

Asbestos – Q & A

What is asbestos?

Asbestos is the name given to a group of naturally occurring minerals used in certain products. The main groups of asbestos are:

- Blue asbestos (Crocidolite);
- Brown asbestos (Amosite);
- White asbestos (Chrysotile).

Although all are dangerous, blue and brown are 500 and 100 times respectively more dangerous than white asbestos. Please note that despite their names they cannot be visually identified by colour.

Where can it be found?

Asbestos is mainly found in building products such as cement products, textured coatings (decorative finishes on ceilings such as artex), floor and ceiling tiles, sprayed coating, asbestos insulating board (AIB), pipe lagging and loose asbestos in ceiling or floor cavities. However it is also used in other products such as vehicle brakes, fire doors and blankets.

Why is asbestos dangerous?

According to the Health and Safety Executive (HSE) asbestos is responsible for 4500 deaths a year, and is the biggest single cause of occupationally related deaths. This is likely to be an underestimate because this figure only includes those that have been reported and proved as being attributable to asbestos. UNISON believes there is a high degree of under-reporting of exposure to asbestos and this makes it harder for victims to prove the cause of their illness. Asbestos containing materials (ACMs) are potentially harmful when they are releasing dust or fibres into the air which can be inhaled or ingested and if small enough pass deep into the lungs, or if swallowed, into the digestive tract. Once they are trapped in the body, the fibres can cause health problems and the following serious diseases:

- **Mesothelioma** is a rare form of cancer that develops from cells of the mesothelium, the protective lining that covers many of the internal organs of the body. It most commonly occurs in the outer lining of the lungs and internal chest wall, but it can also arise in the lining of the abdominal cavity and the sacs that surrounds the heart and testicles. It is always fatal;
- **Lung cancer** is a disease characterized by uncontrolled cell growth in tissues of the lung. Although not always fatal only 7.8% of men and 9.3% of women survive five years or more after initial diagnosis. For more information on survival rates for lung cancer go to the [Cancer Research](#) website;

- **Asbestosis** is fibrosis, or scarring of the lungs caused by long term or heavy exposure to asbestos. In itself it is not generally fatal and the majority of those diagnosed with asbestosis live with their disability all their lives and once it reaches a plateau it tends not to deteriorate further. However it can become very debilitating and there is a 10% chance of it developing into mesothelioma and a 20 – 50% chance of it developing into lung cancer. It therefore needs to be closely managed and monitored;
- **Pleural plaques** are areas of calcification on the lining of the lungs, chest wall, and diaphragm. In some cases this can develop into damage and thickening of the wall between lungs and rib-cage resulting in chest pains and breathlessness. Although not fatal this can be very debilitating and needs to be monitored to check that it does not develop into more serious conditions.

Who is likely to be at risk?

Anybody working in a building built before the end of 1999 (when its use in buildings was banned) could be at risk. Although the dangers of asbestos exposure had been known about for many years it was not until the 1970s that employers started to take real steps to try and protect workers.

There is no such thing as a safe level of exposure. However, a key factor in the risk of developing an asbestos-related disease is the total number of fibres breathed in, and it is those working on or near damaged ACMs or breathing in high levels of asbestos fibres, which may be many hundreds of times that of normal environmental levels, that are most at risk of an asbestos-related disease. Therefore building and maintenance staff are the most likely to be at risk as they are the ones that are required to work in areas where asbestos is present. These include:

- Heating and ventilation engineers
- Demolition workers
- Carpenters and joiners
- Plumbers
- Roofing contractors
- Painters and decorators
- Plasterers
- Construction workers
- Fire and burglar alarm installers
- Shop fitters
- Gas fitters
- Computer installers
- General maintenance staff e.g. caretakers
- Telecommunications engineers
- Building surveyors
- Cable layers
- Electricians

In addition asbestos is dangerous to anybody working in a building when it is damaged or not properly sealed or worked on in an appropriate manner. This particularly applies to CLASP or “system built buildings”, built between 1945 and 1980. The CLASP (which stood for Consortium of Local Authorities Special Programme) system was developed in the 1950s by English local authorities as a method of designing and assembling prefabricated buildings for use in the public sector. They were designed to be of standard construction using a relatively

light-weight steel girder construction with panel infill. Large quantities of asbestos were used in their construction, in such diverse locations as ceilings, partition walls, heaters, water tanks, pipes and window surrounds. .

What does UNISON say about asbestos?

UNISON believes there is no safe level of exposure to asbestos. That is why UNISON has campaigned for stronger measures to prevent exposure in buildings where asbestos is still used, and ultimately for the complete eradication of asbestos. UNISON has campaigned against poorly maintained CLASP structures and in particular their continued use in the schools sector where the cuts in the schools building programme resulted in their continued use. The Department for Education estimates that more than 75% of schools contain asbestos in England and Wales. These figures are likely to be similar in Scotland and Northern Ireland and wherever poorly maintained CLASP buildings are used. Both staff (such as teachers, teaching assistants, catering, nursery, administrative and maintenance workers) and pupils are being put at risk. Indeed in 2012 a UNISON member, a former school caretaker from the Blackpool area died from mesothelioma. Children and teaching staff are also known to have been victims of the disease. Indeed children are most vulnerable to exposure and, compared to staff or parents, up to 40 times more likely to develop mesothelioma over the course of their lives.

However this issue is not unique to the education sector and it can affect UNISON members in other sectors who work in CLASP structures, or any other poorly managed buildings where asbestos is used.

UNISON has also campaigned for measures that will make it easier for victims of asbestos related diseases to get the compensation they deserve in a timely fashion.

What is a duty holder and what are their legal duties?

The duty holder is the employer or body responsible for the maintenance of the workplace. Under general health and safety law they must as far as is reasonably practical ensure the health and safety of employees, and also take reasonable steps to ensure that non-employees (e.g. pupils in a school, patients in a hospital) are not exposed to risks. They must assess the risks of exposure to asbestos as they would any other hazard.

In addition the Control of Asbestos Regulations 2012 (which superseded the 2006 Asbestos Regulations and implemented EU Directive 2009/14) explains to duty holders what they must do to manage asbestos contained in the workplaces they are responsible for. They must maintain an asbestos register based on an up to date asbestos management survey to locate any ACMs. The duty holder themselves can conduct the asbestos survey as long as the premises are simple and straightforward. Otherwise, a surveyor is needed. Once complete records must be kept for 40 years or, if the business ceases to operate, offered to their workers (this includes all current and previous employees) or the HSE.

The regulations also say the duty holder must:

- When wanting to do any building or maintenance work on premises, plant or equipment that might contain asbestos, identify where the asbestos is, its type and condition. They must then assess, manage and control the risks;
- Where existing ACMs are sealed and in good condition, ensure they are not damaged or disturbed, and their condition is monitored and managed;

- Ensure anyone using or working in the premises is protected from the risks to health that exposure to asbestos causes;
- Ensure anyone liable to be exposed to asbestos fibres at work receives adequate information, instruction and training. This should include the properties of asbestos, its health effects, type of products or materials likely to contain it and operations which could cause exposure;
- Ensure all licensed work is done by a licensed contractor. This work includes most asbestos removal, all work with sprayed asbestos coatings and asbestos lagging, and most work with AIB.

The regulations also contain stipulations for all unlicensed work including:

- That some unlicensed work is notifiable;
- The requirement of the duty holder to keep written records of all such work;
- What is allowable as unlicensed work;
- That from 2015 all workers/self employed doing notifiable non-licensed work must be under health surveillance by a Doctor.

What must members do?

They must let their managers know if they think they are at risk of exposure to asbestos, and should also inform their local safety rep. They must comply with any instruction given by their manager to protect their health and safety and attend any training provided on the management of asbestos.

If they think they have been exposed to asbestos, they must not only inform their manager but also should inform their General Practitioner (GP), safety rep and fill in **UNISON's [Asbestos Exposure Declaration](#) (run in conjunction with Thompsons Solicitors)**. UNISON can assist members in obtaining any compensation they are entitled to by referring their claim through our legal assistance scheme to our lawyers who are experts in this field. Having specialist legal assistance is vital as the insurance industries have continued to vigorously oppose such claims, raising many technical legal challenges.

For most of our members the risk of contracting a disease through exposure to asbestos fibres is low. This is because for most, due to the work they do, any level of exposure is likely to be low. However as explained above although those most at risk are those with a high level of exposure, any level has the potential to cause a disease. In addition the time between being exposed to the fibres and developing an asbestos related disease can be many years. Therefore whatever the level or risk of exposure the **[Asbestos Exposure Declaration](#)** allows members to permanently and confidentially register details of where and when they may have been exposed to asbestos together with the names and addresses of work colleagues who were present at the time. Then even if it is a number of years before they actually develop an asbestos related disease the information stored on the register would be an invaluable practical resource. Members should also engage with their local health and safety rep about any asbestos related issues and concerns in their workplace. Also if there are no safety reps in your workplace you may want to consider becoming one. Should you choose to do so UNISON will provide you with all the training you need. For more details read the UNISON recruitment leaflet on becoming a safety rep available on the UNISON online catalogue.

What can branches do?

- Where your members work in a building that may contain asbestos, ensure your employer or duty holder complies with all their legal duties including keeping an up to date Asbestos Register. Ask them to share the contents of the register with the trade unions;
- Ensure that any workers who are likely to be exposed to asbestos receive the appropriate level of training and instruction;
- Make sure your workplace has a Health and Safety Committee. The law says that every employer, if requested in writing by at least two safety reps, must establish a safety committee on which there should be 50/50 management and union representation;
- Where asbestos is an issue ensure that it is standing item on your workplace Health and Safety Committee, any branch health and safety rep meetings, and ensure your branch health and safety officer is kept informed of any asbestos related issues. You may also request that it is raised at your UNISON Regional Health and Safety Forum or Committee;
- If after making representations you do not think your employer is fulfilling their legal duties in managing asbestos you may want to consider contacting your UNISON Regional Officer who will be able to advise you on additional measures you can take such as alerting the HSE or the local authority environmental health department depending on who polices health and safety in your workplace;
- Publicise UNISON's Asbestos Exposure Declaration, who it is intended for and why we want them to use it;
- Use asbestos as an organising and recruitment tool, and if you are reading this information sheet and are not a UNISON member, become one! Unionised workplaces are safer workplaces. More details on recruiting and organising around health and safety can be found on the UNISON online catalogue (see further information below);
- Lobby and write to your MP and local councillors telling them why we need stronger measures on asbestos including:
 - Stronger enforcement of preventative measures;
 - Improved compensation for the victims of asbestos exposure;
 - Publicly funded programmes to replace high risk buildings such as CLASP structures.
- If you are holding a branch meeting on asbestos and require a speaker remember to contact your region, or Thompsons if you need a speaker with legal expertise.

Further information:

1. UNISON Asbestos Exposure Declaration: <http://www.unison.org.uk/documents/3812>
2. UNISON Asbestos in Schools campaign web pages:
<http://www.unison.org.uk/news/articles/unison-steps-up-campaign-against-asbestos-in-schools>
3. The following publications are available on the UNISON Online Catalogue (<http://www.unison.org.uk/for-activists/help-and-advice/communicating/online-catalogue/>):
 - Safety-in-Numbers poster, leaflet, toolkit and pack (stock nos 3249/3250/3251);
 - Safety –in-Numbers Pack (containing all of the above) 3252;
 - Organising for health and safety (stock no. 2994)
 - Health and Safety Rep recruitment poster, leaflet (stocks nos 1681/1682)
 - Health and Safety Rep recruitment pack (containing all of the above) (stock no. 1683)
 - Risk Assessment – a UNISON guide (stock no. 1351)
4. HSE Asbestos web pages: <http://www.hse.gov.uk/asbestos/>
5. TUC Asbestos web pages: <http://www.tuc.org.uk/workplace-issues/health-and-safety/asbestos>
6. Thompsons Asbestos Related Illness web pages:
<http://www.thompsons.law.co.uk/workplace-illnesses-and-diseases/asbestos-related-diseases.htm>;
7. Cancer Research (lung cancer survival rates):
<http://www.cancerresearchuk.org/cancer-info/cancerstats/types/lung/survival/#one>