action Tayside, Caledonian House, Greenmarket, Dundee, DD1 4QB  
• 01382 225715 • [alison@asbestosactiontayside.org.uk](mailto:alison@asbestosactiontayside.org.uk) • [www.asbestosactiontayside.org.uk](http://www.asbestosactiontayside.org.uk)

If you would like to receive this newsletter by email and help reduce our postage costs, please contact us.

Asbestos Action (Tayside) is a company limited by guarantee. Registered in Scotland. Company No. SC231615. Scottish Charity No. SC033344.

Asbestos Action (Tayside) is a Scottish charity set up to assist sufferers of asbestos-related diseases.

We are a voluntary, not-for-profit organisation providing practical support and advice to those in the East of Scotland.

The charity was formed by a group of people in the East of Scotland who either have an asbestos-related illness or have cared for someone with an asbestos-linked condition.