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Daily Hazard

LONDON HAZARDS

How Safe is the Tube?

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Recent events on the Underground, not just in London, have raised many critical questions on safety for both travellers and staff. On the day of the Daegu disaster, the Daily Hazard interviewed Patrick Sikorski, the Assistant General Secretary of the Rail, Maritime and Transport union on the union's approach to safety and what the RMT believes should be done in the present situation. The RMT is the biggest union on the Tube, representing all grades and Patrick himself was a driver before taking up his present position.



Is this the way we are heading on the Tube?

Derailment

Daily Hazard. Let's start with the Central Line derailment. The line controller decided to take the train out of service at Holborn and the train derailed before it got there. Do you think his decision was justified?

Patrick Sikorski. The driver reported that something was going wrong when he was at Leytonstone and it would have been possible to take the train out of service there. This should have been done. Instead a Station Assistant was put on to listen for engine noises who got off at Stratford reporting nothing unusual. There were then reports from drivers going in the opposite direction that something was happening at the back end of the train. It was clear by Liverpool St that there was something very serious going on. A second member of station staff at Liverpool Street was told to listen out for unusual noise but didn't report anything. I don't know if the members of station staff had any training or experience of this kind of thing.

There is a question mark about whether there was really an intention to take the train out of service at Holborn or whether this is just a rationalisation which is being offered with hindsight.

I say this because the culture now, and I put a lot of this down to the Public Private Partnership, is driven by commercial interests and commercial needs and not by safety first. Safety First used to be carved in tablets of stone and this was drilled into trainees on the induction course. If in doubt take it out was the watchword. There was no victimisation of anyone who did that and could demonstrate that they had a valid safety worry. Now the emphasis in training new entrants is on customer care and on the overwhelming need to keep the service going in order to avoid delays, which under privatisation incur penalty payments. Staff are just told to obey the line controller's instructions and can be disciplined if they don't.

DH. What do you think was the cause of

this accident, what is your current view about that?

PS. There was certainly a problem with the bolts holding the motor onto the chassis shearing off causing the motor to fall off. There is a design fault with the location of the motor resulting in excessive vibration. In addition there may have been something wrong with the gearing of the motor and this meant that it was red hot when it fell off. It wasn't just a question of vibration and bolts shattering – the motor was red hot as well.

DH. There are reports of at least three other similar incidents, what do you know about that?

PS. There have definitely been two other incidents and there may have been a third. There are reports of motors falling off in Loughton sidings and at Hainault depot.

DH. So the management knew that they had a maintenance fault or a design fault or something systematic. How long had they known that?

PS. They would have known from the first

incident at Hainault in October 2001. Then the Loughton incident was in September 2002 and resulted in a derailment. Following the incident at Loughton the management introduced inspections every five days but it turns out that a lot of these were cursory visual checks and some were done by sub-contractors. There are major problems with this as their people are not trained as fully as London Underground staff.

DH. Do you think it would make a difference if there was a guard on the train?

PS. Yes. Arising out of this incident we are going to propose two issues to London Underground. The first is the introduction of a "No Victimisation – Safety First" clause in all staff contracts so that when staff act upon legitimate safety concerns, they won't be victimised for it. We are also going to campaign for the reintroduction of guards on trains. In an incident such as this a guard – familiar with train running – would have been alerted by all the banging and clattering. In addition, in the event of a fire, you need someone at the back of a train to help with the evacuation. The driver is not going to be able to handle that on his own.

DH. Do you think there is any chance of similar incidents on other lines?

PS. There are problems with overheating of the axles of Piccadilly line trains. This has just come to light and is being investigated at the moment. Part of the problem is the age of the stock. It should be pointed out that under PPP only a handful of new trains will arrive each year during the early years of the contracts and it is only much later that we may get significant amounts of new rolling stock.

Terrorist attacks

DH. Let's move on to talk about the possibility of a terrorist attack. What precautions and preparations have been made in the event of an attack and has the RMT been involved or consulted in drawing up the plans?

PS. Management are relying on the normal evacuation procedures to get the maximum number of people away from the scene of any attack.

Very few people have been made aware of the projections for casualties in the event of a terrorist attack on the Tube that might have been made in confidential management or government reports. As far as I know, no-one in the union has been

involved in the drawing up of plans in the event of such an attack.

There is only natural ventilation in the Underground. There are no extractor fans and their use is ruled out by the physical nature of the tunnels which are of an old fashioned narrow type not found in other cities.

Staff are trained to look out for suspicious packages and so on. That is under control. The RMT issued a policy statement after the events of 9/11 in New York that launching a war in response would produce even more terrorists and increase the chances of an attack in cities like London. Unfortunately, that is even more likely now with the drive to war on Iraq by Bush and Blair.

DH. Do you know if the evacuation procedures are ever actually tested?

PS. Evacuation procedures are tested on a regular basis especially in the deep level tube sections. But by their very nature such exercises do not take place under real emergency conditions. And sometimes, even though there is no fire or collision, muddle and confusion can reign, as happened with the real incident at Highbury & Islington in 2001.

For a train stuck in a tunnel, there used to be an understanding between the driver and the guard on how and when to carry out an evacuation but this has gone now and I think there are big gaps in people's knowledge of how to carry out a safe evacuation.

DH. So the union is not involved in disaster planning. Would you want to be?

PS. No, we're not involved. And, yes, we would like to be.

Fire

DH. The Daegu tragedy has put the issue of fire back at the top of the agenda. And we know what happened at King's Cross. Have you got any concerns now about cleaning, maintenance issues and all the other basic precautions against fire?

PS. Basic housekeeping, the removal of rubbish and so on, underwent a massive leap forward after King's Cross. The ban on smoking was also key. But we are dealing with a crumbling infrastructure where there has been inadequate investment for 40-50 years. Under PPP, there are now going to be hundreds of work sites and hundreds of sub-contractors on the Underground. They are going to be replacing signalling equipment and cabling which is 60-80 years old. They don't have the training or safety culture that

our people have. Our people are going to have to be on high alert to try and police what is going on, but the fire risk is going to increase exponentially.

Violence

DH. Under the previous regime, under the safety plan, there seemed to be virtually nothing being done about violence to staff and to members of the public, the subject was essentially not dealt with. Is that your view as well? What do you think needs to be done about the situation to minimise violence?

PS. This is a growing problem.

Management are constantly trying to push through a policy of station de-staffing especially on the open air sections of the Tube and this is leading to an increase in assaults. There was a big problem of vandalism and assaults on the east end of the District Line a couple of summers ago and the management responded with police dog teams and even a helicopter. But that could only be kept up for a short time and after a period of quiet the assaults started up again. We want to see adequate staffing at all stations, with at least two people on duty at all times, with a guaranteed place of safety and the right to retire to it if necessary. And there should be educational programmes on how to deal with violence. We're worried now that staffing levels will get squeezed as all the money goes on sub-contractors.

Asbestos

DH. There has been a running battle between the RMT and the employer for 40 years or longer about dust and asbestos on the Underground. Do you think things are getting better or worse? From the safety case, it looks as though any systematic approach to monitoring asbestos is going to go by the board under PPP.

PS. Overall, the situation could get a lot worse as the contractors uncover asbestos. There is a lot of it on the Underground. The control centre for the District and Piccadilly lines is virtually made of asbestos. When part of the Central line was dug up a few years ago, it was found that the track bed was permeated with asbestos introduced in the 1950s. I'm not sure that there has ever been systematic monitoring of asbestos. Our reps try to keep a tight grip on this and where they suspect there is asbestos, they

push hard for monitoring and proper treatment. We tried to get hold of an asbestos register but when we last asked for it, we were told that it was still being collated.

Organisation

DH. An RMT rep contacted the Hazards Centre yesterday and told us that a driver had reported for work while suffering from a quite dangerous infectious disease. The driver would be disciplined if he booked off sick under the sickness monitoring rules. Do you think this is an expected outcome of the sickness monitoring regime and do you think it is acceptable that people with infectious diseases are forced to go to work on the Underground?

PS. No, it is not acceptable, there is a procedure for dealing with infectious diseases. But the sickness monitoring regime is harsh and the interpretation varies from place to place. Obviously someone with an infectious disease should be in hospital and this shouldn't attract an item on the person's sickness and absence record and this is what we would argue for because it is in the agreements. But there is a culture among the management that if you are not at work, then you are no good to the Company and this affects the more inexperienced members of staff.

DH. What would you say was the employer's basic attitude to safety?

PS. We've already covered that in that there has been a major change of approach away from a safety first culture where everything humanly possible was done to eliminate hazards and towards a risk management attitude based on actuarial or insurance values which accepts a certain level of risk. To my mind this is a move away from a public service ethos towards a commercial and business ethic driven by PPP and privatisation.

DH. The safety reps we talk to on the Tube see the management as obstructive on safety matters. Do you think that is a reasonable attitude?

PS. No, it is not reasonable at all. I think the management addresses safety in a superficial manner and I doubt that they ever attempt to get at the root of it especially as good safety practice means the expenditure of money. You can't get safety on the cheap.

DH. Now, the safety case which the HSE produced for the Underground. Do you

think that is a good blueprint for safety or has it got shortcomings and deficiencies?

PS. Yes, it would have. One of the people involved in the safety case is now the safety director of Tube Lines – the private consortium that has taken over the Jubilee, Northern and Piccadilly lines. The adoption of the safety case was a necessary part of getting the contracts signed. The structure resulting from privatisation, involving the separation of the running of the service from the maintenance of the infrastructure and which resulted in the disasters on the main line, is now in place on London Underground. That structure is wrong and unsafe and no safety case is going to be able to compensate for that.

DH. So the union's attitude to PPP is the same as it always has been?

PS. Yes, absolutely. The situation now is that the Government has cushioned the consortia against financial collapse with public money and the companies can raise

money from the City on the back of this. There is no financial risk to them at all. Three deep tube lines have now been signed across. The rest will go across in the Spring. We will continue to campaign against PPP. In the first instance we are going to concentrate on the Chancery Lane incident and campaign for the safety first, no victimisation clause in contracts and the reintroduction of guards on trains.

DH. Finally, how do you think you are going to get on with the Mayor, and Bob Kiley and Transport for London?

PS. We've always had good relations with Livingstone. We supported him in his campaign to become mayor. We've campaigned with him against PPP. Kiley is a manager, a very capable, very tough manager, we believe. We've yet to do business with him. We'll do our job as a union and no doubt he'll do his as a manager. I expect we'll agree with him on some things and disagree with him on others.

Occupational asthma settlement

(by Stuart Gillings of Bolt Burdon solicitors)

A production operative who developed asthma while working in a factory recycling printer ink cartridges has recently settled his claim for compensation against his employer for a substantial sum.

He was exposed to the inks and solvents with which he worked and to the latex in rubber gloves which were issued to him and to his colleagues. Production methods were basic, and included filling the spent cartridges with ink drawn from a bucket with a syringe.

His condition started with a skin rash and progressed to full blown asthma. On one occasion an acute asthma attack at work led to his emergency admission to hospital. His employers failed to take effective action to protect him, and ultimately he left them and claimed compensation for personal injury and financial loss.

LHC provided technical information to Bolt Burdon, the claimant's solicitors, about the known hazards of the

substances to which he was exposed, and this was helpful in the initial stages of investigation of the claim in determining how it should be prepared.

Expert medical evidence confirmed that the cause of the asthma was exposure to latex in the rubber gloves, and that the inks and solvents had an irritant (but not permanent) effect on the claimant's condition.

The employers disputed all aspects of the claim. One of their main arguments on liability was that the hazards of latex were not sufficiently well known among most employers in 1998 (the initial period of exposure) to make the asthma a foreseeable injury. Ultimately however they paid substantial damages about a month before trial.

Another case on latex exposure, Dugmore v Swansea NHS Trust, was heard by the Court of Appeal in late November 2002 and it was held that Regulation 7(1) of COSHH 1999 imposed an absolute duty on an employer to ensure that exposure to a hazardous substance was prevented or controlled.

Dangerous Driving

Fatigue kills is the stark message of two union campaigns. In the run up to transport workers' inclusion in the Working Time Regulations, the Transport and General Workers Union is campaigning for a 48 hour maximum working week without a cut in current pay levels.

This is based on the knowledge that low pay in the industry is a major factor behind the extremely long hours worked by drivers, especially lorry drivers, with 60 hours a week normal and 80 hours not uncommon. Incentive bonus schemes are often based on the number of miles driven or on the number of trips. Similarly last year ASLEF launched "Drive down the Hours" aiming, by law, to bring down train drivers' hours to a maximum of 42 hours in any week and an average of 35 hours over the course of a year, with appropriate breaks. Train drivers can do 16 hours in a shift and 60 hours in a week.

The European Road Transport Directive will introduce a maximum working week of 48 hours including overtime, a maximum of eight hours night work, a daily rest period of 11 hours, a day off per week, a rest break if working more than six hours, and four weeks paid annual leave in 2005. The TGWU wants tougher regulations including a maximum 10 hours duty time with 8 hours behind the wheel for drivers.

Nearly 3,500 people are killed every year on Britain's roads. Another 40,000 are seriously injured and 280,000 slightly

hurt. It is officially recognised that driver fatigue is a cause of death. The government campaign THINK launched last year highlights that falling asleep at the wheel could be a factor in one in ten road accidents. In 2001 the Work-related Road Safety Task Group reported to government and the Health and Safety Commission and said up to a third of all

the capacity of the Underground, rail and bus systems by up to 40% over the next 10 years with a view to easing congestion by promoting greater use of public transport. This will assist all drivers because traffic hold ups are another factor putting pressure on drivers to work longer hours and ignore rules on rest breaks.

Safety reps across a whole range of



TGWU bus drivers march to London's City Hall in February as part of their ongoing campaign for better pay and conditions

road traffic accidents could involve someone at work, which could mean 1,000 people killed each year because of someone driving for work. And although we have a better record than most of Europe, and road deaths have dropped substantially from the mid 1980s onwards, we are one of the worst in Europe regarding the death rate for children killed on the roads. In fact, child pedestrian deaths increased 14% in 2001.

One of the key priorities of the Association of London Government's Transport and Environment policy is to try to substantially reduce the numbers killed and seriously injured on the roads. This ties in with the Mayor of London's transport strategy which aims to increase

industrial sectors can play a big part in promoting road safety and reducing deaths on the roads. Many workers drive at some time in connection with their work. Safety representatives can ensure employers carry out thorough risk assessments that cover issues such as suitable schedules with adequate rest breaks, the safety and maintenance of vehicles, avoidance of unnecessary travel or types of travel, and avoidance of night travel.

The London Hazards Centre factsheet on work-related road safety gives more information on what safety representatives can do, and employer duties under the Management of Health and Safety at Work Regulations.

Tell Tony Blair what you think

Send a postcard to the Prime Minister or to your MP demanding that the Government introduces a corporate killing Bill into Parliament as it pledged to do in both the 1997 and 2001 manifestos. There are four postcards in all – to see them and to order a supply, see the Hazards magazine website.

No Sweat!

No Sweat! The UK Campaign Against Sweatshops organised a protest on International Women's Day against Puma, the German sportswear manufacturer.

In January this year 250 workers employed by Matamoros garment factory in Puebla, Mexico, initiated a one-day strike in order to draw attention to their disgraceful working conditions. The mainly female workforce of the US-owned factory were expected to work for three weeks without pay and in hazardous conditions. The company insisted on compulsory overtime and paid sub-minimum wages. They refused to supply protective masks and denied their employees the right to form an independent trade union.

Matamoros workers acted in defiance of their employer and established their own union, SITEMAG, on the day of the strike. They also contacted Puma, a major customer at their factory for support. Although Puma has a Code of Conduct which guarantees basic human rights including the right to freedom of association, its reaction to these events was to pull out of the Matamoros factory. The employers have refused to pay their workers any wages since they lost the PUMA contract.

SITEMAG is angry that PUMA is attempting to wash its hands of the human rights violations it has already profited from. The union is demanding that Puma positively intervenes on behalf of the Matamoros garment workers and is appealing for international solidarity.

This International Women's Day, protests took place in support of SITEMAG throughout the world. In Britain, No Sweat organised activities in several cities. Stalls were held in London's 'streets of shame' Oxford Street and Regent Street culminating in a rally outside Puma on Carnaby Street. If you want to take part in other protests in support of the Matamoros workers, contact: 07904 431959, london@nosweat.org.uk

Hazards 2003 at the London School of Economics

The programme for Hazards 2003 is starting to take shape.

Firstly we hope Nick Brown the safety minister will take up our invitation to be questioned about the lack of progress on safety reps' rights and on corporate killing legislation. Although a number of manslaughter cases against owners of small firms are due to be heard in the next few months, there is still no legal framework to ensure directors of major companies pay the penalty for killing workers and no parliamentary slot for such a bill.

Secondly, the conference organisers have agreed themes for four major debates to take place on Saturday afternoon, which will be led by safety representatives and campaigners who have made a major contribution at grass roots level. These meetings will cover:

- ▲ **Fighting privatisation:** looking in particular at London Underground, the railways, local authorities, the NHS and post office experiences; and how we strengthen the safety case to prevent privatisation, and use safety arguments to bring services back into public ownership.
- ▲ **Campaigning and organising in non-unionised and casualised sectors:** using the experience of the Hazards Centres around the country targeted at black, minority ethnic and refugee

community organisations, including London Hazards Centre's own work.

- ▲ **The environment:** respecting the Earth: picking up some strong themes from "Visions for a Healthier Planet" and developing strong links between workplaces and communities.
- ▲ **Workers rights:** safety reps need extra rights, in addition other issues impact on the ability to organise on safety. The right to strike, to take solidarity action, automatic reinstatement for unfair dismissal, and trade union recognition are needed to create a framework for real improvements on safety.

Thirdly, as usual there will be a choice of some 40 workshop topics including construction safety, young workers, asbestos, pesticides, work-life balance, the working time directive, sickness monitoring procedures, occupational cancer, death at work, stress, violence, musculo-skeletal injuries.

The Conference takes place on 5-7 September at the London School of Economics with accommodation at Bankside Halls of Residence behind Tate Modern. Both venues are accessible for people in wheelchairs. Childcare will be provided. The fee will be £185 per delegate for the whole conference and £85 per day. Please ask your union to sponsor this event. Information from www.lhc.org.uk or 020 7794 5999.

Workers' Memorial Day

Workers' Memorial Day falls each year on 28 April. It is an annual event at which we remember the dead and fight for the living – an event during which we remember all those killed and injured at work and pledge our determination to fight for higher safety standards.

This year, the main event in London will be a march through central London preceded by a horse-drawn hearse. The event is being organised by the Construction Safety Campaign and further details can be found from the CSC

secretary, Tony O'Brien, 07747 795954, construction.safetycampaign@talk21.com.

There will be many other local events around London and elsewhere in the country. Further information can be found on the TUC's weekly safety bulletin *Risks* on alerts@tuc.org.uk. If you are organising an event, send the details to Hilda Palmer at the Greater Manchester Hazards Centre. 0161 953 4037, gmmhazards@hotmail.com, and it will then be advertised in *Risks*. You can also order WMD posters and ribbons from the Greater Manchester Hazards Centre.

BME Report

The Centre's Black and Minority Ethnic (BME) project is making headway in its aim of training 300 BME groups throughout London. Already the project has provided health and safety training courses for over 150 groups and the demand for places is growing.

who participated in these sessions represented a wide range of groups and included the Kurdish Association of Refugees, Latin American Women's Rights Services and the Tamil Relief Centre.

It is clear from the work of the BME project that stress is a major problem experienced by many employees and volunteers in this sector. Long hours,



BME trainees in Newham

This year we have trained BME groups in Brent, Hillingdon, Islington, Newham and Tower Hamlets. We worked with the umbrella organisations BRAVA and HAVS in providing health and safety training sessions for local groups in Brent and Hillingdon. We also secured the support of the Islington based Evelyn Oldfield Unit in organising two extremely well attended courses for refugee organisations across London. The groups

distressed clients, funding insecurity and racism are some of the key factors contributing to an unsafe and stressful working environment. The Centre aims to empower and support groups in these circumstances and we urge all BME groups to take advantage of our free training project.

Contact: Angie or Mumtaz for more information on 020 7794 5999

Centre Funding

The immediate crisis in the Centre's funding has been averted by the decision of the Association of London Government to award us interim funding through to September 2003.

But the longer term crisis still remains and we may not find out if we have obtained secure funding for several more months.

Our lobbying campaign is going well – if you would like to help, please contact the Centre and we will send you our campaign materials.



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Centre Training Days

The London Hazards Centre runs one-day training courses aimed at union safety representatives and others with a role in safety management at work. The courses cost £40 per person and are held at Islington Voluntary Action Council, 322 Upper St., London N1 2XQ (fully accessible).

The forthcoming courses are

- ▲ asbestos awareness
– Tuesday 13 May
- ▲ introduction to workplace health and safety
– Thursday 22 May
- ▲ introduction to risk assessment
– Thursday 12 June
- ▲ women's health and safety at work – Tuesday 17 June

Booking forms can be downloaded from our website, www.lhc.org.uk, or contact us on 020 7794 5999, mail@lhc.org.uk.



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Management of Asbestos in Non-domestic Premises

A new regulation, Regulation 4 of the Control of Asbestos at Work Regulations 2002, requires employers and some landlords to be aware of any asbestos in their properties and to manage it in such a way as not to put anyone at risk. The regulation comes fully into force in May 2004.

Following the shocking, but not unexpected, discovery in 1995 that asbestos is the biggest industrial killer ever in the UK, the government has acted, albeit reluctantly and without much haste. The first step in 1999 was to ban asbestos imports and the further use of asbestos. Now, a new regulation has been introduced which is meant to ensure that asbestos in public buildings, is managed safely.

The new regulation does not go far enough in its requirements and scope (asbestos surveys as required are not thorough enough and domestic and other premises are excluded). With the full implementation date of May 2004 nearly 10 years have elapsed from the discovery of the true extent of asbestos-related illness to the start of real action.

The new regulation does set explicit requirements on those with responsibilities for buildings, i.e. employers and landlords. There is an ideal opportunity to revisit the issue of asbestos management at every UK workplace, backed up with some legislative teeth.

This factsheet deals only with the new duty to manage asbestos in buildings [Regulation 4 of the revised Control of Asbestos at Work Regulations 2002 (CAW)]. It does not deal with other aspects of CAW such as work on asbestos materials, prevention of inhalation of asbestos dust by workers and others, the prevention of the spread of dust during asbestos work, etc.

Why is asbestos dangerous?

Asbestos dust can cause fatal diseases even when someone is exposed only to minute quantities. The more dust you are exposed to the more likely you are to become ill. Further details are given in our previous factsheets (see later).

Where is asbestos?

Asbestos was used in many building products including wall panelling, fireproofing, ducting covers, pipework etc. and in some unusual places such as in thermoplastic floor tiles and decorative wall coverings (Artex, etc.). Millions of tons were used. The location and condition of most of it are not known. Buildings built in the 1950s, 1960s and 1970s are likely to contain large quantities of asbestos. Asbestos can only be properly identified by specialist techniques. Further guidance on identifying asbestos can be obtained from the HSE booklet MDHS100 (see later).

Who is at risk?

Most at risk are those who maintain or demolish buildings such as electricians, plumbers, carpenters, and decorators, but also included are caretakers and odd-job staff, anyone who is likely to cut, drill, smash or disturb asbestos and create dust in any way. People in the vicinity of such work can also be affected (office workers when an office is being rewired for telephones or computers, tenants when plumbing repairs are being done in service ducts on their property).

The new regulation

The new regulation is backed up by an Approved Code of Practice (ACoP) and by a Guidance booklet (see later).

REGULATION 4(1). Defines who is a "dutyholder", i.e. who is legally responsible under this regulation. It includes everyone who has any obligation, either by being the landlord or by a contractual arrangement, for maintaining or repairing non-domestic premises. Where there is no contract or tenancy the person in control of non-domestic premises is the dutyholder. Shared arrangements are defined. The Guidance says where a change in ownership or tenancy occurs relevant information about the presence of asbestos should be passed on.

REGULATION 4(2). Everyone is required to co-operate with the dutyholder. The Guidance identifies architects, surveyors, building contractors, etc. here.

REGULATION 4(3). The dutyholder must carry out a suitable and sufficient assessment of whether asbestos is present in any premises. The HSE allow a system of informed guesswork to comply with this regulation. Although this methodology is a useful starting point the regulation is weak in that it does not require a full professional survey consisting of safe sampling of substances and professional analysis. This method is to be preferred.

REGULATION 4(4). In making the assessment such steps as are reasonable in the circumstances shall be taken and the condition of any asbestos present shall be considered.

REGULATION 4(5). The dutyholder shall also:

- ▲ take into account building plans, other relevant information and the age of the premises.
- ▲ inspect the reasonably accessible parts of building.
- ▲ review the assessment if there is reason to believe it is no longer valid or there has been a significant change to the premises.

REGULATION 4(7). The dutyholder must record the conclusions of the assessment including any reviews.

REGULATION 4(8). Where the assessment shows that asbestos is present or liable to be present the dutyholder shall:

- ▲ **determine the risk from that asbestos.**
- ▲ **have a written plan or drawing of where the asbestos could potentially be found.**
- ▲ **specify in the plan the measures to be taken for managing the asbestos risks.**

REGULATION 4(9). The plan should include adequate measures for:

- ▲ **monitoring the condition of any asbestos or any material suspected of containing asbestos.**
- ▲ **ensuring any such substances are properly maintained or where necessary safely removed.**
- ▲ **ensuring information about the location and condition of the above is provided to any person likely to disturb it and to the emergency services.**

The Guidance gives two examples of how plans may be managed, representing two distinctly different approaches:

- 1 a full professional survey with sampling and professional analysis leading to once and for all removal of asbestos.
- 2 a presumption that all likely materials do contain asbestos plus an intention to deal with it as needed. Have systems in place that prevent any work being done on anything that might contain asbestos until professional analysis is carried out and any necessary removal completed safely before work commences.

The HSE comments that most situations are likely to lie somewhere between these two examples.

The ACoP states no one must work on asbestos-containing materials unless the requirements of CAW are complied with.

The Guidance says as a minimum the condition of the material should be checked every 6-12 months even if it is in good condition and not likely to be disturbed. The Centre recommends a three-monthly

inspection cycle as a minimum, backed up by a damage reporting system.

The Guidance suggests the labelling of all asbestos as one way of alerting people.

REGULATION 4(10). The dutyholder must:

- ▲ **review the plan regularly and also when there is reason to suspect it is no longer valid or there has been significant change to the premises**
- ▲ **ensure measures specified in the plan are carried out**
- ▲ **ensure measures taken to implement the plan are recorded**

The Guidance states that as a minimum, the arrangements should be reviewed every six months even if there have been no changes

Other legislation

There is other legislation, notably the Defective Premises Act 1972 and the Environmental Protection Act 1990, that may be useful in circumstances not covered by the new regulation where asbestos is present in buildings, particularly rented domestic accommodation.

Safety representatives

Where there are trade union safety reps at a workplace the employer is legally bound to consult with them in good time on the planning and implementation of systems to meet the requirements of this or any other regulation (Regulation 4A, Safety Representatives and Safety Committee Regulations).

Resources

The management of asbestos in non-domestic premises, ACoP and Guidance, HSE, L127, £9.50

Managing asbestos in premises, HSE, INDG 223, free

A comprehensive guide to managing asbestos, HSE, HSG 227, £9.50

Work with asbestos insulation, asbestos coating and asbestos insulation board, Control of Asbestos at Work Regulations 2002 ACoP, HSE, L28, £9.50

Work with asbestos which does not normally require a licence, Control of Asbestos at Work Regulations 2002 ACoP, HSE, L27, £9.50

Surveying, sampling and assessment of asbestos-containing materials, HSE, MDHS 100, £18.00

Introduction to asbestos essentials – comprehensive guidance on working with asbestos in the building and maintenance trades, HSE, HSG12, £12.50

Asbestos essentials, task manual – task guidance sheets for the building maintenance and allied trades, HSE, HSG 210, £8.50

Having construction work done? Duties of clients under the Construction (Design and Management) Regulations 1994, HSE, Misc 193

HSE publications are available from: HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA. tel: 01787 881165; fax: 01787 313995

Asbestos – no hiding place. Hazards Campaign and TUC. Copies available free from local Hazards Centres and similar organisations or download for free at: www.hazardscampaign.org.uk

Asbestos Hazards Handbook. London Hazards Centre. Free. www.lhc.org.uk/members/pubs/books/asbestos/asb_toc.htm

Asbestos in the home – part 1. London Hazards Centre. Free. www.lhc.org.uk/members/pubs/factsht/56fact.htm

Asbestos in the home – part 2. London Hazards Centre. Free. www.lhc.org.uk/members/pubs/factsht/57fact.htm

Useful contact. AsbestosRegister.com provide an on-line database service for recording and accessing information on asbestos locations in buildings. Further information at www.asbestosregister.com