

****EMBARGOED 12.01am Thursday, 27 November 2014****

Unions put James Hardie on notice

Unions will take legal action to block any application to the Supreme Court to have asbestos victims paid compensation in instalments.

In a unanimous vote, the ACTU Executive committed to the action in response to a shortfall in the Asbestos Injuries Compensation Fund (AICF) set up to compensate asbestos sufferers.

ACTU Secretary Dave Oliver said the average mesothelioma victim dies within 155 days of diagnosis.

“Asbestos victims do not die by instalments and should not be paid in instalments,” Mr Oliver said.

Mr Oliver said today marks the seven year anniversary of the death of asbestos campaigner Bernie Banton.

“It is deeply disappointing that seven years on from his tragic death, unions and asbestos victims are once again fighting for James Hardie to do the right thing,” Mr Oliver said.

“James Hardie needs to recognise that the assumptions used to set up the compensation fund may no longer be adequate – the sad reality is that more people are dying and at a much younger age than was predicted.”

Mr Oliver said unions have obtained legal advice showing there is nothing in the asbestos compensation fund agreement to stop James Hardie from making a one-off ex-gratia payment to top up the fund.

“James Hardie has projected profits between US \$205 - \$235 million in 2014-15, pays little to no tax and its CEO earns \$11 million a year,” said Mr Oliver.

“It’s outrageous that its management is seeking to avoid its moral obligation to fully compensate the victims of asbestos-related disease and cannot shirk that responsibility.”

The ACTU Executive called on the NSW and Federal governments to honour their commitment to make a loan facility available to the AICF in the event of any remaining shortfall.

Unions have voted unanimously to:

1. Take legal action to block any application by the AICF to the Supreme Court to have asbestos victims paid compensation in instalments
2. Continue to negotiate with James Hardie representatives for an ex-gratia payment to ensure the Fund meets any shortfall
3. Hold the NSW and federal governments accountable to their commitments to provide a loan facility to the Fund to ensure victims are paid full and prompt compensation
4. Facilitate and resource a campaign to harness community, political and shareholder pressure on the company and the governments to meet their legal and moral obligations

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