

# **ZENKENSOREN's Activities on Asbestos Issues**

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# Introduction to ZENKENSOREN

- ZENKENSOREN was established in 1960.
- National federation of construction workers' unions organizing workers, craftsmen/women and self-employed workers with any kind of occupations in construction sector such as carpenters and plasterers.
- **Main Activities**
  - improvements of social security, occupational safety and health, workers compensation, living conditions and job security for construction workers.
  - skill-building and next generation training through professional training schools.

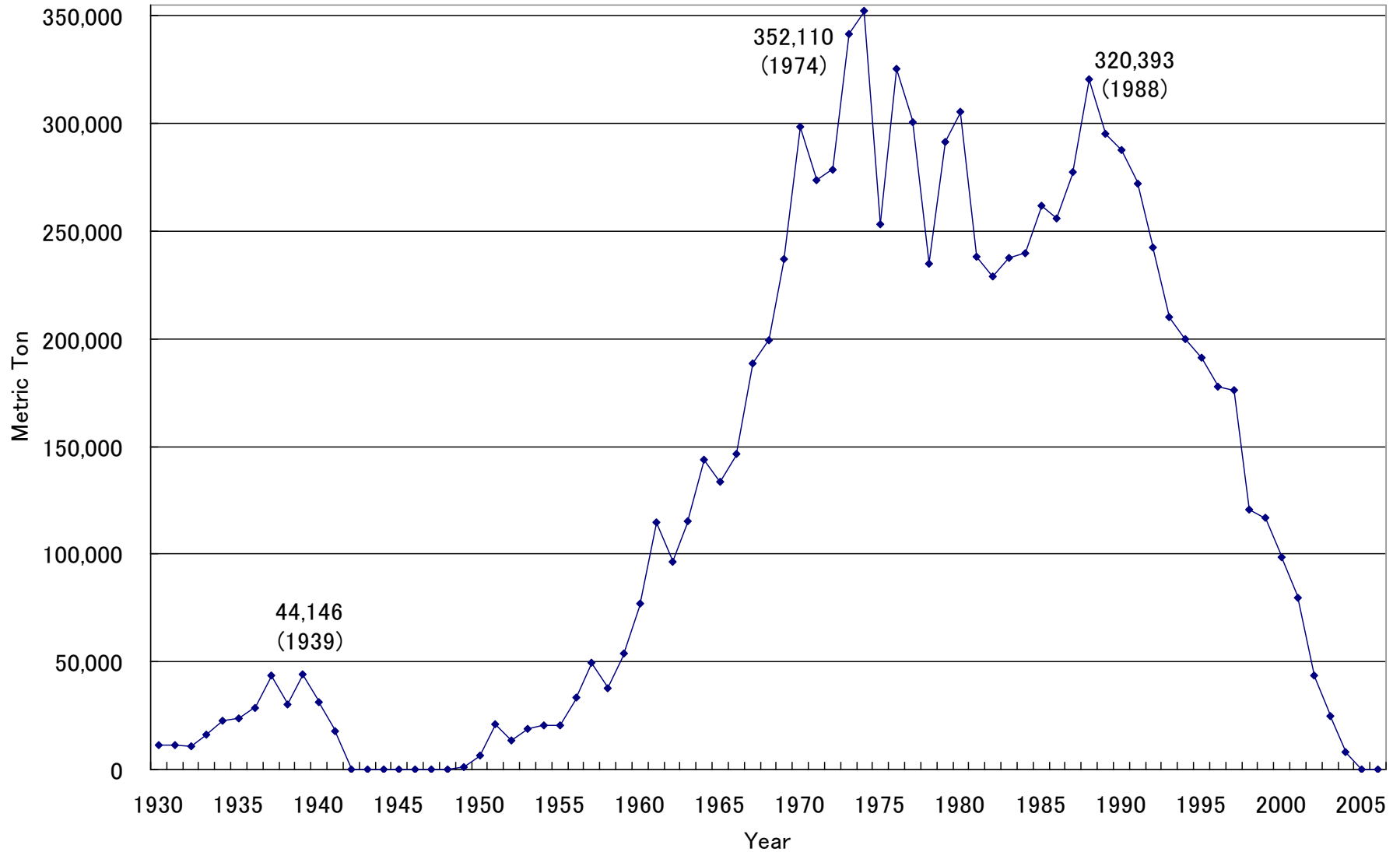


# Japan: Steps towards a Total Ban

Industrial Safety and Health Law administered by the Ministry of Health, Labour and welfare (MHLW)

- 1975 **Spraying** in principle. Cut-off value 5 weight %. OEL 5f/cc
- 1995 **Crocidolite** and **amosite**. Cut-off value 1 weight %. OEL 2f/cc
- 2004 **Negative list** – the below items were prohibited.
1. Cement circular cylinder
  2. Extrusion molding cement board
  3. Decorative home roofing sheet
  4. Fibre-reinforced cement board
  5. Ceramic siding
  6. Clutch facing, clutch lining, brake pad and brake lining
  7. Adhesive agent
- This meant all asbestos containing products on the market other than "heatproof/electric insulation board", "joint sheet and sealing material" and "asbestos cloth and yarn" for them were prohibited.
- 2005 **Spraying** totally. Cut-off value 0.1 weight %. OEL 0.15f/cc
- 2006 **Positive list** – other than several exemptions were prohibited.
- 2007- **Phasing out of exemptions.**
- 2012 All exemptions has been removed – **total ban**

# Asbestos Import of Japan



# **Asbestos Victims among Construction Workers (Number of awarded cases by Workers Compensation Insurance)**

	2005	2006	2007	2008	2009	2010	2011	2012
Total	722	1,796	1,063	1,288	1,217	1,105	1,143	1,116
(Mesothelioma)	503	1,006	500	607	567	527	569	562
(Lung Cancer)	219	790	502	612	581	495	462	459
Construction	301	830	489	569	542	501	562	588
%	41.7%	46.2%	46.0%	44.2%	44.5%	45.3%	49.2%	52.7%

**Since “Kubota Shock” in 2005 revealed not only many workers victims but also environmental asbestos victims near an asbestos plant the number has been increasing.**

# ZENKENSOREN' s Activities

- 1988 Asbestos Task Force
  - awareness raising, health surveillance, negotiations with central and local governments, cooperation with medical professionals, etc.
- Educational Materials
  - Brochure:
    - "Asbestos, Construction Workers and Life" (1989)
    - "Caution ! on Asbestos" (1996)
    - "Protect Construction Workers from Asbestos Hazards" (2007)
  - Video/DVD :
    - "A Silent Time Bomb" (2002)
    - "A Silent Time Bomb: Asbestos (Building Demolition and Repair Works)" (2006)
    - "Save Construction Workers from wide-spreading ARDs" (2012)
  - Guidance on the application for workers compensation insurance benefits for ARDs" (2007)

# Establishment of Ban Asbestos Network Japan (BANJAN) in 1987

BANJAN is a coalition of trade unions, citizen's groups, OSH NPOs, specialists and individuals.

National Federation of Construction Workers' Unions

All Japan Prefectural and Municipal Workers' Union

All Japan Shipbuilding and Engineering Workers' Union

All Japan Dock Workers' Union

Consumers Union of Japan

Japan Citizen's Network for Wiping Out Asbestos

JOSHRC and local OSH centers

Mesothelioma Pneumoconiosis Asbestos Center (2003)

Japan Association of Mesothelioma and Asbestos-Related Disease Victims and Their Families (2004)

Since its establishment, BANJAN has been calling for a ban on asbestos, raising awareness and promoting/supporting victims/citizens' actions.

ZENKENSOREN has been playing leading roles.

- 2005 Ordinance on Prevention of Hazards due to Asbestos
- 2006 Asbestos Health Damage Relief Law (for asbestos victims not covered by Workers Compensation Insurance)
- 2008 & 2011 Amendments of Asbestos Health Damage Relief Law
- Expanding the coverage of Asbestos Health Monitoring Book (its holder can receive periodical - every 6 months - medical check ups at free charge)
- Etc.



**Mass Meeting  
31 January, 2006**



**Rally to the National diet  
31 January, 2006**



# Early Detection, Compensation and Prevention

- ① "Asbestos health check-ups" for early detection of hidden asbestos-related diseases (ARDs), early treatment and compensation. Facilitating the application for Asbestos Health Monitoring Book for workers exposed to asbestos in the past.
- ② "Checking receipts (medical bills) from clinics/hospitals to national health insurance societies operated by trade unions", "re-interpretation of chest X-rays by specialists" for early detection of ARDs and facilitating/supporting the application for workers compensation insurance benefits by victims and their families.
- ③ Facilitating activities for prevention of further asbestos exposure in demolition, repair and other works of buildings.



# Construction Asbestos Litigation - 1

- May 2008 - First collective asbestos litigations by construction workers to Tokyo and Yokohama District Courts.
  - Victims and their families are questioning liabilities of the government and asbestos products manufacturers (national/civil liability litigation).
  - Their demands are apology, compensation for asbestos victims and their families and elimination of asbestos-related diseases.
  - All victims are (former) members of ZENKENSOREN.
- Now similar litigations are pending in more 4 district (Sapporo, Kyoto, Osaka, Fukuoka) courts. Those include cases of not members of ZENKENSOREN.

# Construction Asbestos Litigation - 2

- May 25, 2012 - Decision by Yokohama District Court didn't accept both liabilities of government and manufacturers.
- Dec 5, 2012 - Decision by Tokyo District Court
  - accepted government liability (for employees cases)
  - acknowledged "social responsibility" of manufacturers but exempted to pay compensation
  - didn't accept liability for self-employed workers (non-employees) cases
  - ordered government to pay for ONLY one third of total amount of damage as government liability was secondary
- Now both case are pending in Tokyo High Court and we are calling compensation for all.

# Our Demands and Position

- ① make government to fundamentally change its policy on asbestos and to carry out comprehensive measures including the elimination of ARDs and creation of fund for full compensation to asbestos victims
- ② make government and asbestos products manufacturers to apologize and compensate for saving lives of victims and their families
- ③ this is a struggle for establishing social rights of construction workers among which the largest number of asbestos victims are being detected

# Construction Asbestos Litigation



May 16, 2008



May 16, 2008



Dec 5, 2012  
Tokyo District Court



Dec 5, 2012  
Tokyo District Court