

UK RAIL TRADE UNIONS: ACTION ON ASBESTOS

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In the English town of Swindon, Wiltshire, the asbestos cancer mesothelioma is so prevalent that it has been given the nickname: the “Swindon disease.” During the first half of the 20th century, the railway works was Swindon’s largest employer and many of the 16,000 people who worked there at any given time experienced hazardous occupational exposures up until the works closed in 1986. The buildings were heated with steam pipes lagged with asbestos. In the main erecting shop (the “A” shop), boilers and pipes were lagged with asbestos. At the Swindon works, asbestos insulation materials were applied to the boilers, pipes and cylinders of locomotives and restaurant carriages; after engineering works, the boilers of locomotives were re-clad with fresh asbestos paste. Crocidolite (blue) asbestos insulation was sprayed onto metal surfaces on the inside of carriages. A former Swindon worker recalled:

“We could see the asbestos spray in the atmosphere. It landed all over the shop. I remember blowing asbestos out of tea cups before we could have a cup of tea in our tea break. It was lying all over the surfaces. There were sacks with asbestos lying around the shop. There was no extraction.”

Mr. A. worked at the British Rail Swindon Works from 1957 to 1962 as a rivet hotter, an apprentice welder and a laborer on the maintenance gang. In his statement he recalled:

“there was asbestos in the roof on the 13 and 15 Shop. Some of the asbestos dust may have floated down on us. When we were working on the wagons doing repairs, we had to work on the pipes which were underneath the coaches. When we were crawling underneath to weld, we could obviously come into contact with them. They were lagged with white asbestos bandages...”

When we worked on the maintenance gang on the roof we would come into contact with the steam pipes which were lagged with white asbestos. As welders we would be involved with welding of pipes. We would obviously rub against asbestos lagging...

I personally worked in the Stamp Shop where there were furnaces. There was asbestos on the furnaces. I recall there were chimneys there which had to be replaced. They had to be rolled into shape and replaced. I would have come into contact with asbestos (while this was going on)...

As welders we all had to go to the welding school in the locomotive side of the Railways. As part of the course, we had to work with asbestos. We had to do gas and arc welding. Asbestos was provided to us in the form of white asbestos powder. It was mixed with water into a dough. It was then placed onto the area we were

welding. This was to stop the heat spreading and to concentrate the heat. No masks or special clothing were given. We just had welding overalls. The overalls would not protect against asbestos. There were no warnings about the dangers of the asbestos... When we went into the gents toilets at the railways, we came across steam pipes which were a few feet above our head which were lagged with white asbestos...

As a result (of an explosion), all the ceiling and the asbestos lagging from the pipe work fell down. It was like a snow storm...

I worked in the 24 Shop. There were pipes under the coaches which were lagged with asbestos. They used to pull the coaches apart for repair. There was asbestos behind the panelling which was exposed when they were doing the repairs... At no time were we ever given masks, protective clothing or warnings.”

Statements from employees at the Swindon Rail Works and other railway centers agree on several points:

- employment at the railway works continued over several years and in many cases, decades;
- male family members often followed each other into the railways and railway works;
- during employment at railway works, most workers switched jobs through promotion or change of trades;
- exposures to asbestos took place in many parts of the works and with routine, if not daily, occurrence; one former worker from Doncaster wrote: “The railway workshops were notorious for their lackadaisical attitude towards the health and well-being of their employees.”
- no protective clothing or equipment was provided or warnings given (even as late as 1980).

In the decades since Swindon’s railway works were closed, thousands of ex-employees have succumbed to asbestos-related diseases. According to HSE statistics, vehicle body builders (including rail vehicles) are at a high risk of contracting mesothelioma, an asbestos cancer. The incidence of this disease is high in geographic areas associated with railway engineering such as Crewe, Nantwich, Doncaster, Leeds, Derby, Eastleigh and Swindon.

Role of Trade Unions in Railway Industry

As all UK railways and railway works were highly unionized workplaces, many of the asbestos-injured, even if they are now retired, are represented in personal injury compensation claims by solicitors working for their trade unions. A case in point is that of Andy Dodds, the Assistant General Secretary of the National Union of Rail, Maritime and Transport Workers (RMT) in the 1980s. After he retired, Mr. Dodds contracted an asbestos-related disease, probably due to his exposure to asbestos whilst working in the locomotives’ shed in Scotland. The RMT brought a successful legal claim on behalf of

his widow. Recent asbestos cases brought by trade unions on behalf of asbestos-injured railway workers or their surviving family members include:

- Mr. Beadsworth died of **asbestos-related lung cancer** (2005); he was exposed to asbestos during the 43 years he worked as a coach fitter at the Locomotive Works in Derby. The **T&G** supported this case.
- Derrick Lambert died from **mesothelioma** (2005); he worked for British Rail at their Wolverton depot for 48 years first as an apprentice and then as a qualified coach trimmer fitting out old railway carriages. He was exposed to asbestos used for fireproofing upholstery and lagging carriages. The **RMT** brought and won his case for compensation.
- The **TSSA** union brought a compensation case for the widow of Mr. S who died from **mesothelioma** in 2004. He had been exposed to asbestos materials installing, overhauling and maintaining electrical equipment in a British Rail workshop at Wolverton Carriage Works between 1948 and 1993. The claim was settled after court proceedings had been issued but before a trial was held for £121,000 (29m JPN YEN).
- Keith Taylor has **pleural thickening**, having worked for British Rail and Virgin Cross Country for most of his career. His first job (1957) was as a steam locomotive cleaner; he became a locomotive fireman. In both jobs, he disturbed asbestos cladding around the boilers. In the late 1960s he became a driver on electric trains and was exposed to asbestos in the padding between the outer and inner skins of the train cabs and passenger compartments. **ASLEF** brought this case; Mr. Taylor received £23,500 (5.6m JPN YEN) compensation.

As can be seen from the examples given above, several trade unions have represented workers in the railway sector. They include:

1. National Union of Rail, Maritime and Transport Workers (RMT)

for train drivers, train crew, ground staff, engineers, station staff and people who worked in signal boxes and on track maintenance. The RMT represents the majority of workers from the railway industry.

2. The Associated Society of Locomotive Engineers and Firemen (ASLEF)

for train drivers and operators in all forms of rail transport, from London Underground to Eurostar.

3. Transport & General Workers Union (T&G)

is the single union which deals with some companies, Croydon Train Link, Manchester Metro and represents all the company's workers.

4. Transport Salaried Staffs' Association (TSSA)

for people working in the transport and travel trade industries such as the railways and associated companies such as London Underground and Transport for London.

5. Communication Workers Union (CWU)

represents people working at trackside and in signal boxes.

Unfortunately, not all asbestos-injured railway sector workers are able to access compensation through trade unions. According to Paula Walker of the Sheffield and Rotherham Asbestos Support Group (SARAG), many former railway workers let their trade union membership lapse, having left the industry to pursue other jobs. As lapsed members, they are not entitled to union representation. Ms. Walker says that: “the majority of people exposed to asbestos at British Rail who have mesothelioma that contact us don’t pursue a claim through a union because of this.” Paul Cooper of the T&G is well known in York as an active trade union member; even though he has been retired since 2002, he is still the Secretary of the local T&G branch. For this reason, when former colleagues from the York Carriageworks are diagnosed with an asbestos-related disease they ask for his help. Paul recommends they seek advice from legal specialists used by the union; the claims for these individuals are usually taken on as private cases. Solicitor Brigitte Chandler is an asbestos specialist in Swindon. She reports that:

“Asbestos claimants come to me because I have worked in Swindon for 30 years and am well known. The Swindon Community is a close community and they still meet regularly at the Railwaymen’s Club every week. Most of them know me and the work I do. I confirm that those with Trade Union membership are dealt with by the Trade Union.”

Details relating to some of the railway cases she has handled over recent years are itemized below:

Although trade unions have a vital role to play in helping members injured by occupational asbestos exposures, many of the victims from the railway sector do not benefit from union support. For these people, the existence of local victim support groups and access to former colleagues knowledgeable about asbestos issues play a crucial role in ensuring they obtain appropriate government benefits and compensation owed to them by former employers.

Asbestos Registers

Two railway unions operate asbestos registers. The RMT asbestos register was started in the 1990s as the country’s main railway works were closing down. Fearing that vital employment records could be lost, the RMT asbestos register was set up as a safeguard so that should people develop an asbestos-related disease, a record of their exposures remains. The RMT register is operated by a law firm in Glasgow and contains thousands of paper registrations; none of the information is computerized and thus the files cannot

be electronically searched. The manager of the register said it is rarely used; in fact, in 10 years working with it, he has never processed a request for information.

The TSSA asbestos register, run by the law firm of Morrish & Co., has been operational since 2005 and contains 300 files. Although it is possible to complete an on-line registration form¹ half of the questionnaires are received in paper format. All the information is put onto a computerized database which can be searched by the claimant's or employer's name. The manager of the register said that he has not yet been asked to access data from the register for an asbestos claimant. He believes this is because the information contained on the register relates to relatively recent exposures.

Unless asbestos registers are computerized, their usefulness is limited. Reporting on her experience, Kate Ward says:

“As the Manager of the Library and Information Services at Thompson's Solicitors, I have been overseeing the operations of trade union asbestos databases since 2002 when AMICUS decided to compile a register of their asbestos-exposed members. These records came to our office in Manchester as paper files and it was my job to oversee the input of the data into the computer; it was a nightmare.

Since then we have undertaken the supervision of asbestos registers for other trade unions including: ASLEF, the General and Municipal Boilermakers Union (GMB), the Fire Brigades Union (FBU), the Broadcasting, Entertainment, Cinematograph and Theatre Union (BECTU) and the Durham Miners. Nowadays, union members can register their exposure to asbestos in hard copy (on paper) or on-line.

We are routinely asked to access information on the asbestos registers. Today, for example, I was contacted by a mesothelioma widow, whose husband worked at several named locations for specific time periods. We will use the information she provided to search the databases to see if we can locate potential witnesses employed at these workplaces to give evidence in the case being brought on behalf of his family.

It is imperative that asbestos databases are searchable by parameters such as employers, employment date or workplace. Unless this is the case, the information they contain will have little value.”

Prevention

As well as helping those previously exposed, trade unions have a responsibility to protect the current generation from harmful occupational exposures to asbestos. Despite the fact that asbestos is banned in the UK, asbestos contamination of railway infrastructure remains even if asbestos has been removed from rolling stock. The Control of Asbestos at Work Regulations 2004 mandates that all public buildings must be audited

¹ <http://www.tssa.org.uk/work/asbestos.pdf>

for the presence of asbestos and that asbestos must be safely managed. However, railway companies continue to drag their feet on conducting asbestos surveys preferring to dispute what is and is not a “building.”

For example: Are lineside telecommunications signal boxes housing small exchanges “buildings”? Network Rail says they are not and so asbestos audits are not compulsory. Although there is asbestos contamination of the signal box in Canterbury, and the signaling center at Earls Court, London, signal and telecommunications engineers are expected to work on them.

The RMT advises safety representatives to “insist that any asbestos work is done by competent, qualified staff and the best way of ensuring this is by the use of Licensed Contractors.” On-going negotiations with several rail companies over what asbestos exposures are legal under the newly-introduced concept of “short duration and sporadic work” are proving fruitless and, in 2008, the RMT hopes to announce a zero tolerance policy to all asbestos exposure.

Training

By law, employers are responsible for informing workers of all occupational risks. Unfortunately, when it comes to asbestos, employers have been known to be economical with the truth. The RMT runs health and safety courses devised by the Trades Union Congress which include modules about occupational risks and duties of employers but there is nothing specifically about asbestos in these courses. The RMT alerts its members to asbestos developments through its newsletters. The TSSA website² has information on topical asbestos issues including a fact sheet compiled in conjunction with the Trades Union Congress.

Conclusion

While UK railway companies profit from cost-cutting on health and safety, a new generation of workers is being endangered by hazardous asbestos exposures. The need to address the needs of former and current workers was a common theme amongst specialists consulted during the research for this paper. Two trade unionists with decades of experience between them specified their “wish list” on asbestos action as follows:

Phil Dee, formerly the RMT’s Health & Safety Officer for 15 years, said that:

1. the asbestos-exposed must be given assistance to obtain compensation from former employers; these employers should bear the financial responsibility for the medical treatment of the injured;

² http://www.tssa.org.uk/article=1.php3?id_article=1016

2. prevention is the key to eliminating future cases of disease; asbestos must be identified, encapsulated, labeled and, wherever possible, removed and asbestos legislation must be rigorously enforced - unfortunately, the Railway Inspectorate is even less effective than the HSE.

Since 1976, Paul Cooper has been an active member of the T&G. He was the chairman of the T&G branch at the York Carriageworks and is now the branch secretary even though he is retired. In 2006, he was a founding member of the York Asbestos Group. Asked for his recommendations, Paul commented that

1. workers have been dying from asbestos-related diseases for 100 years; in the UK little investment is made into the medical research and treatment of these diseases and people continue to die 6-18 months after diagnosis;
2. the asbestos ban needs to be 100%; asbestos registers for all companies need to be verified by the HSE and made accessible to every worker at risk of exposure.

Having read through many statements by asbestos claimants who worked in the railway sector, it is no wonder that asbestos disease is widespread in areas with railway legacies such as Swindon. The fact that the Swindon town motto is "*Salubritas et Industria*" (Health and Industry) is the ultimate irony for those who were betrayed by their former employer. Although it is true that asbestos exposures experienced by railway workers today are lower than those in the "bad old days," no exposure to asbestos is safe. In the UK and Japan, people who work on the railways will continue to contract asbestos-related diseases until all the asbestos on rolling stock and infrastructure is safely removed. Until then, every effort must be made to support those affected and educate those at-risk. Prevention is the only cure.