

## History-making trial in Turin

### Eternit in the dock for more than 2000 deaths

Marzabotto in Italy, Deir Yassin in Palestine, Oradour-sur-Glane in France, Lidice in the Czech Republic, My Lai in Vietnam. All stand as symbols of war crimes in the collective consciousness. Peace crimes, committed not in rage or hatred but simply for profit, are less firmly-rooted and prominent in historical memory. Who now remembers the Potosi mine, the Triangle Factory fire in New York, the Gotthard rail tunnel, the Congo-Océan railway? The small Italian town of Casale Monferrato may enter the history books as a monument to work-related deaths. An unusual trial has started in Turin in April 2009 over the deaths of more than 2200 people and the cancers developed by a further 700-odd survivors. For the first time, the top executives of a multinational, Eternit, are indicted on charges based on the policy decisions they made for this group worldwide. Decisions that were central to the management of each individual group company, especially Eternit's Casale Monferrato factory in Piedmont.

Eternit's Casale Monferrato factory started up in 1906. Located near the Balangero mine, it was a major production centre for asbestos cement goods, especially the celebrated corrugated sheeting synonymous with the name Eternit. The Balangero mine's output could not keep pace with production demand. Casale Monferrato had the dubious claim to fame of sourcing its asbestos supplies from countries in three continents - Brazil, Canada, South Africa and Russia. Up to 1980, the asbestos bags were unloaded and slit open by hand, and their contents forked into huge silos. The production process at this stage differed little from peasant farmers' hay gathering techniques. So severe was the pollution that the factory seemed shrouded in a permanent haze. During the second world war, US bombers' repeated attempts to blow up the strategically important Po bridge failed, with pilots reporting a bizarre

atmospheric phenomenon whereby the small town seemed to be enveloped in thick white clouds in all seasons.

#### Deaths in the Kremlin

Eternit was a paternalistic business, and offered its workers free asbestos cement "tiles". The bags the asbestos had come in could be taken home and used to harvest potatoes. Local people were free to take the factory spoil to use for roof insulation, or garden paths. It was a benevolent paternalism: the works medical officers gave assurances that there was no risk from working with asbestos. Workers who expressed concerns might be provided with largely useless protective equipment. But it turned harsh and repressive when challenged. There was one production shop universally known as the Kremlin, situated in a canalside building on its own. This was where exposure to asbestos was the highest. This was where the tubes and pipes were finished, turned at breast height in a very low-ceilinged room. This is where management put activists from the Italian General Confederation of Labour (CGIL)

#### "Eternit is not dangerous"

"Eternit is not dangerous because the asbestos fibres are incorporated into the product", Max Schmidheiny, who inherited the business in the 1960s, assured us, seemingly unaware that asbestos had a long journey to get to the factory gate, during which the fibres were at large in the air, doing their deadly work... I wondered then if he thought we were stupid. Now, his words can't be seen as anything less than criminal."

From I. Knill, *Asbestfolgen - bauen am Abschied*, *Mannerzeitung*, March 2006.

to work. Few workers exiled to the Kremlin lived past the age of 60.

The first workers' struggles against asbestos-related health damage date from the 1950s. Recognition of occupational diseases came only in dribs and drabs: the first case of asbestosis was recognized only in 1947. The workers' growing realization was stonewalled by the company's constant denials. Since Eternit was adamant that the work was not dangerous, even the most basic protective measures were considered too costly. In 1961, the workers' discontent turned to strikes and protests that were savagely put down by the police. It was not for another 20 years that the company yielded for the first time to union demands.

Bruno Pesce, who headed the Casale Monferrato labour federation<sup>1</sup> from 1979, focused union demands on health protection. A wave of strikes and shop-floor meetings followed. The unions won the right to have a study on harmful exposures carried out by the Pavia institute of occupational medicine, with union involvement and oversight. Union reps would tour the plant with the researchers and technicians, pointing out where samples should be taken. The field work took 40 days, and found very high levels of exposure to asbestos. The employer's response was two-pronged: an attempt to break workers' unity by claiming that improvements could be made, but only if comparatively high danger money payments (24 000 lira a month for the workers most exposed to asbestos dust) were scrapped; and setting up an employer-controlled occupational health service which, in its first newsheet, cau-

tioned workers against smoking<sup>1</sup>, thereby provoking a two-hour down-tools. The CGIL union decided to hire its own qualified doctor, Daniela Degiovanni, who helped uncover the monstrous truth: hundreds of deaths from mesothelioma and lung cancer; thousands affected by lung diseases and other asbestos-related conditions.

In 1986, the factory closed down when Eternit's local subsidiary went bankrupt. But the toll continued to rise. The latency period between an exposure to asbestos and the development of cancer may be up to forty years. Also, so polluted was the environment that most of the population of Casale Monferrato were constantly exposed to high levels. People in Casale Monferrato are still being killed by asbestos: there are currently around 40 new cases of mesothelioma a year, and epidemiologic projections suggest that this will continue until 2015-2020. Casale Monferrato has a population of 50 000.

A first trial in 1993 found only local company managers in the dock. The supreme court of appeal found the charge proved for the death of a single worker only, and imposed a very light sentence. Charges relating to all the other deaths were found to be time-barred.

### Barons of industry in court

The upcoming trial in Turin is something out of the ordinary. For the first time, the group's top policy makers will be judged for the consequences of its activities in a specific country. Judge Raffaella Guariniello's wide-ranging investigations unearthed

### Mesothelioma: mapping social inequalities

Figures for the probability of developing and dying of asbestos cancer reveal a clear social map.

The regional register of mesothelioma cases in Italy's Venezia region shows this in closer detail. The register records 1093 cases of mesothelioma, 613 involving work-related exposure to asbestos. The definition of work excludes unpaid housework done by women, which falls into the domestic or environmental exposures category (102 cases examined, mostly women).

The epidemiologists who analyzed the register data believe that had asbestos not been used, then not just the incidence of mesotheliomas, but especially the work-related inequalities in the incidence rate, would have been sharply reduced.

Over the period 1990-1999, the incidence of mesotheliomas in men was 1.73 cases per 100 000 of the male population, but 170.3 cases per 100 000 among asbestos cement factory workers, 36.6

cases per 100 000 for shipyard workers, and 14.7 per 100 000 for dockers and other goods handlers. The chemical industry has three times, and the construction industry double, the average incidence of mesotheliomas.

The French national mesothelioma monitoring programme reports much the same findings. The probability of developing pleural mesothelioma is 17.5 times higher for an industrial pipe fitter than for the average population. An industrial boiler-maker or sheet-metal workers has 7.12 times the risk, and a building labourer 2.36.

Sources: E. Merler (ed.), *Il ruolo dell'esposizione lavorativa ed ambientale ad amianto della genesi dei casi di mesothelioma insorti in residenti del Veneto. Registro regionale veneto dei casi di mesothelioma. Secondo report*, Padua, 2006.

M. Goldberg & E. Imbernon, *Quels dispositifs épidémiologiques d'observation de la santé en relation avec le travail ?*, *Revue Française des Affaires Sociales*, No. 2-3, 2008, p. 21-44.

<sup>1</sup> Italy's regional trade union organization was based on the labor federations (Camera del Lavoro).

2 969 cases – over 2 200 deaths and some 700 cancer sufferers. The roll of death in Casale Monferrato reads: nearly 1400 Eternit workers, 252 of the general population and 16 workers for a sub-contracting firm. Added to those are approximately 500 people in Bagnoli near Naples, a hundred in Cavagnolo in the province of Turin, around fifty in Rubiera in the province of Reggio Emilia. The responsibility of Eternit's boardroom in the deaths of 11 Italian workers who had worked in Switzerland will also be looked at. This part of the case was one of the hardest to put together. The Swiss National Accident Insurance Organization (SUVA) long refused to pass on the case files. It took a Swiss court order to force SUVA to hand over the information.

The investigation has indicted Stephan Schmidheiny and the Belgian Baron Cartier de Marchienne on charges. Stephan Schmidheiny comes from a family prominent in Swiss economic and political circles. For almost a century, his family was the biggest shareholder in Eternit. It has managed to forge the most varied networks of alliances. During World War Two, the Nazi authorities supplied it with slave labour for Eternit's Berlin factory. Art collector, philanthropist, and the driving force in many networks to promote a new green capitalism, Stephan Schmidheiny has been a leading light of an employers' association - the World Business Council for Sustainable Development. The publisher Greenleaf even has him listed among its "saviours of the planet", a mixed bag of personalities that also includes Buddha, Arnold Schwarzenegger and José Bové.

These plaudits notwithstanding, he still managed a long term at the helm of the Eternit group, where he established a policy of risk denial and double standards on a world scale, holding back the elimination of asbestos in the least developed countries. As Sergio Bonetto, a lawyer for some of the victims, puts it: "Unfortunately for them, Swiss industrialists are meticulous sorts: everything was written down and centralized. For example, we have proof that in Switzerland, all the asbestos samples were controlled and that production parameters were set by dust contamination standards that differed with the country<sup>2</sup>."

Baron de Cartier de Marchienne is a doyen of the Belgian economic establishment who held executive responsibility in the Belgian branch of Eternit (subsequently renamed Etex). Several Belgian and Italian companies will also be prosecuted as legal persons under provisions of recent Italian legislation. Although not retrospective, 25 cancer sufferers died between it coming into law and the court's committal decision, making it possible to chase these companies through the courts.

There are more than 220 000 pages of documents in the judicial enquiry case file. The five-year investiga-

### "My father went through hell and I want people to know"

"I think it's important to talk about the physical suffering and pain that asbestos sufferers go through. You read more and more about asbestos in the press, but usually it's all about trials, legal cases, the role of the SUVA (Swiss National Accident Insurance Organization - Ed) or money. The papers focus on the financial and legal issues. Nobody talks about the agonising pain that asbestos sufferers go through. Nobody says what a particularly horrific and vicious cancer it is. Nobody tells you that people with it scream with the pain. When you find out you've got it, it's a death sentence. What sufferers and their families go through is beyond words. I'm glad that my father didn't last too long in the final stages of his illness because he just felt he was being suffocated all the time. Once, in the car, he started screaming like his airway had been cut off. He was panicking and didn't know what to do. After an attack like that, you know only one thing: the next won't be long coming, and one day you won't get through it. The doctor told us that asbestos forms a sort of wall around the lungs which get more and more compressed over time. My father went through hell and I want people to know. At the end, they gave him morphine. It dulled the pain, but it made him hallucinate. He couldn't control his body. One day, my mother called me to come quick. My father was staggering towards me down the corridor, confused and just wetting himself everywhere. Lying down so much, his muscles had wasted and he couldn't walk properly. Ten days after going back into hospital again, he died. That was in June 2004."

Personal testimony by Phil Portmann, son of Viktor Portmann, former body shop worker in the canton of Soleure, northern Switzerland. From M. Roselli, *Amiante & Eternit. Fortunes et forfaiture*, Éditions d'en bas, Lausanne, 2008, p. 34-35

tion almost never came to trial. In 2006, an amnesty declared by Clemente Mastella, Justice Minister in the Prodi government, would have spared Eternit's bosses being brought to justice. The Eternit group, which had offered the victims compensation, suddenly broke off talks in the hope that proceedings would grind to a halt. Suspicious minds wondered what might have prompted Mr Mastella's very convenient decision for the potential accused. The machination provoked such a furore that it was eventually cancelled by another provision.

The Turin trial will be anything but easy. The former Eternit executives have a top-flight legal team. Procedural ploys and bought-in expert opinions make the outcome of the trial uncertain, especially in the Italian political context where Prime Minister Silvio Berlusconi harries the justice system with fierce determination and has no compunction about pushing through special legislation to avoid jail time for himself and his favourites. This trial will also be an opportunity for victim groups from different countries to take common initiatives. ■

#### Further reading

- Giampiero Rossi, *La lana e la Salamandra. La vera storia della strage dell'amianto a Casale Monferrato*, Rome, Ediesse, 2008, 155 p.
- Maria Roselli, *Amiante & Eternit. Fortunes et forfaitures*, Lausanne, Editions d'en bas, 2008, 255 p.

Our website <http://hesa.etui.org> will keep you updated on the course of the trial.

<sup>2</sup> Interview by Jacqueline Roz-Maurette, *Viva*, No. 232, April 2008, p. 30-31.