

## Empowerment of Victims and their Families in France

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### Abstract

*For many decades French society lived the drama of an epidemic of mesothelioma and other asbestos related diseases without any consciousness of it. The asbestos industry strategy was to hide from the public the health consequences of asbestos manufacture and use. The industry was aided in this strategy of deception by “experts” – scientists, physicians, and lawyers – until the emergence of a strong social movement of victims of asbestos exposure brought to light the epidemic. France banned all manufacture and use of asbestos in 1997.*

*This social movement of the victims of asbestos exposure in France played an important role in the evolution of the asbestos politics in the nineties. Actually the National Association of Defense of the Asbestos Victims (ANDEVA) is coordinating the action of more than twenty-five local or regional groups.*

*While victims of asbestos exposure rarely received compensation for asbestos-related diseases before 1995, after that time France saw a spectacular growth in asbestos compensation claims and awards in the civil courts, finally recognizing the fault of the employers.*

*The paper will emphasize the strategies of two victim’s local groups in France. One of them concerns the first workers’ group – basically women – who have been engaged for more than twenty years in a fight for justice for asbestos victims, not only about individual compensation but also by means of criminal claims against the last employer of the textile factory where they worked. The second one is the history of a collective fight for the responsible management of a polluted site, lead by the family of a victim who died of mesothelioma.*

## **Introduction**

Asbestos was banned in France in 1997. It was a political decision in response to the emergence of an important social movement of defense of the asbestos victims. This movement was protesting against the invisibility of occupational diseases, the impunity of employers and the persistent problem of asbestos in buildings, former factories, ships, schools...

After a brief presentation of the history of asbestos in France and the emergence of the concern for the medical effects of asbestos in French society, this text will present the strategies of two victims' local groups in France. One of them concerns the first workers' group – basically women – who have been fighting for justice for asbestos victims since the end of the 1970s. The second one is the history of a collective fight for the responsible management of a polluted site, lead by the family of a victim who died from mesothelioma.

## **The History of Asbestos in France**

Asbestos use in France dates back to the 1930s when the English multinational corporation Turner & Newell transferred an asbestos textile factory to Normandy; this coincided with the first regulation about dust control in British asbestos plants. This factory is still functioning, now named Federal Mogul, a multinational firm specializing in the manufacture of brake shoes and clutches for the automobile market.

The asbestos industry in France has been dominated by two multinational firms: Saint Gobain (in particular the Everite branch) and Eternit (the Belgian group, currently named Etex). Asbestos cement products accounted for 80% of the market. Asbestos utility in insulation and protection against fire led to its use in many industrial sectors (steel, shipbuilding, foundries, thermal and nuclear power stations, metallurgical industries, construction of boilers, and industrial processes using ovens). Between 1960 and 1997, in public and private buildings, construction or building renovation, asbestos was placed everywhere and is still there. Social activists and journalists drew attention to the extensive use of asbestos in France, but not until many decades of occupational and environmental exposure had occurred.

In France, as in England and the United States, asbestos company executives were the first ones to know about the serious health effects of asbestos exposure to the workers. Taking advantage of the long latency period between exposure and the onset of disease and the lack of specificity of symptoms of asbestos-related diseases, they developed a strategy to prevent awareness by the public and workers of the health effects of asbestos exposure. At the very beginning of the eighties, the Permanent Asbestos Committee (Comité Permanent Amiante, CPA) – an informal organization created by a public relations firm working for the asbestos industry – “ruled the scene of asbestos disease prevention and compensation.” Physicians and trade unions, co-opted by the CPA, supported the concept of a “controlled use” of asbestos. Without any kind of exposure assessment at workplaces and in public and private buildings, and without any

systematic census of asbestos-related diseases, the health effects of asbestos exposure were for the most part invisible. Through their participation in the Asbestos International Association (AIA), French asbestos industry executives knew of the link between asbestos and cancer long before the French public knew about such a serious public health problem.

The law that banned asbestos in France was announced in July, 1996 and became effective on January 1, 1997. It was the result of a social movement, especially by women workers, victims' widows and scientific workers who gave access to knowledge about asbestos health effects.

- **The struggles of the Amisol workers and of Jussieu University scientific workers**

Amisol was a manufacturer of textile asbestos created in 1910 in the city of Clermont-Ferrand. Thousands of workers, mostly women, were exposed to asbestos dust for decades in deplorable working conditions. The workers' respiratory problems were well-known, but the physicians employed by the companies were unwilling to attribute the symptoms to the dust exposure occurring in the factory. Nonetheless, the occupational physician working in the factory published, in the 1950s, the first complete survey of asbestosis cases in France. Despite his disregard for the workers at AMISOL, he was recognized by international colleagues as an authority on asbestos-related diseases.

### *1 – The occupation for re-opening the plant*

In 1974, the Amisol factory was closed without warning. In defiance, the workers decided to occupy the plant. A debate ensued between the women workers on one side, and the company staff and the local public authorities on the other. The workers argued that the factory could be reopened with some improvements in working conditions. At that time, the respiratory illnesses and many fatalities among workers were worrisome issues, but seen as less important than the reopening of the factory. The overarching issue was the economic security for the 250 families who were threatened by the closing of the plant. The workers were not aware of the extent of the health hazards related to asbestos. Media coverage of the struggle was confined to local reporting.

### *2 – The meeting with scientists concerned by the hazards of asbestos use*

Two years later, while the factory was still occupied, the scientific workers of Jussieu University joined in the battle against asbestos. They formed a task group to press for the removal of asbestos on the campus (at the time, the largest concentration of sprayed asbestos in Europe). The solidarity between the Jussieu scientific workers and the Amisol workers allowed the latter to be informed about the health issues with asbestos, and to come to the realization that the illnesses and deaths of several of their colleagues were due to asbestos. This caused the Amisol workers who were occupying the factory to modify their demands. The issue was no longer simply to reopen the factory. Now they demanded re-employment in other workplaces in the region or, if that was not possible, early retirement benefits. They also demanded free medical examinations and

follow-up medical care. Lastly, they sought salary compensation equivalent to the minimum salary for all the former Amisol employees. The occupation went on for nine years, diminished only by the deaths of some of the workers, and by the toll of health problems arising as a result of their work at Amisol.

In Paris, the national media coverage that accompanied the struggle engaged in Jussieu led to the ban on the asbestos spray process, to the recognition of mesothelioma as an occupational disease, and to the adoption of the first threshold of occupational asbestos exposure into the labor law.

### ***3 – The long term consequences and the need for a social movement of the victims***

In Clermont-ferrand, after 15 years of delay on occupational disease recognition, the former Amisol workers decided to create the Asbestos Group for Prevention and Compensation (Collectif Amiante: Prévenir et Réparer, CAPER), and began negotiation with medical and social security institutions, in order to get a free and good medical follow-up. They win the recognition of the inexcusable fault of their former employer in civil courts. The Amisol fight was one of the key factors in the creation of the Asbestos Victims National Association (l'Association Nationale de Défense des Victimes de l'Amiante, ANDEVA) which had three objectives: the recognition of victims' rights to compensation and industry's liability in civil and criminal courts; the complete ban on asbestos manufacture and use in France; and effective public action to assess and remediate community asbestos hazards to prevent future cases of cancer. In 1997, the asbestos ban became effective in France, reshaping the entire issue.

Now, ANDEVA has more than 20,000 members and is supported by a network of twenty-five local associations. They seek to obtain compensation for the victims of asbestos exposure and for their families, and to obtain responsible management of environmental asbestos in the community.

It was against the very legitimacy of an employer's right to arbitrarily dismiss employees that the Amisol workers protested. They made claims for early retirement or safe reemployment when they occupied the factory. More recently, Andeva succeeded in getting a law passed recognizing the right to early retirement for employees of companies using asbestos and for workers suffering asbestos-related diseases.

### **From the tragedy of mesothelioma to the fight for prevention**

This is the story of family who decided to understand why one of them, Pierre Leonard, 49 years old, died from mesothelioma in 1996 and to struggle against those who caused this tragedy. Informed by their neighbors of the history of *the mineral and raw materials factory* which was crushing asbestos in their town, the family of Pierre Léonard did some research and discovered an overpowering situation.

The history starts in 1938 when *the mineral and raw materials factory* (le Comptoir des Minéraux et Matières Premières, CMMP) opened in the center of the small city of Aulnay-sous-bois. The factory crushed asbestos for more than 50 years, spreading

asbestos dust all around it: on the school located beside the plant and above the district of dwellings which surrounds it. It closed in 1991.

During a public meeting organized by Ban Asbestos-France in solidarity with the family Leonard, 100 people came and gave testimonies (2000). Families were decimated. Since then, 50 victims have been listed including 11 mesothelioma cases.

A collective action has been engaged to pressure public health authorities for a census of the victims, for information on their rights and for securing the plant which was left open as a playground for children. The next step will be to obtain safe asbestos removal before any new urban project. A criminal claim has been presented to the judge by 25 victims' families which are demanding not only compensation but justice, that means the condemnation of the CMMP executives who knew the risk and did nothing to protect workers and the population.

### **Lessons from the French experience**

An essential tool in the fight against asbestos is the alliance between the social movement and the scientists who are independent of industry. The asbestos industry succeeded in imposing a “scientific” representation of asbestos as an essential material and a mild poison. However, the workers, the victims and their families do not have the tools and the capacity to criticize official science. Scientific criticism is a practice between scientists, not of the victims of cancer or other diseases related to asbestos. But the experience of victims about diseases is necessary to independent scientists in order to criticize the postulates of the researchers paid by the industry.

A current example can illustrate this fact. The Chrysotile Institute in Montreal has just publicized a study showing the weak bio-persistence of chrysotile. From such results the Chrysotile Institute concludes that chrysotile is non-toxic. This is in relation with the postulate that the carcinogenic properties of asbestos would be exclusively related to the bio-persistence. A long time ago, toxicologists who are independent of the asbestos industry demonstrated that such a postulate is false, in particular because of such other phenomena as the surface reactivity of the fibers in a biological environment (see Henri Pezerat's researches). This hypothesis was consistent with the results of animal experimentation and of epidemiological studies in human beings.

This alliance is supporting the right to know for workers and population of any country to be able to fight against the multinational corporations' cynical executives who affirm their false results as scientific facts.

Another lesson for the empowerment of victims is that the individual compensation – as the only aim of the fight – can become a trap. In France, the creation of a Compensation Fund for asbestos victims is denying them justice based on the inexcusable fault of the employer.

The next issues for the social movement of asbestos victims in France are to win the battles for criminal justice and prevention.