

# UNITE LEGAL SERVICES - TRUST YOUR UNION



## ADVICE to safety representatives

Unite has launched a new asbestos campaign aiming to:

- Raise members' awareness of asbestos hazards at work
- Provide advice to Unite safety representatives to help them deal with asbestos at work
- Provide information for all Unite members about compensation issues, Unite's legal services and the Unite Asbestos Register.

The campaign pack comprises three Unite leaflets and a poster for display in your workplaces. These are:

- Unite advice to safety representatives (this leaflet)
- Unite asbestos register
- Unite advice to members who have an asbestos-related disease
- Unite Poster: Asbestos Kills

**ASBESTOS**  
BANNED BUT NOT GONE.  
ALL ASBESTOS CAN  
CAUSE CANCER



If you have been diagnosed with an asbestos disease you should contact Unite's legal service without delay by calling 0800 709 007 for free, specialist legal advice and support from a Unite solicitor.

[www.unitetheunion.org](http://www.unitetheunion.org)

# Introduction: What is asbestos?

## Asbestos diseases

Asbestos kills. All asbestos can cause cancer. It is the single greatest cause of work-related deaths in the UK - at least 5,000 a year - and a damning indictment of corporate negligence - and this figure is continuing to rise.

People who breathe in asbestos dust may be at risk of developing serious and often fatal diseases later in their lives - and often many decades pass before a diagnosis is made. These include mesothelioma, pleural plaques, diffuse pleural thickening, asbestosis - and lung cancer. There is no cure for asbestos-related diseases.

## Types of asbestos

There are three main types of asbestos: chrysotile (white asbestos), amosite (brown asbestos) and crocidolite (blue asbestos). The type of asbestos cannot be identified by its colour.

Never believe anyone who tells you that white asbestos is safe. All asbestos can be dangerous and there is no safe exposure limit.



## Asbestos is still here

Though banned in 1999 asbestos is still present in many non-domestic premises (as well as in homes) including workplaces: factories, schools, hospitals, public buildings, hotels, railway premises, power stations, offices, farm buildings, shops, bus garages etc. The presumption is that any building built or refurbished before 2000 will have asbestos present unless it has been established without doubt that this is not the case.

## What must be done?

Employers should therefore take steps to find out and discuss any action needed with Unite safety representatives.

Most work with asbestos (eg removal) must be carried out by a contractor licensed by the Health and Safety Executive (HSE) but there are some exceptions.

Action must be taken by employers to prevent inadvertent or accidental exposure as well as ensuring that any work with asbestos is managed safely.

This leaflet gives a brief outline of what your employer should be doing to prevent exposure to asbestos dust and the questions you should ask to ensure that you and other members are being protected.

**This is a complex area and if you need more information please contact Unite's Health and Safety Unit.**



**DANGER  
ASBESTOS**



# What should your employer be doing?

The Control of Asbestos Regulations 2012 became law on 6 April 2012. They replace all previous asbestos regulations. Other legislation in force in Northern Ireland, Ireland and Gibraltar will have broadly similar provisions, but this leaflet relates only to legislation in force in GB.

They require dutyholders (ie those who responsible for maintaining your workplace – this may be your employer) to do the following:

- If existing asbestos containing materials (ACMS) are in good condition and are not likely to be damaged, they may be left in place. Their condition must be monitored and managed to ensure they are not disturbed or damaged. If they become damaged then action must be taken to prevent exposure to dust. This may include removing the asbestos completely.
- The person responsible for maintenance of non-domestic premises has 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.
- If the person responsible for managing the premises wants to do any building or maintenance work in premises, or on plant or equipment that might contain asbestos, they need to identify where it is and its type and condition; assess the risks, and manage and control these risks.
- Licensed work: in the majority of cases, work with asbestos needs to be done by a licensed contractor. This work includes most asbestos removal, all work with sprayed asbestos coatings and asbestos lagging and most work with asbestos insulation and asbestos insulating board (AIB). Such work must be notified to the HSE, strict health and safety standards must be adhered to and written records kept.
- If non-licensed asbestos work is being carried out, the employer must have effective controls in place.
- The control limit for asbestos is 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm<sup>3</sup>). The control limit is not a 'safe' level and exposure from work activities involving asbestos must be reduced to as far below the control limit as possible.
- Training is mandatory 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 (e.g. cable installers), as well as those involved in asbestos removal work. Unite advises that employers should provide asbestos awareness training for all employees who are working in buildings which contain asbestos.
- Some non-licensed work must be notified to the relevant enforcing authority.
- Written records should be kept of non-licensed work which has to be notified e.g. copy of the notification with a list of workers on the job, plus the level of likely exposure of those workers to asbestos. This does not require air monitoring on every job if an estimate of degree of exposure can be made based on experience of similar past tasks or published guidance.
- By April 2015, all workers/self-employed people doing notifiable non-licensed work with asbestos must be under health surveillance by a doctor. Workers who are already under health surveillance for licensed work need not have another medical examination for non-licensed work. BUT medicals for notifiable non-licensed work are not acceptable for those doing licensed work.

The prohibition of supply and use of asbestos is covered by REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006).

# Exposure to asbestos?

Members who believe they may have been exposed to asbestos are understandably anxious and concerned about the possible effects on their health. Many cases of inadvertent, short-term exposure to asbestos will most likely have led to minimal exposure to fibres, with little likelihood of any long-term ill health effects. However, this does not mean that employers should not manage asbestos.

Some work activities are more likely to create a significant concentration of asbestos fibres in the air, and therefore add to the risk if suitable precautions are not in place; for example:

- Use of power tools (to drill, cut etc) on most ACMs;
- Work that leads to physical disturbance (knocking, breaking, smashing) of an ACM that should only be handled by a licensed contractor e.g. sprayed coating, lagging, asbestos insulating board (AIB);
- Manually cutting or drilling AIB;
- Work involving aggressive physical disturbance of asbestos cement e.g. breaking or smashing.

Other situations may arise where asbestos may be damaged accidentally and release fibres, for example as a result of unsupervised or unruly activities in schools (eg a group of school students playing football inside damaged the ceiling with a ball, releasing asbestos from the roof void).

Some asbestos-containing materials release fibres more easily than others.

For detailed information on types of asbestos-containing material and the likelihood of fibre release, see Appendix 2 (page 53) of the HSE publication "Asbestos: The survey guide".



## An open and honest approach to asbestos

Some employers may believe (mistakenly) that withholding information about asbestos in the workplace is the best policy.

Unite believes that encouraging an open and honest approach to assessing and dealing with all health and safety risks is essential, especially asbestos, and safety reps have a very important part to play here.



# DANGER ASBESTOS



# Action points

If a safety representative suspects that asbestos is present in a building they should take the following action:

- Get involved in all consultations about asbestos at your workplace with your employer including risk assessments
- Ask for asbestos management in your workplace to be included as a standing item on your health and safety committee agenda.
- Ask the employer what steps they have taken to find out if asbestos is present and what condition it is in (eg inspecting and surveying the premises).
- Ask to see the results of any inspection or survey - and the asbestos management plan and the asbestos register for your workplace.
- Check that your employer has clearly marked all asbestos-containing materials even if they are in good condition.
- Remember that minor damage to some asbestos materials does not always mean that there is serious risk, but if you see material which you have reason to believe contains asbestos, it has been damaged and you believe that there is a serious risk of exposure you should ask everyone to leave the area (so long as the evacuation is managed safely).
- Notify your employer or the occupier immediately. No further work should take place until the area is safe. That means that action must have been taken – eg repair/encapsulation or removal of the asbestos - before work can resume in the area.

If members are concerned about possible exposure to asbestos at work, they should be advised to:

- Consult their GP and ask for a note to be made in your personal record about the possible exposure, including date(s), duration, type of asbestos and likely exposure levels (if known). In some circumstances, your GP may refer you to a specialist in respiratory medicine.
- Ensure that similar information is entered in their occupational health record.
- Complete the Unite asbestos register form. Unite publishes a separate leaflet about this which is available from our website.

# Safety representatives' rights and functions

Unite safety representatives are key to providing better health and safety for Unite members at work. Safety reps have specific legal rights and functions, which enable them to:

- Inspect the workplace regularly.
- Investigate employee complaints concerning health and safety issues at work.
- Investigate accidents, dangerous occurrences and potential hazards.
- Represent workers on health, safety, and welfare matters to their employer.
- Inspect health and safety documents.
- Receive information from HSE Inspectors.
- Establish a joint union-management Safety Committee.
- Receive time off to fulfil these rights and receive training.

Employers are required to consult safety reps, especially about:

- Measures introduced at a workplace that may substantially affect health and safety. Arrangements for appointing health & safety competent persons and emergencies.
- Health & safety information required to be provided to employees.
- Health & safety training arrangements for the workforce, such as induction training.
- New technology to be introduced and planned at work, regarding the consequences to health & safety.

Employers must provide safety reps with the resources to carry out their role. ACAS suggest:

- Room with desk and chairs at work, for carrying out interviews and meetings.
- Secure facilities for storing documents.
- Access to internal and external telephones and word processor (now IT facilities).
- Access to duplicating facilities.
- Notice board.

Other facilities should include copies of relevant statutes, Regulations, Approved Codes of Practice and HSE guidance, copies of safety journals, and legal and international standards that are relevant to the workplace.

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## Abbreviations

AIB	Asbestos Insulating Board
ACM	Asbestos Containing Material
HSE	Health and Safety Executive

# More information

## Unite Health and Safety Advice

Unite health and safety unit - [healthandsafety@unitetheunion.org](mailto:healthandsafety@unitetheunion.org)

Unite health and safety website - <http://www.unitetheunion.org/unite-at-work/healthsafety/>

## Unite asbestos campaign pack

Unite asbestos campaign leaflets [link to be provided]

Unite's Asbestos Register [link to be provided]

Unite's Asbestos campaign poster [link to be provided]

Unite Health and Safety Guide - section on the Control of Asbestos Regulations 2012 (on Unite health and safety website)

## Health and Safety Executive (HSE)

Website [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos) which includes HSE's campaign materials

HSE approved code of practice and a range of guidance which is all free to download includes:

Managing and working with asbestos L143

Approved Code of Practice to the Control of Asbestos Regulations 2012

<http://www.hse.gov.uk/pubns/priced/l143.pdf>

Surveyor's Guide HSG 264 <http://www.hse.gov.uk/pubns/priced/hsg264.pdf>

Asbestos Essentials guidance sheets

<http://www.hse.gov.uk/ASBESTOS/essentials/index.htm>

Asbestos image gallery of photos showing examples of asbestos containing material

<http://www.hse.gov.uk/ASBESTOS/gallery.htm>

## Joint Union Asbestos Committee (JUAC)

JUAC aims to make UK schools and colleges safe from the dangers of asbestos, both for staff and pupils.

JUAC protects education workers by raising awareness of asbestos in schools and promoting improved management of asbestos in education sector buildings. The JUAC members are representatives from Unite, ASCL, ATL, NASUWT, NAHT, NUT, Voice, UNISON, UCATT and GMB.

<http://juac.org.uk>



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