Guidance for health and safety representatives: asbestos

> This guide provides an overview of asbestos in the workplace to assist health and safety representatives exercise their powers and functions to represent workers in their work group.

As a health and safety representative (HSR) you can play an important role in representing members of your work group and bringing attention to issues such as the risk of exposure to asbestos. You are not expected to 'fix' the issue or be an expert on asbestos to exercise your HSR powers and functions. The primary responsibility for ensuring a healthy and safe workplace rests with the person conducting a business or undertaking (PCBU) (e.g. your employer), and the person with management or control of the workplace (e.g. site manager).

Asbestos products in Australian buildings are anywhere between 30-100 years old. This means that asbestos containing materials are degrading, increasing the risk of exposure to asbestos fibres. This guide is for HSRs in workplaces where the workers they represent may be at risk of exposure to asbestos, focused on the built environment. It is not intended for those involved in licensed asbestos removal or the management of naturally occurring asbestos where there are specific or different WHS requirements.

The risk of exposure to asbestos can arise from activities such as:

- maintenance or repair work
- accidental damage or disturbance of asbestos materials
- refurbishment or retrofitting, or
- demolition.

Understanding more about asbestos and what the PCBU and person with management or control must do to manage the risks of exposure can help you identify when things are not being managed well and when you might want to speak up.

This guide is based on the model WHS laws. Some jurisdictions have made variations in their respective WHS laws compared with the model WHS laws. Please contact your WHS regulator for assistance in understanding the WHS requirements or safe work procedures that apply in your jurisdiction.

This guide does not reflect all requirements under the model work health and safety (WHS) laws and should not be relied on by duty holders to understand their WHS duties.

1 What is asbestos and why is it dangerous?

Asbestos is a naturally occurring rock-forming mineral consisting of thin fibres. Asbestos was previously used in a wide range of products for its heat-resistant properties and strength.

Asbestos becomes dangerous to health when the fibres are released into the air and inhaled. The fibres can become trapped in the lungs, potentially causing debilitating and life-threatening diseases such as lung cancer, mesothelioma and asbestosis. These diseases typically develop slowly, with symptoms often not appearing until 20 to 30 years after exposure.

Since 31 December 2003 it has been illegal to manufacture, import, supply or use asbestos in Australia, however, asbestos-containing materials (ACMs) are still found in many older buildings, structures, appliances and machinery. When these materials are damaged, disturbed or deteriorating, they are more likely to release airborne asbestos fibres.

Asbestos in its natural state may also be found in some workplaces. Naturally occurring asbestos may be encountered in road building, site and construction work, and other excavation activities.

The Asbestos and Silica Safety and Eradication Agency has more information about asbestos health risks and safety, and who to contact if it's in your home or community.

1.1 How do you know if there is asbestos in a workplace?

It is difficult to tell if something has asbestos in it just by looking at it. Only a competent person who has training and experience can conduct an asbestos inspection (i.e. survey) to identify all asbestos and ACMs at your workplace. An asbestos survey may include visual inspections, consultation with workers and those familiar with the site, and seeking background information such as information about the age, construction or refurbishment of the workplace or plant. The survey usually also involves testing a small sample of any suspect material in a laboratory accredited by the National Association of Testing Authorities (NATA) or approved by the WHS regulator to confirm the presence of asbestos.

An asbestos survey provides information on the presence, location and condition of any asbestos and ACMs in the workplace. The survey should also assess the risk of identified ACMs releasing asbestos fibres, so that appropriate control measures can be implemented to prevent exposure. This information must be recorded in an asbestos register (for buildings, structures or plant built or installed before 2004, or in Queensland, buildings built before 1990) and an asbestos management plan (excluding residential premises). These documents must be readily accessible to workers.

The Asbestos and Silica Safety and Eradication Agency has developed an online Asbestos Product Guide with more information on where you might find asbestos in the workplace, and a National Guide for Asbestos Surveys for information about the asbestos survey process.

1.2 How is the risk of exposure assessed?

When deciding whether there is a risk of exposure to airborne asbestos, the likelihood of asbestos fibres being released into the air can be assessed by considering:

- whether the ACM is friable (soft and powdery, easily crushed by hand pressure) or non-friable (fibres bonded in a matrix)
- the condition of the ACM (surface treatment, extent of deterioration or damage)
- the likelihood of disturbance, for example through maintenance activities or movement of plant and equipment, and
- if the asbestos is in an area where workers may be at risk of inhaling airborne asbestos fibres.

In some situations, air monitoring may also be used to help assess the risk of exposure to airborne asbestos fibres. This involves a competent person collecting air samples and sending them to a NATA accredited laboratory, or laboratory approved by the WHS regulator for analysis. A competent person is someone with the experience and skills to carry out monitoring and interpret the results, such as an occupational hygienist or asbestos assessor.

The need for air monitoring will depend on the particular circumstances. For example, control air monitoring is mandatory during removal of friable asbestos, and can also be used to ensure assess the effectiveness of controls during other types of asbestos removal work.

2 What must your PCBU (e.g. employer) do?

To assist you in using your functions and powers as an HSR, it's helpful to understand what your PCBU must do under the model WHS laws to keep workers safe at work.

PCBUs must ensure that the risk of exposure to airborne asbestos is eliminated or, if elimination is not reasonably practicable, minimised so far as is reasonably practicable. The PCBU must also not carry out, or direct or allow a worker to carry out, work involving asbestos, except under specific circumstances outlined in the WHS regulations. The PCBU and the person with management or control of the workplace must also:

- provide access to an updated **asbestos register** and if reasonably practicable indicate the location of ACMs with labels or warning signs to ensure workers and others in the workplace do not accidentally disturb asbestos
- prepare an **asbestos management plan** that provides details on the identification of asbestos, how risks will be managed (such as prioritising the removal of high risk ACMs), procedures for incidents or emergencies, and information on the workers carrying out work (such as how they will be consulted)
- provide appropriate **training** for workers who may come into contact with asbestos. There are specific requirements for the training of workers undertaking asbestos related work or asbestos removal work.

If asbestos is likely to be disturbed as part of demolition or refurbishment, then it must be identified and safely removed so far as is reasonably practicable before the work starts.

The person with management or control of the workplace must ensure the asbestos register and asbestos management plan are readily accessible to workers (including maintenance contractors), HSRs and other PCBUs who undertake work at the workplace. An asbestos register must be reviewed and revised at least every 5 years, or sooner if:

- there are changes to the asbestos management plan
- further asbestos is found, or
- existing asbestos is removed, disturbed, sealed or enclosed.

An asbestos register must also be reviewed before demolition or refurbishment is carried out and revised if it is inadequate.

As an HSR, you can request a review of an asbestos management plan if you reasonably believe that the person with management and control of the workplace has not adequately reviewed it in response to changes to the asbestos register or the management of ACMs at your workplace.

PCBUs must also ensure that the exposure standard for asbestos (airborne fibre levels) is not exceeded at the workplace, which may require **exposure** air monitoring.

Exposure air monitoring (the levels of airborne asbestos fibres present in the worker's breathing zone) should be carried out to determine a worker's exposure to airborne asbestos if there is uncertainty as to whether the exposure standard may be exceeded at the workplace. Where air monitoring is carried out, the PCBU must keep records of the results for 30 years and must ensure that the results of air monitoring are readily accessible to persons at the workplace who may be exposed to asbestos.

For more information on managing asbestos risks in the workplace, including keeping an asbestos register and asbestos management plan, see the Safe Work Australia website.

2.1 Asbestos removal

Your PCBU must identify hazards and assess and control risks in the workplace. Your PCBU should aim to eliminate risks (for example by removing asbestos entirely). If that's not possible, they must minimise risks so far as is reasonably practicable. A risk assessment and advice from a competent person will help to determine the most appropriate asbestos management strategy for asbestos identified at your workplace.

The ultimate goal is to have a workplace free from asbestos. In many cases removal, if carried out safely, is the most effective control measure, particularly when dealing with friable, damaged or deteriorating ACM, for example:

- asbestos lagging on pipes
- asbestos-contaminated dust
- loose fibre insulation
- asbestos cement roofs or fences
- cracked or damaged fibreboard containing asbestos
- asbestos that is likely to be disturbed through maintenance activities or the movement of plant or equipment.

In most circumstances, WHS laws require asbestos to be removed from workplaces by a licensed asbestos removalist. The licensed removalist must prepare an asbestos removal control plan and consult the PCBU, person with management or control of the workplace and workers (including HSRs) before the licensed asbestos removal work commences. The person with management and control of the workplace also has duties to tell certain persons (their workers, person who commissioned the work, other PCBUs, persons in immediate vicinity of workplace) that asbestos removal work is to be carried out at the workplace before the asbestos removal work commences.

Signs and barricades must clearly show where asbestos removal is happening, so workers do not enter those areas until work is finished. Asbestos that is removed must be sealed in a suitable container and disposed of at a licensed waste disposal facility. Following licensed removal work, an inspection and clearance certificate from an independent licenced assessor not involved in the removal work is required before the work area can be reoccupied for ordinary use.

Depending on the type of asbestos being removed, air monitoring may be needed during the removal process (to detect asbestos fibres travelling outside the removal area) and following removal to confirm that the area is free from airborne asbestos fibres and is ready for reoccupation.

> In most jurisdictions, no more than 10m² of non-friable asbestos can be removed without a licence. However, there are different requirements in the ACT and Victoria. You should contact your WHS regulator to confirm the specific requirements that apply to your workplace.

2.2 Managing asbestos in situ

If it is not reasonably practicable to remove asbestos, other control measures must be implemented to minimise the risk of exposure to airborne asbestos. Selecting the best control measures for the job will depend on the type of asbestos and how exposure might occur.

Controls such as encapsulation or sealing should be considered as interim measures until the ACM can be safely removed. The condition of any remaining asbestos must be monitored for signs of further deterioration.

Damage or disturbance of asbestos materials should be avoided when cleaning, maintenance or repair work is carried out. High-pressure water spray and compressed air must not be used on asbestos or ACM (e.g. to clean asbestos materials). However, high-pressure water spray can be used for firefighting or fire protection purposes.

If it is necessary to perform permitted work on ACMs, for example cutting a small hole to install a cable, suitable control measures that contain or suppress the release of asbestos fibres must be used, such wetting the material or using on-tool dust extraction. PCBUs must not use, or direct or allow a worker to use, power tools (e.g. angle grinders, sanders, saws and high speed drills), brooms and brushes (unless brushes are used for sealing) and any other equipment or tool that may release airborne asbestos in the workplace unless its use is controlled. This means that the tool, or its use, should be designed to capture or suppress airborne asbestos.

Following any asbestos-related work being carried out, there are requirements to ensure the work area, tools and workers are decontaminated and asbestos waste is disposed of properly.

2.3 Consulting with workers

Your PCBU must consult with workers, including you as an HSR, about health and safety issues that may directly affect them. This includes when:

- identifying hazards, such as asbestos, and assessing risks
- making decisions about ways to eliminate or minimise the risk from exposure to airborne asbestos fibres
- conducting activities that could damage or disturb ACMs in the workplace
- proposing changes that may affect the health or safety of workers.

Consulting with workers can help to inform asbestos registers and asbestos management plans. For example, workers may be able to provide information on the history of the building, including renovations or repairs undertaken, and insights on where asbestos might be located, how the building is used, and how asbestos disturbance might occur.

Consultation should be done in a way that is accessible and can be understood by everyone, for example, people who are culturally or linguistically diverse.

For further information on when and how you should be consulted, see the information on the Safe Work Australia website.

2.4 Health monitoring

Your PCBU must provide and pay for health monitoring for workers who are at risk of exposure to asbestos when carrying out:

- licensed asbestos removal work
- other ongoing (unlicensed) asbestos removal work, or
- any other asbestos-related work where there is a risk of exposure to asbestos.

Health monitoring involves using medical tests to monitor and protect a worker's health because of exposure to hazardous chemicals, including asbestos. The PCBU must inform workers of the need for and details of any health monitoring requirements before the worker carries out any work that may expose them to asbestos.

Health monitoring is carried out by or supervised by a registered medical practitioner (a doctor) with experience in health monitoring.

There are rules around what can and can't be shared between the PCBU and the doctor monitoring a worker's health. The doctor will tell the PCBU if health monitoring shows the worker has been exposed to a hazardous chemical at work and this has given the worker an injury, illness or disease, and may provide recommendations about work practices and what should be done to protect the worker's health. A health monitoring report is a confidential health record and must not be disclosed to another person (including an HSR) except in accordance with the WHS Regulations or with the consent of the worker. The PCBU must keep health monitoring records for at least 40 years after the record is made.

3 What can you do to support safe work around asbestos?

As a worker, you have a duty to take reasonable care for your own health and safety, and to ensure your actions do not negatively impact the health and safety of others. You must, as far as reasonably practicable, follow any reasonable instructions (such as those given by your PCBU or a licensed asbestos removalist), and cooperate with health and safety policies and procedures.

As an HSR you also have a number of powers and functions that you may choose to exercise when considering how to support safe work around asbestos.

3.1 Seek and receive information

As an HSR, your PCBU must allow you access to information related to the health and safety of workers in your work group. This includes ensuring that you have access to the current asbestos register and asbestos management plan. This information may help you understand the location, type and condition of asbestos in your workplace and what risk controls are in place.

If licensed asbestos removal is being undertaken, you must also be given access to the asbestos removal control plan. You must also be provided with any air monitoring results once removal work has been complete. You can also ask to view the clearance certificate issued by the person who carried out the clearance inspection.

3.2 Workplace inspection

You may also choose to inspect the workplace where your work group works at any time after giving reasonable notice to the PCBU at that workplace. What is 'reasonable notice' will depend on the circumstances in any given case. In many cases, notice should be provided 24 hours prior to an inspection.

An inspection could include looking at structures at the workplace, the processes and procedures for how work is done, or the control measures used to eliminate or minimise risk from asbestos. Remember, only a competent person who has the right training, qualification or experience can identify asbestos in the workplace.

You may also choose to immediately inspect the workplace without providing notice in the event of an incident or any situation involving an immediate and serious risk to health or safety, for example a risk of imminent exposure to asbestos. Only enter the area if it is safe to do so with appropriate control measures in place.

3.3 Provisional improvement notices and ceasing unsafe work

A provisional improvement notice (PIN) is a notice that is issued to a person requiring them to address a health and safety concern in the workplace. A PIN may be issued if an HSR reasonably believes that a person is contravening or has contravened a provision of the WHS Act in circumstances that make it likely that the contravention will continue or be repeated.

As an HSR you can also direct workers in your work group to cease work if you have reasonable concern that carrying out the work would expose the worker to a serious risk, emanating from an immediate or imminent exposure to a hazard such as asbestos.

Before issuing either a PIN or a direction to cease work, you must first attempt to resolve the matter by consulting the PCBU for whom the workers are working. You can also issue a direction to cease work without first consulting if the risk is so serious and immediate or imminent that it is not reasonable to consult before giving the direction. Your WHS regulator can also assist you in resolving the dispute. You must have completed the required HSR training before you are able to issue a PIN or a direction to cease work.

4 Where to go if you have concerns

If you think there's asbestos in your workplace, or if you are concerned about the way it is being managed, talk to your PCBU first. If you're still concerned, contact the WHS regulator in your jurisdiction.

When exercising your powers and functions as an HSR, you may also request assistance from any person if necessary. This could include a person with expertise in work health and safety or asbestos, either within the workplace (for example, another HSR), or external to the business or undertaking (for example, a health and safety consultant, a subject matter expert, or a union official). Your employer is not required to pay the person who provides assistance.

5 Further information and resources

The Asbestos and Silica Safety and Eradication Agency

- National Guide for Asbestos Surveys - provides information about the asbestos survey process
- Asbestos Product Guide - provides images and detailed descriptions of various asbestos products, including information on when and where they were used
- Asbestos National Strategic Plan - provides a long-term, phased approach to eliminating asbestos-related diseases in Australia through nationally consistent and coordinated actions

Safe Work Australia

- Asbestos checklist – for health and safety representatives
- Asbestos – overview of WHS duties and risk management for exposure to asbestos
- Consultation - information on consultation and the role and function of HSRs
- Model Code of Practice: How to manage and control asbestos in the workplace
- Model Code of Practice: How to safely remove asbestos
- Asbestos registers at the workplace guide
- Airborne contaminants hub – includes information for workers on airborne contaminants and the workplace exposure standards/limits
- The model WHS Act
- The model WHS Regulations