

Collaborative Actions for Justice for Victims in the Yokosuka Area

Michitaka Hayashi

Secretary General, Pneumoconiosis and Asbestos Victims' Relief Fund, Japan

Abstract

The relief activities for asbestos victims in Yokosuka started from the exclusive story carried on the front page of the YOMIURI newspaper on May 8, 1982. A survey by Dr. Miura and his medical team at the Yokosuka Kyosai Hospital, revealed that one-third of the 39 lung cancer deaths in the past 5 years had been due to occupational exposure to asbestos at the Naval Shipyards.

Since autumn 1982, the Uraga branch of the All Japan Shipbuilding and Engineering Union (SEU Oppama/Uraga Branch), the Kanagawa Occupational Safety and Health Center (KOSHC) and the Minatomachi Clinic of Kanagawa Workers' Medical Cooperative have been assisting victims. These groups have been working with the Uraga Retired Workers' Association, a body founded by former workers of the Sumitomo Heavy Industry Uraga shipyard. Voluntary medical examinations have been offered; the results of which have enabled victims to obtain compensation for their asbestos injuries. Medical examinations of former U.S. Navy Yokosuka Base workers have been carried out since 1984. In Nov. 1985, the Yokosuka Pneumoconiosis and Asbestos Victims Group was established.

In 1986, when a big repair job on the aircraft carrier MIDWAY was carried out at the U.S. Navy Yokosuka Base, a large amount of asbestos waste was removed from the ship and illegally disposed of; this situation was disclosed by KOSHC. The dumping of this hazardous material created great public concern, and raised awareness of the asbestos issue among Japanese people.

In July 1988, eight former shipyard workers with asbestosis sued their employer, the Sumitomo Heavy Industries Co. Ltd. The case was settled in March 1997, with the company admitting its responsibility. At the same time, the SEU Oppama/Uraga Branch reached an agreement with the company for additional (extra) pneumoconiosis compensation for all retired workers. In the same year, all the groups and teams which had been supporting the cases decided to continue their activities, so they established the Pneumoconiosis and Asbestos Victims' Relief Fund. The organization set up a "Pneumoconiosis and Asbestos Hazard Hotline" as one of its activities in an attempt to locate pneumoconiosis and asbestos victims. The hotline received more calls than expected; between 1997 and 2004, there were 500 calls. It was clear that there were still many asbestos victims whom we had not reached. The hotline became an annual feature and telephone consultations are offered for three days every July.

In July 1999, 12 former U.S. Naval Shipyard Repair Facility's workers and 4 bereaved families in Yokosuka sued the central government under the law concerning the U.S.–Japan Security Treaty. 22 former workers instigated another law suit in May, 2002. Five former workers and 10 bereaved families filed the third law suit in July, 2003.

The District Court Yokosuka branch reached a landmark decision on October 7, 2002 for the first case. The court ordered the Government to pay a total of 231 million yen to the 17 plaintiffs (including 12 patients), saying it would not be fair if the Government is exempted from having to pay compensation because the right to claim compensation had expired due to the statute of limitation for 5 (3 patients) of the plaintiffs. Unfortunately, the Tokyo High Court overturned the lower court ruling in May, 2003. When the Supreme Court dismissed the victims' appeal, the decision was final. As for the second legal action, settlement negotiations are underway.

Since the SEU Oppama/Uraga Branch reached a labor-management agreement with Sumitomo Heavy Industries for compensation in 1997, the SEU has been helping victims to apply for it from the company. But the company has displayed insincerity. As a result, in July, 2003, 11 former workers and 3 bereaved families of pneumoconiosis victims filed the case as a secondary action. While the work of asbestos support groups in Yokosuka has progressed, much remains to be done.

During July, 2004, the hotline received 100 calls from other such industrial areas in Kanagawa Prefecture.