

Media alert – Groundbreaking ruling shows way forward for asbestos victims

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Asbestos still a threat to thousands of workers in the shipbreaking industry

Brussels, 23 February 2012 - On 13 February 2012 in a historical ruling an Italian court sentenced two former top managers of multinational construction company Eternit to a 16-year jail term and fines worth millions of euros (1). Both former managers are accused of having allowed the use of asbestos in the company's production chain knowing it could potentially poison and even kill thousands of its workers. The groundbreaking ruling given by the court of Torino found the Swiss businessman Stephan Schmidheiny and the Belgian baron Jean-Louis de Cartier de Marchienne, guilty of environmental crimes against thousands of workers of the Italian-based branch of Eternit. According to the NGO Shipbreaking Platform, a coalition of international human rights, labour rights and environmental NGOs, the Eternit court ruling gives hope to asbestos victims in the shipbreaking industry and sends out a clear warning to companies that continue to fail to protect workers against the devastating effects of asbestos. Present in Torino on February 13, Annie Thébaud-Mony, spokesperson for Ban Asbestos-France, a member organisation of the Platform reported: *"It was an amazing moment for those who refuse that profit be made at the price of people's deaths. This sentence gives hope in justice for condemning asbestos usage not only in Europe, but also in Asia, Africa and Latin America."* Today, Europe has put in place regulations to ban the use of asbestos. Thousands of workers and their families are still however being exposed to the threat of asbestos in other parts of the world, especially in the shipbuilding, ship repair and shipbreaking industries. In South Asia, where the vast majority of ships are broken, no measures are taken to protect the workers against being exposed to toxic substances. It is reported that thousands of shipbreaking workers have fallen ill to asbestosis, a type of lung cancer caused by inhaling asbestos fibers over long periods of time. Asbestos plates originating from ships are further resold on the second hand market, endangering also the health of construction workers. Most ships currently broken on the beaches of India, Bangladesh and Pakistan were built in the 1970's and the beginning of the 1980's and contain large quantities of asbestos in their structure. Many of these ships originate from Europe and are sold by European ship owners (2) seeking to avoid the costs of providing adequate occupational health and safety measures and environmental protection. South Asian shipbreaking yards are well known for their weak enforcement of environmental regulations and lack of workers rights. *"The Eternit ruling warns that a company's high-ranking decision makers can be held liable for their failure to protect workers against diseases caused by asbestos and other toxic substances, and that this lack of due diligence is to be considered a criminal act,"* said Ingvild Jenssen, Director of the NGO Shipbreaking Platform. *"European ship owners should think twice before selling their ships to breaking yards known for not protecting their workers against hazardous substances such as asbestos."* Raffaele Guariniello, the Italian prosecutor who defended the former Eternit employees and Italian municipalities in the lawsuit, will be in Paris on Saturday 25 February 2012 to discuss "the new boundaries of criminal law". (1) In the case of the 13 February 2012 ruling, the court of Torino sentenced the two managers to pay a fine of 25 million euros to the municipality of Casale Monferrato, 20 million euros to the region of Piemonte, 15 million euros to Inail, an insurance company for work-related accidents, and 4 million euros to the municipality of Cavagnolo. Eight other organisations and trade unions will receive between 70,000 and 100,000 euros each. The victims and their families will each receive between 30,000 and 35,000 euros. (2) [Find here the Platform's 2011 list of European dumpers](#)