



Submission Template | Asbestos Safety Training Options for Workers Entering Trades

Submission from: Construction, Forestry, Maritime, Mining & Energy Union (Construction & General Division) (the CFMMEU)

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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

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- do not publish submission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, please advise

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, the CFMMEU are of the firm opinion that all workers, not just apprentices, who are at risk of asbestos exposure while completing their day to day work should be provided with mandated training in asbestos awareness before any risk arises.

The training should be nationally accredited or nationally endorsed and delivered by a Registered Training Organisation. As outlined in the discussion paper there are currently two nationally accredited courses that the CFMMEU would see as best suited for this mandated training for apprentices:

10279NAT - Course in Identification and Awareness of Asbestos Containing Materials



10675NAT - Course in Asbestos Awareness

This training should be compulsory for all workers before they perform any work where there is a risk of asbestos exposure. The training should be stand alone and not part of a qualification within a training package (because if it was the timing of such training and the allocation of time and resources for the training would be determined by an RTO).

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?

No, the current WHS laws in each State/Territory (except for the ACT) are not enough to protect apprentices and construction workers at risk of asbestos exposure while at work.

As highlighted in the discussion paper, under section 19 (3)(f) of the Model WHS Act it is the duty of the PCBU to ensure as far as is reasonably practicable 'the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking'. Even though this duty is in place it is very rarely adhered to by PCBU's and as a result very little formal asbestos awareness training is provide to apprentices and construction workers other than in the ACT (or workers covered by an enterprise agreement that mandates training).

The situation could be improved by the other States and Territories following the example of the ACT and mandating that workers undertake a nationally accredited training course.

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?

The National Office of the CFMMEU (Construction and General Division) has sought the advice of our State and Territory Branches in regard to the current asbestos training provisions in WHS regulations and codes that apply. Other than in the ACT none of the Branches view the current regulations and codes as providing sufficient information on what "suitable and adequate training" means.



The CFMMEU notes that the WHS regulation for asbestos awareness training in the ACT has been in place since 2013 and has proven time and time again that it has aided in the protection of apprentices and other construction worker from exposure to asbestos.

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).

The CFMMEU is concerned at the use of any list of occupations that relies on the ANZSCO occupation codes given that such codes are outdated and in need of an update. Whilst the occupations listed in Appendix 1 are a good start and cover most occupations, consideration should be given to all workers covered by the modern awards that may apply to work where there is a risk 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?

Yes, nationally accredited training would be the only option that the CFMMEU would be supportive of and that would meet the duties of the PCBU. There is a place for non-accredit training for WHS in the building and construction industry but not for high risk activities.

Nationally accredit training is preferred over non-accredited training because an accredited course is an official recognition of the status of an educational qualification by government. It gives the course legal status as a bona fide qualification for education and employment status as opposed to a non-accredited course which carries no professional recognition. Accreditation is a formal confirmation that the course:

- is nationally recognised;
- meets quality assurance requirements;
- meets an established industry, enterprise, educational, legislative or community need; and
- provides appropriate competency outcomes and a satisfactory basis for assessment.



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 number of non-accredited asbestos awareness courses (approx. 120) that are marketed to the building and construction industry it can be difficult for PCBUs to select the correct training for their workers. Due to time pressures and costs many businesses are attracted to the cheapest non-accredited courses, particularly those that can be completed on-line which minimise time away from the job. In many cases it is difficult for businesses to assess the benefits of each course, whether or not the curriculum addresses the requirements of the regulations and whether there is a strong assessment process or one based on the “tick and flick” approach.

For these reasons the preferred approach is for PCBUs to use accredited training that has an assessment outcome. Once a worker has completed accredited training and has been deemed competent the PCBU can be satisfied that the quality training outcomes have been met for their workers.

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 only option the CFMEU supports is 6.5 - Adoption of mandatory asbestos safety training requirements (the ACT model). The reality of the construction industry is that unless the training is mandated (with possible penalties for non-compliance) there will be many workers who do not receive the training.

Option 6.1 - Maintain the status quo is not a realistic option as it would continue the current unsatisfactory arrangements.

Option 6.2 - Work with industry to add a core unit of competency for asbestos safety awareness, is not supported as it would need a full review of qualifications, possibly lead to other core units being deleted, and lead to inconsistency as the timing of such training, the allocation of time and resources for the training and curriculum would be determined by an individual RTO.

Options 6.3 - Increased encouragement from WHS regulators to choose specific training and 6.4 - WHS regulators to approve asbestos awareness courses and training providers, are not supported because they may not lead to national consistency and there is no mandatory requirement to undertake the training.

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?



No. It is the opinion of the CFMMEU that the only way to ensure the workers entering trades receive adequate asbestos training is that it be regulated by each state and territory WHS regulator as it is in the ACT.

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?

As outlined above, the best way to ensure that adequate and proper asbestos awareness training is provided for **all construction workers**, not just apprentices, is to make the training mandatory through WHS regulations. This training should be through nationally accredited courses, endorsed by ASQA, and which require face to face delivery (to stop the use of video instruction) and a rigorous assessment process (to stop tick and flick arrangements).