

Asbestos - time to get rid of it.

A TUC guide for union workplace representatives



Remove this killer dust
Make all workplaces asbestos-free



TUC guidance for health and safety representatives

Asbestos – time to get rid of it

Scale of the problem

Asbestos is the biggest cause of workplace deaths. This year 5,000 people are likely to die prematurely as a result of asbestos exposure. This is around three times the number of road accident deaths. Most of those who die do so as a result of mesothelioma, a kind of cancer that can be caused by very low levels of exposure. Tragically it is always fatal.

Almost all of the people who are dying today were exposed to asbestos decades ago, so asbestos is now often seen as being a problem of the past as its importation and use have been banned since 1999.

That is not the case. The dangers of asbestos are still with us. Asbestos-containing materials can be found in around half a million non-domestic premises (and probably around a million domestic ones).

This means that people are still being exposed to asbestos. It is often people who are working in maintenance, refurbishment or demolition, but people can, and do, become exposed simply by working in a building with asbestos, as fibres can become dislodged and breathed in.

It is impossible to give a clear figure for the number of people who are exposed to asbestos today, or the levels they are exposed to, but we do know it is happening on a daily basis. The Health and Safety Executive (HSE) estimates that 1.3 million tradespeople are at risk of exposure, and they could come into contact with deadly asbestos on average more than 100 times a year.

An analysis of mesothelioma deaths shows that they are far more common amongst occupations such as carpenters, plumbers and electricians, but also occur amongst other workers with no history of work in the construction-related sector but who are likely to be effected through exposure in their workplace. This includes shopworkers, health-care workers, telephone engineers, teachers and finance workers.

▣ WHERE IS ASBESTOS?

Asbestos is present in a range of different forms including lagging on pipes and boilers; sprayed asbestos on pipes and in voids; asbestos cement in the form of roofing, wall cladding, guttering, pipes, water tanks and corrugated sheets, insulating boards, tiling, textured wall coatings, toilet cisterns and asbestos ropes and cloth. Often it is either hidden or has not been identified as asbestos.

As a result it can be found in factories, homes, schools, shops, hospitals, offices, restaurants etc.

There is no safe threshold of exposure to asbestos fibres. This means that the inhalation of small quantities, even over a short period, can lead to mesothelioma several decades after exposure.

It is estimated that over six million tonnes of asbestos fibres were imported into Britain during the last century. Most of this

asbestos is still here. So long as this asbestos is in place, workers will continue to be exposed and thousands more will die as a result of exposure.

What the law says

The current asbestos regulations (Control of Asbestos Regulations 2012) state that those responsible for maintenance of non-domestic premises have a duty to manage the asbestos in them and to protect anyone using or working in the premises from the risks to health that exposure to asbestos causes. They also state that, before doing any building or maintenance work in premises that might contain asbestos, you need to identify where it is, its type (blue, white, brown) and what condition it's in; this helps with assessing the risks and putting in place the right controls to manage these risks.

In practice this should mean that for almost all buildings built before 2000 the employer should assume that the building does contain asbestos and do a survey if any work is to take place in the building. However, the trouble is, this is often not done.

In most cases, work with asbestos needs to be done by a licensed contractor, but even non-licensed asbestos work requires effective controls. Training is required for anyone liable to be exposed to asbestos fibres at work. This includes maintenance workers and others who may come into contact with or disturb asbestos, as well as those involved in asbestos removal work.

However, if existing asbestos-containing materials are in good condition and are not likely to be damaged, the current regulations, and the HSE say that it may be left in place; its condition must then be monitored and managed to ensure it is not disturbed.

Should it be left in place?

The advice that asbestos-containing products can be left in place and just managed, provided they are in good condition and not likely to be disturbed during the normal use of the building, has been the generally accepted practice in the past, but was always seen as a temporary measure. Yet over 15 years after the introduction of a ban on its use, the vast majority of asbestos is still in place and poses a major hazard to both workers and the wider public.

It is extremely unlikely that asbestos is never going to be disturbed if it is left in place for decades. There can be few cupboards, boilers, wall panels and pipes that have had no work done on them since the 1970s, when asbestos use was at its peak. There is therefore considerable doubt that most of the asbestos that is to be found in buildings is going to lie undisturbed for the next twenty years, let alone the next hundred.

Despite the regulations calling for all premises to be surveyed and asbestos-containing materials to be regularly inspected and labelled, we know that this is not happening because of the number of prosecutions of shops, local authorities, factories and others for allowing workers to become exposed. Yet those prosecuted are only a tiny proportion of the employers who put the lives of their workers at risk by exposing them to asbestos. The asbestos regulations, however good they are, are simply not being complied with. In workplaces across Britain, most asbestos-containing material remains unrecognised and even where it has been identified, accidental disturbances by contractors and others are common-place. Asbestos can also be dislodged by the movement of everyday activities.

In addition there is a clear lack of awareness amongst those most at risk. In 2014, when

asked by the HSE, only 30% of 500 tradespeople were able to identify all the correct measures for working safely with asbestos. For this reason there is a need to ensure that all workplaces have a programme of identifying, managing and safely removing and disposing of all asbestos.

The TUC, along with trade unions, asbestos victims support groups and the all-party parliamentary group on occupational safety and health, believe that the Government should pass legislation requiring all employers to do this; but while we lobby, union health and safety representatives can press their employer to remove existing asbestos rather than just "managing" it.

What health and safety representatives should do

The first thing is to find out if there is asbestos in your workplace. If you do not know, ask your employer for a copy of the survey for your workplace. You have a legal right, as a health and safety representative, to see the results of any inspection or survey that has been carried out. If they have not got one then make sure they get one done. There is no point in just taking their word that there is no asbestos in place if they have not done a survey.

If a survey has been done then it is important that it has covered all parts of the building and all buildings that staff or contractors are ever likely to access. Often a survey does not include outbuildings which maintenance workers, meter readers or others have to access occasionally.

If asbestos is to be found anywhere then there has to be a plan to manage it in the interim. That will include labelling, regular inspections, and procedures to ensure that

contractors, maintenance workers and anyone else who may have to work near the asbestos is made aware of its presence. Equally importantly, management and the union should regularly monitor implementation to make sure that the plan is being followed.

Staff must be trained. Not just those who are likely to be working in the vicinity of the asbestos but all workers. After all, line managers need to know about the procedures, so do those who are responsible for contractors. In addition, anyone who works in the building should be told that asbestos is present and informed of the dangers. Training must include refresher sessions and induction training for new staff.

If any worker is exposed to asbestos then the employer needs to keep a health record and provide medical surveillance.

Furthermore, anyone who suspects that they have been exposed can consult their GP and ask for a note to be made in their personal record about the possible exposure, including date(s), duration, type of asbestos and likely exposure levels (if known). Also, many unions keep their own asbestos register of anyone who is exposed. It is important that there is a record, not only in case the worker has to make a claim for compensation, but to ensure that the employer takes measures to prevent any further exposure.

These measures however should not be seen as the end of the matter. So long as asbestos is present there is a risk. Although the law only requires that asbestos is "managed", for unions that is not enough. We know from the huge number of people still being exposed that asbestos is not properly managed. It is not just a problem in factories or construction: hospitals, schools, shops and offices are among those where workers have died from this killer dust and almost any type of workplace

could pose a risk if asbestos is there. That is why union health and safety representatives should call for an agreed plan to safely remove and dispose of all asbestos once and for all.

However much asbestos there is, your employer should use an HSE-registered contractor and must contact the Environment Agency to register the actual removal of the asbestos. There are strict rules for the removal and disposal of asbestos that must be followed. However, all too often not enough is done to ensure that the staff or contractors working near the area are protected during the removal. That is why additional procedures need to be in place to ensure that no one is working in the area while asbestos removal is going on. After removal, independent air tests should be made to verify the area is safe before workers return to that area.

Many employers will argue that they do not have to remove asbestos and are compliant so long as they properly manage it. But in practice trade unions know that all too often mistakes are made and workers are exposed simply because of an error, such as forgetting to train a new member of the maintenance team, or not notifying a contractor who is working on the heating system about the presence of asbestos.

In some circumstances, a failure to control exposure can be a 'dangerous occurrence' under RIDDOR and must be reported to HSE.

There is no place for complacency. It is not only your members that are risk, it is anyone who enters the premises, or who in years to come has to work on refurbishing or demolishing the building. Remember that your workplace could be one of those that the HSE estimates puts 1.3 million tradespeople at risk from asbestos. By ensuring that it is safely removed and disposed of, we can protect our members,

and anyone working in the building in the future.

Checklist

- Has your employer done an asbestos survey and shared it with the union?
- Are the records up to date and accessible?
- Is there an effective plan for the management of asbestos that will ensure that no person is exposed in the interim?
- Have all areas that may contain asbestos been labelled?
- Are asbestos- containing materials regularly inspected for damage/deterioration?
- Have all staff been trained on asbestos risks, given information on its location and instructed on precautions?
- Are contractors always notified of any materials or suspected materials before commencing work?
- If your members regularly work in other locations, are there procedures to ensure that these other places do not pose a risk of asbestos exposure?
- Are there procedures to record any exposure and inform any employees who may have been exposed?
- Is there an agreed plan for removing the asbestos safely, including a practical timetable?
- Are safety representatives fully consulted on all aspects of the asbestos policy?

If the answer to any of these questions is "no" then you need to take action.

Find out more

For more information about the campaign, go to:
tuc.org.uk/asbestos

Advice on asbestos regulations and management is at:
www.hse.gov.uk/asbestos

Advice on the Reporting of Injuries, Diseases and Dangerous Occurrences

Regulations 2013 is at:

<http://www.hse.gov.uk/riddor/report.htm>



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