



## Submission Template | Asbestos Safety Training Options for Workers Entering Trades

**Submission from:** National Fire Industry Association of Australia

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*Whilst you can structure your submission in any form that you choose, you may like to use the questions below to frame your thoughts and ideas. Please write as much as you like.*

*The final question – question 9 – is open ended and asks for any feedback or experience you may like to give.*

### **Information about submissions:**

Please send your submission (or any questions) to [engage@asbestossafety.gov.au](mailto:engage@asbestossafety.gov.au)

Consultation closes on **17 December 2021**. We will acknowledge receipt of all submissions received.

Please note that your submission may be published on our website. If you would like your submission to be excluded from publishing, or to be published anonymously, please indicate this below:

- do not publish submission
- publish submission anonymously
- other,

### **Responses to questions posed:**

1. Do you agree that asbestos awareness training is required *before* apprentices are at any risk of asbestos exposure? If so, what training do apprentices need?

Yes, raising awareness of asbestos should be required before apprentices are at any risk of exposure. Fire Protection requires work in all aspects of a structure, whether it be in a maintenance role or the construction stage on new structures to old structures. Fire Protection practitioners are required to work within the fabric of a structure (in this submission Fabric is defined as all parts of a structure including but not limited to in soil, walls, floor and ceiling cavities, in appliances, re-roofing materials etc), including but not limited to in the ceiling spaces, under the floors and within the walls. As such, the nature of trade results in practitioners having a higher risk of exposure to asbestos. As such, it is clearly vital that individuals considering a career as a Fire Protection practitioner are given appropriate and trade specific asbestos training as soon as practicable in order to minimise the risk of exposure to



asbestos and increase the safety of practitioners operating in the Fire Protection Industry. To mitigate the risk of apprentices being exposed to asbestos, training providing awareness of the risks associated with asbestos and procedures that should be followed if a tradesperson comes into contact with asbestos should be provided upon the commencement of an apprenticeship. The first modules that Fire Protection apprentices undertake at trade school include the Occupational Health and Safety aspects of the Fire Protection Industry, and asbestos awareness should be included in this critical module that is delivered to apprentices. Following this initial asbestos awareness training delivered shortly after an individual commences an apprenticeship, trade specific training equal to Non-Friable (B class) removal training should also be delivered to apprentices, no later than at the conclusion of the 2<sup>nd</sup> year of the apprenticeship. This delivery plan will ensure that apprentices will be competent in asbestos awareness training, as during the first two (2) years of an apprenticeship, an apprentice is required to be under constant supervision by a competent and appropriately licensed tradesperson, and during this time they will also receive on-the-job guidance and training relating to asbestos awareness; and as a result at the end of the second year of an apprenticeship, there is a reasonable expectation that apprentices are more competent and autonomous; and thus it is suitable to deliver a higher level of trade specific asbestos awareness training, such as Non-Friable (B class) removal training level. Therefore, it is clear that asbestos awareness training is required before apprentices are at any risk of asbestos exposure.

2. While all WHS laws impose duties on PCBUs (or equivalents) to provide training, they are not prescriptive about what training needs to be undertaken or who can provide that training, apart from the ACT. Do these laws provide adequate protection to workers at risk of being exposed to asbestos? If not, how could they be improved?

Workplace Health and Safety (WHS) laws across Australia could be significantly improved to provide adequate protection to workers at risk of being exposed to asbestos. WHS laws across Australia need to be amended to take a more prescriptive approach, as in recent years there has been multiple examples of situations where even though there is a likelihood of asbestos being present (via register or div 5/6 audit), no training has been offered to practitioners until asbestos is discovered and the workforce has been directly exposed. Sites rely on an “unexpected finds” procedure to deal with asbestos, however the consequence of this approach is that the delivery of the asbestos awareness training is reliant on a worker finding, and subsequently being exposed, to asbestos.

Therefore, it is clear that WHS laws across Australia should be amended to mandate minimum approved and accredited trade specific asbestos training as opposed an “awareness talk” by the hygienist. For further information on training that should be delivered to the Fire Protection Industry, industry stakeholders should be consulted.



3. In your state or territory do the current asbestos training provisions in WHS regulations and codes provide enough information to determine what 'suitable and adequate' training means for asbestos related jobs?

Nationwide, there is no statutory legislation that provides enough information to determine what 'suitable and adequate; training means in relation to jobs that have a higher risk of exposure to asbestos.

In Victoria, s.21 of the *Occupational Health and Safety Act 2004 (Vic)* applies a general duty to-provide information, training, instruction, and supervision .So far is reasonably practicable. The *Occupational Health and Safety Regulations 2017 (Vic)* require employers and self-employed persons performing "limited asbestos removal work" to make and keep training records (r. 251-252) the regs also provide that an employer make a record of any training provided in relation to carrying out "asbestos related activities" (r. 319).

The scope of work that a Fire Protection practitioner undertakes does not extend to asbestos removal. As such, Fire Protection practitioners are not be expected to undertake asbestos related activities and as such not required to be trained but are often exposed to asbestos onsite due to a number of issues for example lack of or out dated registers, poor or non-existent div 5/6 audits, unidentified asbestos in soil or builders relying on unexpected finds procedures rather than removing prior to commencing works, there are multiple examples of asbestos contaminated ceiling spaces in multi-story sites.

As per previous responses, it is clear that appropriate accredited trade specific training delivered at the apprentice stage would promote a strong baseline level of awareness and limit / prevent countless exposure events.

4. If further prescription about training is desirable, are there particular occupations which should be targeted (see for example the list at Appendix 1 setting out the occupations listed under the ACT legislative scheme).

It is crucial to recognise that different occupations have a different risk profile when it comes to asbestos. Due to the diversification of the Fire Protection Industry, which extends to specialisations such as sprinkler fitting, alarms, fire panels and passive fire such as fire walls and doors, practitioners are required to work in all aspects of a structure from excavating drainage trenches, roughing-in services, water, gas and drainage under the floor in the walls, ceilings and on roofs in all manner of structures both old and new. Due to the wide range of activities undertaken by practitioners in the industry, and as statistically identified, the plumbing industry (which incorporates Fire Protection) has the highest disease rate compared to all other occupations; and the wide range of activities undertaken by practitioners increase an individual's risk of exposure to asbestos.



This reinforces the requirement for approved trade specific asbestos awareness training (B class standard) to be introduced to apprentices at the earliest possible stage.

Plumbers can still experience exposure to ACM's, the main issue is the cumulative effect of exposure of varying amounts over a period of time resulting in a lifetime of exposure.

5. Is nationally recognised training generally preferable to non-accredited courses to meet PCBU duties for workers entering trades who may be exposed to asbestos? Why?

Nationally recognised training is generally preferred over non-accredited training for a range of reasons, including:

1. Employers look for a universal accreditation i.e., a training outcome that will be recognised and gives the participant recognised formal training outcome;
2. Accredited training is regulated by a government agency such as ASQA (Australian Skills Quality Authority), and as such it can be ensured that the highest quality of training is delivered;
3. Accredited training is delivered by registered training organisations (RTO) by suitably qualified and competent trainers that have current industry skills and knowledge that are relevant to the training being delivered; and
4. Practitioners operating in the building and construction industry tend to move from employer to employer, state to state, and within their trade classifications, therefore nationally recognised training must be mandated.

6. Do some PCBUs find choosing asbestos training difficult given the range of choice and the need to ensure training meets duties under WHS laws? Why? Do small businesses face any particular challenges in this regard?

Due to the lack of clarity regarding the necessary standard of asbestos awareness training required to be delivered, some people conducting a business or undertaking (PCBU) find choosing asbestos training difficult given the range of choice. Several factors will influence a PCBU when choosing training when there is a multitude of choice for "awareness training" and commercial factors are always a factor when deciding what is suitable (such as cost, availability, duration, location etc.). Often these factors outweigh the validity or appropriateness of the training, some small business struggle to understand their obligations and duties under OHS laws. They know they must do some training but are not sure what it should look like and what course or provider would best meet their needs or is most suitable for the type of work they are undertaking.

We often see an employer scramble to find training after there has been an exposure and more often than not they settle on a tool box talk from a hygienist supplied by the principle contractor.



This question reaffirms the need for nationally recognised training, as it is industry based and not just single business orientated. Whilst training is tailored for the enterprise, the focus must be on industry needs.

7. Which of the options at 6.1 – 6.5, if any, do you support or not support and why? (You may wish to rank the options in order of preference).

#### 6.5 Adoption of mandatory Asbestos training requirements.

To ensure that the highest standard of asbestos awareness training is delivered to ensure that the workforce is protected against and aware of the risks associated with asbestos, non-friable (B class) removal training level should be the minimum standard for any trade that is required to work within the fabric of a structure.

8. Are there other levers which could be used to ensure all workers entering trades who may be exposed to asbestos receive adequate asbestos safety training?

Mandatory appropriate trade specific training would be the ideal outcome, as such training requirements would result in stronger compliance and enforcement from our safety regulators would make this more achievable, of standards and legislative requirements regarding asbestos safety. Often, they turn up after an exposure and are happy accepting a talk from the hygienist as training. Only accredited training should be accepted.

Understanding the gap between an asbestos worker undertaking asbestos related activities and a tradesperson unwittingly exposed to asbestos due to an inadequate / non-existent asbestos register, or a poor or incomplete asbestos audit is vital. This requirement would increase safety in the workforce and reduce the number of asbestos related incidents as the current asbestos awareness training is not satisfactory. Currently, it has been reported to the NFIA that regulators tend to turn a blind eye to the standard of awareness training that is delivered; it has been repeatedly reported that regulators accept a tool box meeting that consists of a talk from a hygienist as satisfactory asbestos awareness training. Strong enforcement from our regulators would significantly increase the quality of asbestos awareness training and ensure that all workers entering trades who may be exposed to asbestos receive adequate asbestos safety training.

9. Are there any other issues you would like to comment on regarding the adequacy of asbestos safety training especially for workers entering trades where they may be exposed to asbestos?



There are several issues that need to be considered to inform the substance and delivery of asbestos safety training especially for workers entering trades where they may be exposed to asbestos. By understanding the classifications of the Fire Protection trade, and the scope of work, a Fire Protection Practitioner undertakes during the course of their work, some of which may require a worker to come into contact with asbestos materials, it is clear that it is pertinent that a high standard of asbestos safety training is delivered to workers commencing a career in the Fire Protection Industry. A Fire Protection practitioner typically commences in the industry at 18 years of age and typical retires at the age of 70; and such is adequate asbestos safety training is not provided, Fire Protection practitioners have the potential to be exposed throughout the entire course of their working life. Whilst this will not be everyday or every week, it however still has a potential of lifetime exposure, so at the out-set we stress as a minimum for all plumbers, nationally accredited b class removal training.

In Victoria, there is very little to no asbestos safety training provided to Fire Protection practitioners. Whilst asbestos may be briefly mentioned in the CI card in the context of hazardous substances, this is also true of the Fire Protection apprenticeship, so in effect there is no asbestos awareness training prior to or during the Fire Protection apprenticeship. Furthermore, as Fire Protection practitioners are not asbestos workers, they will not receive any form of formal asbestos training until they have unfortunately been exposed at work and then it will most likely be in the form of a 15 minute tool box talk from an occupational hygienist, not approved accredited training.