

French workers demand justice over asbestos poisoning

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26 October 2005

A national protest of workers and victims of asbestos poisoning took place October 15 in Paris to demand criminal proceedings against those responsible.

The protest, called by ANDEVA, the National Association for the Victims of Asbestos Poisoning, mobilised nearly 10,000 supporters, who marched under the slogan, “The Poisoners Must Be Brought to Trial.”

Thousands carried placards saying, “10 Deaths a Day, No One Responsible, No One Guilty! For Justice and to Keep the Memory Alive.” Others carried banners with the inscription, “For a Criminal Trial on Asbestos.” There were no official trade union delegations.

The silent protest assembled on the rue de la Pepinière to commemorate the 3,000 victims per year who die of lung cancer linked to asbestos poisoning. The organisers symbolically renamed the street “The Street of the Poisoners.” For many years, the street housed the headquarters of the International Asbestos Association, the French Asbestos Association, and the Industrial Guild of Asbestos Manufacturers.

The national protest was the result of the determined fight of a group of widows in Dunkirk, who, since the beginning of the year, have regularly demonstrated outside the town’s law courts demanding justice for their deceased husbands. After many years of struggle, victims of asbestos poisoning are now obtaining compensation through the civil courts, where employers have been found guilty of an “inexcusable wrong.”

However, these victims of asbestos poisoning by employers around Dunkirk, such as Eternit at Thiant, shipbuilding companies, and the Sollac steel works have seen their seven-year battle for a criminal trial thwarted by the local appeal courts in Douai and Dunkirk. In 2004, the Douai court pronounced the industrialists “guilty but not responsible” for their acts, under the cover of a legal amendment introduced by the Jospin Plural Left government, which ruled from 1997 to 2002. The amendment states that in the event of an industrial or health catastrophe, no one is guilty if there is “no deliberate criminal intent.” The widows of Dunkirk hope to have this interpretation overturned by the Supreme Appeals Court next month.

In 1971, there were no regulations in France governing asbestos dust levels, such as had existed in Britain since 1931. In 1983, French union leaders joined the employers in “defending jobs” in the asbestos industry, even as, 20 miles across the channel, a widespread workers’ movement developed for a ban on its use.

An article by Bob Shaw, a leading British Trotskyist and an ex-shipyard worker dying from mesothelioma (a form of lung cancer caused by exposure to asbestos), summed up the movement of that time: “It is time the working class brought out the details of this crime, which is not a question of one or two workers being killed, or even hundreds, as in mining disasters, but hundreds of thousands who will die from the release of this material and its continued industrial use with complete disregard of workers’ safety....

“The firms which are responsible and governments which permit such actions without interfering should be exposed and there should be a fight against this completely uncontrolled devastation of people’s lives.... The firms concerned should be closed down and alternative work provided for workers thrown out of a job by such closures.”

France has become an international capital for the use of asbestos. In the 1970s, 1980s and 1990s, when most European governments had banned the use of asbestos in insulation and fire protection, France imported 80 kilos per inhabitant. Practically all public buildings can be said to be polluted areas, where workers and visitors alike are exposed to asbestos fibres that cause lung cancer up to 40 years after exposure.

One such public building, the Paris University Faculty of Jussieu, serving 25,000 students and opened by De Gaulle in the 1960s, is notorious for its levels of the mineral fibre. It was from here that, in the 1970s, the first asbestos alert was issued, after the deaths of several research teachers were linked to asbestos.

Marc Hindry, a member of the current Jussieu anti-asbestos committee, who was present at the Paris protest, said, “Those responsible are companies like St. Gobain and Eternit, the public authorities, and certain company doctors.”

The French multinational St. Gobain, whose empire is built on asbestos, has had a powerful lobby within government. Its former CEOs have assumed top posts in state enterprises and in government. Francis Mer, responsible for St. Gobain’s industrial policy in 1978, was appointed president of the state steel group Usinor/Sacilor in 1986 by the Socialist Party government of President François Mitterrand. Roger Fauroux, minister for industry under the same government, later became honorary president of St. Gobain.

François Malye, a French journalist, in his recent book, *Asbestos: a Hundred Thousand Deaths to Come*, describes the irresponsibility and indifference of government ministers to the

danger of asbestos over a period of 40 years. This involved a cynical cover-up by the Permanent Asbestos Committee (PAC), the agency charged with vaunting all the “benefits” of the material.

Between 1983 and 1995, during Mitterrand’s presidency, which was supported by the left parties, the PAC advanced the “controlled use” policy, which claimed that, if certain precautions were taken in handling the material in compliance with regulations that had been enacted in 1977, it presented no risk.

Malye stresses the responsibility of those like Martine Aubrey of the Socialist Party, appointed director of labour relations by Socialist Party Prime Minister Pierre Mauroy. Malye quotes Jean-Luc Pasquier, a functionary of Aubrey, who was ordered to collaborate with the PAC lobby from the beginning of the Mitterrand presidency.

At a hearing, Pasquier said, “I went there on orders.” From whom? “From different hierarchical superiors.” A silence. Including Martine Aubrey? “Of course. From 1984, she was the director of labour relations. She was informed about all the sensitive files, and asbestos was among them. If she had wanted us to leave the PAC, she, like her successors, had only to decide it.”

In 1991, when Aubrey was minister of labour, at a time when most European states were banning asbestos, she blocked the signing of EU decrees limiting its use. As Malye explains, “Over these two periods, during which Martine Aubrey occupied high posts in the Ministry of Labour, the Administrative Tribunal concluded ‘that it cannot be maintained that the public authorities had no knowledge of the risk that exposed people were forced to bear by the maintenance of the regulations that were in place.’ ”

Malye details the role, equally criminal, played by the trade union bureaucracy. The two main union confederations, the CFDT (which is close to the Socialist Party) and the CGT (linked to the Communist Party) sat on the PAC throughout its existence. Malye says that CGT delegate Michel Odet “did nothing for 10 years to obtain these famous tests [on substitute materials that could be used instead of asbestos].” He explained his presence alongside asbestos industrialists thus: “Some people were afraid of being used as a cover, when, in fact, it’s necessary for social partners to arrive at a certain consensus. At the CGT, we are against the policy of refusing to sit on committees.”

Writes Malye: “On September 25 [1995], ministers and unions withdrew their representatives from the PAC, which is a pretty clear confession of an error which lasted nearly 13 years.”

Marc Hindry, rather naively, told the WSWS at the Paris demonstration, “Of course, the trade unions were duped and believed they could preserve jobs” by cooperating with the employers in the 1980s through the Permanent Asbestos Committee lobby. He added, “The unions didn’t want to upset the left governments” under President Mitterrand. “There was also the campaign of disinformation carried out by the asbestos industry. This was aided by the specific nature of the disease, whose symptoms can take 30 years to develop.”

Michel Parigot, vice president of ANDEVA and president of the Anti-Asbestos Committee at Jussieu, told the WSWS: “The trade unions chose employment instead of health. In 1995, what forced them to move was the colleges and schools, where the risk to

public health was high, and which provided a link between public health and occupational health,” thus putting asbestos back in the public eye.

A public outcry and a series of epidemiological studies forced President Jacques Chirac to ban asbestos in January 1997. But Parigot is very concerned about how the problem will be managed now that the law requires a total inventory of public buildings to assess the presence of the material. “There is an obligation to locate and report the presence of asbestos in public buildings,” he said, “a requirement put in place in 2003. But there has been no checking up on these inventories. By May 2005, only half of all buildings had been checked.”

The extent of this public health scandal is an indictment of international capitalism and its apologists.

France banned asbestos imports in December 1996, which led to a vociferous dispute with Canada at the World Trade Organisation (WTO). Canada complained that France was breaking multilateral trade agreements. In September 2000, the WTO found in favour of France, indicating the ban was “necessary to protect human health.” Brazil, the US and Zimbabwe, all heavily involved in mining and /or manufacturing asbestos products, were also involved in the dispute.

Although the WTO ruled in favour of France, it claimed France had violated WTO rules by discriminating against Canadian asbestos, which the WTO deemed to be a “like” product to safer domestic substitutes. This interpretation is very worrying for environmentalists because it fails to distinguish between toxic and non-toxic products.

The underdeveloped countries are now prey to multinational asbestos producers and manufacturers looking to compensate for lost markets in the West, much like the tobacco industry’s turn to the poorest countries.

The devastation and contempt for people’s lives is an international question that requires an international response. Relying strictly on the courts to obtain justice will prove illusory.

The scale of the problem can be seen in the US and Australia, where legal battles have produced compensation payouts. The US company Certain Teed, a subsidiary of St. Gobain, is facing 108,000 litigation claims for compensation, and has had to set aside 426 million euros, representing nearly half of its profits for 2004.

But no amount of monetary compensation or reformist pressure can settle accounts with the multinationals’ drive for profit.



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