



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

**Submission from:** Victorian Trades Hall Council

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### 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, it is crucial that raising awareness of asbestos be required before apprentices are placed at any risk of exposure. Basic asbestos awareness training should be delivered at the earliest stage possible, in fact preferably pre-apprenticeship stage. Many of the trades (plumbing, carpentry and other building trades, such as plastering etc, electricians) require work in multiple and varied locations in a structure. They are required to work within the fabric\* of a structure – that is, in the ceiling spaces, under the floors and within the walls. Consequently, this leads to these workers having a higher risk of exposure to asbestos.

It is therefore vital that young people considering a career as a tradesperson be given trade appropriate asbestos training as soon as practicable. As a minimum, this awareness training must be provided immediately prior to or on commencement of the apprenticeship.

Most if not all apprentice first modules at trade school cover the OHS aspects of the industry, and *thorough* asbestos awareness needs to be mandated. This must be followed by trade specific training equal to Non-Friable (B class) removal training no later than at or around the end of the second year of the apprenticeship. As a first/second year apprentice the worker is required to be under the constant supervision of a competent (and licensed where necessary) trades person, and so trade specific awareness training would be appropriate.

However, towards the end of the second year of the apprenticeship there would be an expectation that the apprentice should become more autonomous and therefore should have been provided with a higher level of trade specific asbestos training, as detailed above.

\*in this submission any reference to the 'fabric' of a structure means in all parts of a structure including but not limited to in soil, walls, floor and ceiling cavities, in appliances, re-roofing materials and so on.



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?

It is our view that in relation to asbestos training there needs to be more prescription. Our affiliates have reported multiple examples of situations where even though there is a likelihood of asbestos being present (as indicated by the workplace register or a Division 5/6 audit) no training has been provided until asbestos is discovered. This means that the workers/apprentices have already been at risk of exposure. Further, the 'training' might be provided by an occupational hygienist conducting a toolbox meeting where asbestos is raised - "asbestos awareness training". Too many sites rely on an "unexpected finds" procedure to deal with asbestos – putting workers and others at risk of exposure.

This would be improved by specific mandatory minimum approved and accredited trade specific asbestos training as opposed an ad hoc "awareness talk".

There needs to be consultation with industry parties to determine what the mandatory training needs to cover, for example:

Are you able to provide list of what needs to be covered in mandatory training? Eg:

- what asbestos looks like
- where it can be found
- health risks of exposure
- basic information/coverage of employer duties (eg register)
- what to do if they come across it
- necessary PPE
- and so on

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?

Unfortunately, no Australian OHS/WHS regulator defines what is 'suitable and adequate' training, nor, for that matter, who/what is necessary to be a 'competent person' or what 'adequate supervision' means.



In Victoria the *OHS Act 2004* employer have a General Duty of care to provide such information, training, instruction, and supervision as are necessary to enable employees to 'perform their work in a way that is safe and without risks to health' (s21[2][e]).

The *OHS Regulations 2017* require employers and self-employed persons performing 'limited asbestos removal work' to make and keep training records (r251-252) – but no specific training is mandated. The regulations also require an employer make a record of any training provided in relation to carrying out 'asbestos related activities' (r319), but again there is no specific training mandated. The regulations mandate specific training for asbestos removal workers only (r269)

Trades workers (plumbers, carpenters and other building trades, electricians) in general are not asbestos removal workers (although some plumbers are removalists) and as such would not be expected to undertake asbestos related activities, and consequently not be provided with training. However, they are in fact often exposed to asbestos onsite. This exposure could be because of a lack of or outdated registers, poor or non-existent Division 5/6 audits, unidentified asbestos in soil or builders relying on unexpected finds procedures rather than removing prior to commencing works.

There have been many examples of asbestos contaminated ceiling spaces in multi-story sites.

In the domestic (residential) sector smaller trades businesses will come across ACMs when undertaking minor works, such as replacing hot water services, renovating bathrooms, kitchens, and laundries. Many of these small businesses will have an apprentice – and a lack of adequate and detailed trade specific asbestos training can lead to exposure for the workers and potentially the homeowner/s as well as delays and extra costs.

In these situations, the regulations (in Victoria, r250 – Limited asbestos removal work) allow for the removal of non-friable ACM provided that the amount of ACM does not exceed 10 sqm and the removal work does not require 1 hour in total over a 7-day period. While training *should be provided*, B class level training is not mandated, only 'awareness training' which is clearly inadequate. It is possible that a worker may do such limited removal work over many years, even decades, and has a lifetime of potential exposure to asbestos with minimal training. Anecdotally too, many such jobs exceed the limits as prescribed by the regulations, but with little checking/compliance activity from the regulators.

Appropriate accredited trade specific training delivered at the apprentice stage would promote a strong baseline level of awareness and prevent or at least limit 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/trades have a different risk profile in relation to asbestos.

Plumbers: sanitary drainage, fire protection, gas fitting and heating and ventilation. Workers 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 rooves.

Electricians: ceiling and wall cavities, under floor spaces, rooves, power boards.

Building trades: throughout the structure, depending on their particular tasks/trade.

This reinforces the requirement for approved accredited appropriate contextualised trade specific training (B class standard) at the earliest possible stage.

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?

The VTHC has a strong preference for the training to be nationally recognised and accredited. The training must be regulated by a government agency such as ASQA (Australian Skills Quality Authority) and delivered by registered training organisations (RTOs) by suitably qualified and competent trainers who have current industry skills and knowledge relevant to the training being delivered.

Trades workers move from employer to employer, state to state and need to be able to maintain their trade and classification, and so it is crucial that they are able to show any prospective employers that they have completed recognised and accredited training.

Employers too need to have confidence in the system, and to know that anyone they employ has completed formal and accredited training to a known level.

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?

This may be the case, and may explain why some PCBUs/small businesses opt for inadequate 'asbestos awareness' training. However, the cost is probably a big/bigger factor. Some small businesses struggle to understand their obligations and duties under OHS/WHS 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.

These difficulties and shortcomings reaffirm the need for quality, nationally recognised and accredited training which is industry based.



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).

The VTHC supports Option 6.5 - Adoption of mandatory Asbestos training requirements.

As per our response to previous questions, mandatory accredited training is needed. We also support the proposal put by our affiliate the PPTEU that non-friable (B class) removal training level 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?

What is needed is appropriate, mandatory trade specific training. This would result in the issuing a certificate or a document similar to the construction industry White Card..

Employers/PCBUs would need to ensure that all their workers attend the training or request proof of having attended the training.

The health and safety regulators could ensure compliance through education and enforcement activities.

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?

Due to the wide range of work undertaken by tradespeople, who often begin their apprenticeship as teenagers and continue to work, even informally into their 70's, the potential of them being exposed to asbestos many times over these years increases their risk of developing an asbestos related disease. Training at the earliest possible time is crucial.

So too is increasing enforcement and compliance activity, as well as increasing the number of prosecutions.

On a related issue, the asbestos training should also include some mention of the risks to health of crystalline silica – which can create a risk to many in the building trades, and is being dubbed 'the new asbestos'.