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Lawsuit dust up

By Mitchell Clarke

Former employees of a Dandenong silica milling factory are planning to file lawsuits after they were allegedly exposed to toxic dust, resulting in the development of debilitating and potentially deadly illnesses.

The group of seven alleges their ex-employer, former global minerals company Unimin, was negligent by failing to provide a safe workplace at their Lang Lang and Dandenong factories.

Kevin Weekes, 52, is one of the former employees taking legal action after he was diagnosed with silicosis in 2019.

The occupational lung disease, caused by the inhalation of silica dust, results in scarring, swelling and fluid build-up in the lungs and can advance to progressive massive fibrosis, often carrying life-threatening consequences.

Mr Weekes was employed at the factories for almost 28 years and in that time, performed a variety of roles including driving a forklift and bagging sand, gravel, and silica.

"You could always see the silica dust in the air but we weren't warned about the health risks despite that being something all workers needed to know," he said.

Mr Weekes said an international silica dust expert visited the site and recommended the use of airflow helmets, but he only received that after his diagnosis.

"As far as I'm concerned that's too little, too late," he said.

"The scary thing is I don't know how much time I have left and I've been told to get my affairs in order.

"I'll never forget coming home after the diagnosis and sharing the news with my wife, Debra, and our two daughters."

Roger Singh, who leads Shine Lawyers' Dust and Diseases Litigation Practice told the Gazette the risk of silicosis was prevalent in a range of industries - including mining, construction, engineering and stonemasonry - but awareness was increasing.

"The issue is here and now. It extends to so many industries. We've had the asbestos legacy and we can't afford to have another legacy with silica dust. This could have been prevented by basic bloody workplace safety," he said.

"This employer has been derelict in its duty by allowing so many of its employees to be exposed to hazardous silica dust with devastating impacts for them and their families.

"It's a disgrace. If you think about silica and silica exposure, you would've thought that it's a thing of the past, but for such employers to turn a blind eye is just unforgivable."

Unlike asbestos, victims of silicosis were developing the disease as quickly as five years from first exposure, Mr Singh said.

"It just goes to show horrendous this illness is. In many ways, it's a young man's disease. We have workers who are relatively young, the breadwinners of the family, who can no longer return to the workforce," he explained.

Shine Lawyers has also proven a "casual connection" between silica dust exposure and autoimmune diseases like scleroderma and rheumatoid arthritis.

Mr Singh is now fighting to have lupus recognised as a work-related injury on behalf of one of his clients, who also worked at the Lang Lang plant.

"There's more work to do and we will fight tooth and nail to have her lupus recognised as a work-related injury by the statutory insurer as it was caused by the same dust," he said.

"These diseases are dreadfully debilitating and the suffering is immense."

The next step in the legal process, Shine Lawyers says, is to investigate the potential to bring lawsuits against the current owners of the factories, so the seven workers can recover compensation for pain and suffering, as well as statutory payments.

"This is really far reaching. Where there is one industry affected, many more follow. The time for talk is over. What we're seeing here is just the tip of the iceberg," Mr Singh said.

"People are dying, people are being destroyed, families are being damaged, so we are calling for all industries and occupations, that produces silica dust, to be rigorously regulated.

The National Dust Disease Taskforce is due to hand down its final report this June.