

# Health and safety Time for change

*Reclaiming health and safety at work*



## Carcinogens – stopping exposure

Around 300,000 people are diagnosed with cancer in the UK every year, and every year more than 150,000 people die from the disease<sup>1</sup>.

Estimates of how many are caused through work vary considerably. The HSE has estimated there are around 13,500 new cases of cancer caused by work every year, with over 8,000 deaths<sup>2</sup>. This is likely to be an underestimate of the real number because there are many links between work and cancer that are still only suspected but not yet proven. The HSE figures only list those where there is a proven or probable link.

Another reason for the lack of accurate figures on workplace cancers is that it is almost always impossible to state accurately that an individual cancer is caused by exposure to a specific chemical or virus or type of radiation. Even if the link can be shown, such as the link between skin cancer and excessive sun exposure, proving the cause is occupational is again very difficult as the worker could also be exposed to the sun on holiday. The figures also do not include deaths from cancer caused by alcohol and tobacco in people who drink or smoke because of work pressures.

The TUC estimates that the true level is likely to be well over 20,000 cases a year with 15,000-18,000 deaths. However, what is important is not whether the number of deaths is 8,000 or 18,000, but that all occupational cancers are avoidable.

We do know that it is estimated that 23% of workers in Europe are exposed to some kind of carcinogen on a regular basis and the figure in the UK is likely to be the same<sup>3</sup>.

### **Why cancer is the Cinderella disease**

The prevention of workplace cancer has a much lower profile in the workplace than preventing injuries from risks such as falls from height or electrocution. This is despite the fact that only between 220 and 250 workers die each year as a result of an immediate injury as opposed to the 15,000-18,000 who die from cancer.

Cancer deaths are treated so differently because of a number of factors. The first is that it is almost always impossible to link a specific instance of cancer with a specific exposure to a cancer causing substance (there are a small number of exceptions such as mesothelioma and asbestos). Secondly when there is a fatality in the workplace it is very visible. Most people who are killed by cancer will die either at home or hospital. Thirdly, many cancers develop decades after the initial exposure. Often the person has retired from work before they develop any of the signs of cancer.

Finally cancer is becoming much more common within society in general and as a result, when someone develops cancer, people only rarely identify the cause as being work.

The delay and the lack of individual certainty, breaks the link between the cancer and the workplace. This means that enforcement action aimed at removing the risks of cancers is rare. When a worker dies as a result of an injury at work there is almost always an investigation by the HSE or local authority. There is no investigation when a worker dies of a work-related cancer, and as exposure often happened many years previously, it is almost impossible to prosecute by that stage.

## **The law**

The Management of Health and Safety at Work Regulations require the employer to conduct a suitable risk assessment of the risks to the health of the workforce. That includes any risk from any hazard that may cause cancer.

The regulations also state that the employer must identify and then introduce the preventative and protective measures needed to improve workplace health and safety. The regulations are quite clear that the first aim should always be to remove the hazard. Unfortunately employers often forget this and see their role as controlling hazards through things like issuing workers with protective equipment. However the law is clear. The first step must always be, where possible, to remove the hazard altogether. This means that employers should always attempt to remove any cancer causing hazards from the workplace.

There are also legally enforceable limits to the levels of exposure to many substances, including most known carcinogens. These exposure limits, called “Workplace Exposure Limits” are the absolute maximum level to which workers can be exposed. However it should be borne in mind that even with these maximums there is still a legal responsibility on employers to reduce levels “as far as is reasonably practicable”. Unfortunately many employers see Workplace Exposure Limits as the level up to which it is safe to expose people. This is not the case as there is no safe exposure limit for any carcinogen and even levels well below the Workplace Exposure Limits can lead to some workers developing cancer.

That is why trade unions believe that the aim should be to remove all exposure to any known or suspected carcinogen in the workplace. We should not accept levels which will continue to lead to workers developing avoidable cancers just because either the European Commission or HSE has decided that this level is “acceptable”. Trade unions want an end to the use of carcinogens in the workplace through changing processes, substituting for other substances or, where that is not possible, ensuring that levels be reduced as low as possible and workers fully protected from any contact with a cancer causing agent.

The goal should be that no worker should be exposed to anything that causes cancer. Where possible that should mean removing carcinogens from the workplace completely and most carcinogens can be substituted for less harmful substances. In some cases that is not practical, but in these cases the worker should be fully protected from exposure. Examples of where a cancer causing agent cannot be removed, but exposure by a worker to any risk can be removed are radiographers and radiation, quarry workers to silica and bus mechanics to diesel exhaust.

There is a legal requirement on any employer only to use a carcinogen if there is no reasonable alternative. In practice this often means that they will continue to use a cancer causing agent if the alternative is more expensive. They will also often not consider alternatives if the exposure levels are below their legal maximum. In fact, regardless of whether there is a cheaper substitute or they are still within the legal maximum, there is still a legal requirement on the employer to remove or reduce exposure “as far as is reasonable practical”.

### **New substances**

Often a substance is only found to cause cancer many years after it is introduced. By then many thousands of workers could have been exposed. Trade unions support the “precautionary principle” which means that if there is a reasonable possibility that a substance may cause harm then there should be a presumption that it will and therefore should be controlled.

### **Enforcement activity**

The level of enforcement of the regulations aimed at controlling exposure to carcinogens is minimal, and that which does take place is usually aimed at those chemicals used in manufacturing rather than the more common ones such as silica, wood dust or radon. Trade unions want to see an enforcement-led campaign by the HSE and local authorities aimed at ensuring that employers who continue to expose their workers to carcinogens are prosecuted. In addition the HSE should not see exposure up to a Workplace Exposure Limit as being acceptable when removal or substitution is an option.

***Trade unions want to see strong regulation and enforcement action to ensure that there should be no exposure to anything that causes cancer. Where possible that should mean removing carcinogens from the workplace completely by changing the process of substituting the carcinogen with another material. In some cases that is not practical, but in these cases the worker should be fully protected from exposure. This can be done by enclosing the process, providing protective equipment, installing ventilation, etc. Examples of where a cancer causing agent cannot be removed, but exposure by a worker to any risk can be removed are radiographers and radiation, quarry workers to silica and bus mechanics to diesel exhaust.***

### **References**

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<sup>1</sup> Cancer research UK <http://www.cancerresearchuk.org/cancer-info/cancerstats/>

<sup>2</sup> HSE. <http://www.hse.gov.uk/statistics/causdis/cancer/>

<sup>3</sup> Occupational exposure to carcinogens in the European Union, Kauppinen et al. *Occup Environ Med*,v.57(1); Jan 2000