



**PROPOSALS
ON REGISTRATION, BETTER WORKING
CONDITIONS, TRAINING OF WORKERS, THE
RECOGNITION OF ASBESTOS RELATED DISEASES
AND ITS COMPENSATION**

*This paper contains specific topics which all need to be included in a specific
EU-Action Plan,*

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This paper has been prepared and presented by the European Federation of Building and Woodworkers (EFBWW), which organises 75 national trade unions from 31 countries. The EFBWW is a recognized European social partner for the construction, wood and furniture sector.

EUROPE 2023 – ASBESTOS FREE !

CONCRETE PROPOSALS FOR BETTER WORKING CONDITIONS, TRAINING OF WORKERS, THE RECOGNITION OF ASEBSTOS RELATED DISEASES AND ITS COMPENSATION

Introduction

Asbestos remains a deadly material, and in spite of an extensive ban and extensive efforts made to eliminate it, it is still everywhere throughout Europe. Indeed, asbestos can be found in many different places, but particularly in public and private buildings, where its presence is often unknown. One can find it also in ships, in trains and in everyday products like thermos flasks.

For several decades to come, some 100,000 people will continue to die of asbestos-related diseases in Europe every year. Most of these diseases were prompted by exposure to asbestos during manufacturing processes, but there remains a very serious danger of people falling ill as a result of their involvement in repair, conversion and demolition work, etc.

There is an urgent need for a comprehensive plan aimed at eliminating all of Europe's remaining asbestos. A plan of this kind would have to be multifaceted, covering such wide-ranging issues as working conditions, safety training, the detection and documentation of existing asbestos and the recognition of occupational diseases and ensuing compensation.

A European Asbestos free plan will have the advantage of setting up specific goals in order for everyone to contribute to the final goal "Europe Asbestos free in 2023". To this end a European schedule together with national schedules with intermediate steps and goals, are of the utmost importance.

Such a plan can only become a reality if the affected parties, victims and national trade unions win over public opinion and if the institutions, political parties and relevant associations thrash out its contents and schedule its implementation.

But a European wide campaign does not have to start from scratch. The recently codified basic directive on the protection of workers from the risks related to the exposure of asbestos (former Directive 83/477/EEC, now Directive 2009/148/EC) provides a legal basis for both national and European wide action.

Victims' organisations in many EU-countries and worldwide have gained knowledge, material and experiences on all questions related to Asbestos.

Equally trade unions and national prevention organisations have been working for better working conditions over decades and are currently also in some EU-member states those who are busy with new campaigns. In this connection also the 2006 SLIC-campaign has to be mentioned. The Senior Labour Inspectorate Committee has developed a practical guide to minimise the risk of exposure to asbestos as well as training schemes for labour inspectors.

However, despite all efforts and as already mentioned in the beginning of this introduction, the hazard is still present and can strike everybody. Therefore, further action is urgently needed and, against the background of the numerous experienced players, the EFBWW is very optimistic that our proposals can be of value.

We propose actions and minimum requirements and standards for five different areas:

I. Registration, notification and medical surveillance

Knowing where asbestos is present is the first step for the better protection of both workers and the resident population. A comprehensive registration of all asbestos in special registers is the overall aim.

Furthermore, it is equally important to register companies allowed to work with asbestos respectively the qualification of these companies to be able to do this work.

A third aspect of this domain is the registration of workers working regularly or occasionally with asbestos. This is of the highest importance for the detection of possible diseases and therefore also for its compensation.

II. Safer working conditions

Even though the European and, subsequently, the national legislative frameworks regarding the working conditions is not bad, very often practical working conditions are. This can have many causes (for example inadmissible forms of employment), but the inappropriate application of the legislative framework is one of the main reasons.

What is urgently needed is specific requirements for the different possible activities (such as maintenance, demolition, reconstruction or waste disposal), their operation (technology used, exhaustion devices) and the protection of the environment.

III. Training of workers

More than others, construction workers are acting very often on their own responsibility. Workplaces are temporary and they change their shape constantly. Therefore, workers need good qualifications. They need knowledge on asbestos containing products and material, during which periods those materials have been used, on safe working processes and a range of other topics.

What we need at the European level is minimum standards regarding the qualification of workers who deal with asbestos but also certain qualifications for those workers who could unintentionally be exposed to Asbestos.

IV. The recognition of asbestos related diseases

As the relation between the exposure to asbestos and some diseases is clearly proven, from a worker's point of view, it is absolutely not acceptable that those diseases are still often not recognised in some countries. Asbestosis is Asbestosis in all countries, with the same fatal consequences for the individual concerned.

We therefore ask for the recognition of all asbestos related diseases in all EU-member states.

V. Recognition procedure and compensation of asbestos related diseases

Because of the structure of some national systems, it is still very hard for people to succeed in recognition procedures. Therefore, the recognition procedures have to be facilitated, especially in those countries where national registers for asbestos workers were set up only recently.

The situation is even worse regarding the compensation of asbestos related diseases. Minimum requirements are requested for the compensation of the four main asbestos related diseases, allowing people to keep an autonomous life.

The EFBWW took note of two important resolutions of the European Parliament in the years 2007 and 2009. One dealt with the new community strategy on Health and Safety at the workplace and the other with the REACH-directive. In both resolutions, the EP found clear words regarding the asbestos issue. We believe that a fruitful collaboration can be initiated on these grounds and in view of the common interest to improve working and living conditions.

I. REGISTRATION, NOTIFICATION AND MEDICAL SURVEILLANCE

The primary objective of the proposed measures is to pave the way towards the general disposal of all asbestos. Bearing in mind that there is no evidence of a threshold for the carcinogenic effect of both amphibole and chrysotile forms of asbestos and that increased cancer risks have been observed in populations exposed to very low levels, the most efficient way to eliminate asbestos-related diseases is to stop the possible exposure to all types of asbestos.

Workers, consumers and citizens are potentially exposed to asbestos.

For many years it has been common practice to encapsulate or seal indoor asbestos-containing materials. The original argument was that it would be much too expensive to remove all the asbestos. Recent years however show that this is far from being enough. Encapsulating is just postponing the problem.

The only solution is to remove all the asbestos from our surroundings, instead of leaving the problem to our grand-children. Europe needs to remove all the asbestos from buildings, ships, trains, ...from wherever.

Registration

It is of the highest importance to have a comprehensive registration of all Asbestos sources. Asbestos has been used over decades. It will be found in public buildings, in factory buildings, schools or residential buildings.

All these buildings potentially have been sold in the past or will be sold in the future. Though there is one or the other regulation in various member states about establishing the presence of asbestos in these buildings, it is far away from being sufficient.

A more precise directive from the EU-level is needed regarding the following aspects:

a) The Registration of asbestos sources in buildings

- A register is required on all asbestos sources in all kinds of buildings;
- Registration at local level and additionally in a national register;

- Requested information: kind of material, type of asbestos, approximate amount of asbestos;
- When was the building constructed.

b) The Registration of specialized companies

- Demolition and reconstruction work on weakly bound asbestos products may only be carried out by specialist companies, which have been authorised by the competent authority to perform such work;
- Registered companies have to prove a sufficient number of competent persons;
- They have the liability for subcontractors

c) Workers, regularly or occasionally working with asbestos (during maintenance, reconstruction activities, waste demolition or waste disposal) have to be announced to a local respectively central register.

Data have to be kept for at least 50 years.

d) The documentation of risk analysis corresponding Article 6 of Directive 89/391/EC needs to be kept for at least 50 years. Such clarification should be a subject for a possible revision of Directive 89/391/EC or Directive 2009/148.

e) Workers and their representatives, trade unions, lawyers who act on behalf of the victims, should have access to all results of measurements.

Notification

Notification is an important precondition for public authorities and the labour inspectorate to take the necessary measures and is additionally vital for proper registration of activities as described above.

The different kinds of working activities which should be included in the Notification proceedings are at least (see also chapter II.):

What kind of work is considered

- Demolition work
- Reconstruction and alteration work
- Maintenance work
- Waste disposal

As a minimum, the notification of working activities including work with asbestos has to comprise the following information:

- Address of the establishment
- Type/designation and quantity of the asbestos-containing product
- Activity to be carried out
- Name of the person with expert knowledge at the site
- Number of workers working with asbestos
- Start and expected duration of the activity
- Procedure/location of waste disposal

c) To assess the working conditions, the employer must, prior to commencement of demolition, reconstruction and maintenance work, first ascertain whether the workers carry out activities with asbestos-containing hazardous substances or whether such substances are released during these activities.

d) The risk assessment must be conducted by a knowledgeable person on an activity-related basis. The risk assessment has to be documented and submitted to the legal authority. The workers and the workers' representatives must be granted access to the results of the risk assessment respectively the documentation.

e) In addition to the items mentioned above a European wide net of laboratories is to be installed, ensuring that people from all parts of Europe can get a check, at affordable prices, on whether specific materials/products contain asbestos.

Medical surveillance

Especially because of the fact that no threshold has been identified and because of the possibly very long latency periods, regular medical surveillance is of the highest importance for workers' health.

Basic requirements in this area are:

- All workers who are expected to work with asbestos should be examined before starting the work.
- Annual medical checks for those workers who are regularly or occasionally exposed to asbestos.
- Medical surveillance should be done by specialized medics with the necessary knowledge on Asbestos.
- Regarding medical surveillance both employers and workers and their representatives need manageable guidance. In this respect the guide published by SLIC in 2006 provides useful information.

II. SAFER WORKING CONDITIONS

Since Asbestos is still present and since it is unavoidable to process the substance, safe working conditions are vital. In this respect we consider the EU-Directive on the protection of workers against the exposure to asbestos (2009/148/EC) as a guide. Especially since we know that the provisions of this directive, transposed into national laws, are far from being implemented in practice. Therefore, our proposal for an EU-Action plan is guided by Article 14 of this directive. The wording of this article is as follows:

“Article 14

1. Employers shall provide appropriate training for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers.

2. The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards:

(a) the properties of asbestos and its effects on health, including the synergistic effect of smoking;

(b) the types of products or materials likely to contain asbestos;

(c) the operations that could result in asbestos exposure and the importance of preventive controls to minimize exposure;

(d) safe work practices, controls and protective equipment;

(e) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;

(f) emergency procedures;

(g) decontamination procedures;

(h) waste disposal;

(i) medical surveillance requirements.

3. Practical guidelines for the training of asbestos removal workers shall be developed at Community level.”

We believe that emphasis should be put on the following types of work activities.

- Demolition work
- Reconstruction and alteration work
- Maintenance work
- Waste disposal
- Ancillary work

Ancillary work contains for example

- entering rooms which are contaminated with asbestos dust,
- sampling (material samples, measurement of air),
- clearing rooms contaminated by asbestos dust,
- setting up construction sites where it is not possible to prevent the release of asbestos fibres,
- cleaning of rooms or objects which are contaminated with asbestos dusts,
- in-company transport and storage of asbestos-containing hazardous substances.

General obligations

a) Risk analysis:

The risk assessment must be conducted by a knowledgeable person on an activity-related basis. The following points must be considered in this respect:

- extent and duration of the inhalative exposure,
- working conditions and processes including work equipment and the quantity of asbestos products,
- required protective measures,
- specifications related to the effectiveness check of the protective measures taken
- the risk assessment and evaluation has to be documented,
- in case of doubt material samples must be examined where relevant.

b) Working instruction

The working instructions must at least contain information about:

- the asbestos-containing hazardous substances occurring at the workplace as well as the health risks,
- adequate precautionary arrangements and measures that the worker must carry out for his own protection and the protection of other workers at the workplace.

These include in particular:

- hygiene measures,
- information about exposure-reducing measures,
- information about carrying and use of protective equipment and clothing.
- measures to be taken in the case of operational disturbances, accidents and emergency cases and first-aid,
- proper treatment and removal of occurring asbestos waste,
- the working instructions must be updated with each major change in the working conditions.

c) Instructions of workers

The employer must give the workers oral instruction on the risks occurring and the corresponding protective measures with reference to the working instructions. The course of instruction must teach the following matters in particular:

- properties of asbestos and its effects to health including the aggravating effect of smoking; where relevant a physician must be involved,
- trade-specific asbestos-containing products,
- activities where exposure to asbestos may occur and the significance of measures to be taken to reduce exposure,
- proper use of safe methods and personal protective equipment,
- measures to be taken in the case of disturbances of the operational sequence,
- proper waste disposal,
- occupational health care.

d) Work schedule

The employer must establish a work schedule prior to commencement of demolition, reconstruction and maintenance work involving asbestos and waste disposal. The work schedule must contain the following:

- procedure and working techniques to be adopted when removing asbestos and asbestos-containing materials, as well as installations for the protection and decontamination of the workers and other persons who work in the danger area,
- indications with regard to personal protective equipment,
- checking whether there is no longer a risk of asbestos in the working area of interior rooms after termination of demolition, reconstruction or maintenance work.
- indications relating to the provided proper waste disposal,
- the work schedule must be updated in the case of major modifications,
- the work schedule should be established in connection with the risk assessment.

e) Organisational measures

Prior to commencement of demolition work, asbestos-containing products must be removed according to the state of the art and disposed of properly. In the case of activities involving asbestos-containing hazardous substances at the workplace the following measures must be taken in particular:

- the number of workers in the working areas concerned must be reduced to the lowest possible figure,
- working areas where activities with asbestos-containing hazardous substances are carried out must be clearly separated from other working areas and access to them may only be granted to such workers who have to enter them to perform their work or

certain tasks. Access by unauthorised persons must be prevented by means of a prohibition sign „Stop, no entry“,

- partitioned-off working areas where activities are carried out with asbestos-containing hazardous substances must be marked by adequate warning and safety symbols as well as by the signs “Do not smoke” and “Do not eat and drink”,
- waste that contains asbestos-containing hazardous substances must be collected, stored, transported and disposed of in suitable containers,
- it must be ensured that all rooms, plants and installations are regularly cleaned.
- the employer must ensure that the asbestos fibres cannot reach other workplaces, pass into asbestos-free zones or escape into the atmosphere.

f) Safety measures

The working process must be arranged such that asbestos fibres are not released and that the spread of asbestos dust is prevented as far as this is possible according to the state of the art.

If it is not possible to avoid the release of asbestos fibres in line with the measures taken, they must be captured at the outlet or at the source and then be disposed of according to the state of the art without causing any danger to human health and the environment.

If it is not possible to completely capture them, corresponding ventilation measures must be taken according to the state of the art.

Extracted air must be guided or cleaned in such a way that asbestos fibres cannot also pass into the air breathed by other workers.

It must be ensured that the working room is provided with sufficient outdoor air (fresh air).

g) Personal protective equipment

The employer must provide effective and personal protective equipment which is suitable with regard to its wearing properties and must keep it in a ready-to-use, hygienic impeccable state and ensure that the workers only work as long as is absolutely necessary for the working procedure and as is compatible with health protection.

The workers must use the personal protective equipment provided.

Prior to commencement of work the employer must determine which personal protective equipment is to be used.

Specific obligations

Demolition work

Extensive work normally applies if buildings or building parts must be cleared of waste or refurbished over a large area, for example:

- Removal of weakly bound asbestos products on roof trusses, walls and ceilings or similar,
- Solidification and coating of weakly bound asbestos products.

The working area (black area) must be separated from the surrounding area in a dust-proof form and in accordance with the state of the art (bulkhead partitioning). The bulkhead partitioning must be stable and resistant to the suction force of negative pressures and other strains. Reusable bulkheads should be used. The working area should be kept as small as possible. Bulkheads must be erected in such a way that fibres are not released. A bulkhead partition plan must be drawn up.

The use of an adequately dimensioned ventilation system with exhaust air filter must ensure that:

- the working area is sufficiently ventilated to reduce the asbestos fibre concentration and
- an adequate negative pressure is maintained if the bulkhead partitioning cannot be made dust-proof.

The working area may only be entered or left through adequately dimensioned personnel decontamination facilities (personnel airlocks). It is not permitted to transport material through the personnel airlock.

Material decontamination facilities (material airlocks) must be installed.

Uninvolved third parties do not enter the room (working area) prior to termination of work including cleaning and venting),

The working area is thoroughly cleaned using a type-approved vacuum cleaner and wiped wet after termination of the activities involving asbestos.

Waste disposal

Asbestos-containing waste must be collected in suitable containers at the workplace in such a way that refilling is avoided.

Where asbestos-containing waste has to be put into intermediate storage until removal, it must be kept wet or covered with suitable materials or stored in sealed containers and safeguarded to prevent unauthorised access.

Asbestos or asbestos-containing materials and waste must be secured for transport in such a way that asbestos fibres are not released during transport and unloading.

Asbestos or asbestos-containing materials and waste must be deposited at specially approved landfills in such a way that the release of asbestos fibres is avoided.

III. TRAINING OF WORKERS

Comprehensive knowledge is the basis for successful prevention. All the more in connection with hidden substances and material which was used maybe 50 years ago. People who are entering the construction sector today are mostly not aware of the old products, their characteristics and use. Therefore, the new generation of workers has to learn about asbestos from scratch. Construction workers and especially maintenance workers are often relatively autonomous in their work. In this relation they need comprehensive skills and knowledge to assess their respective working environment. Besides specific courses for competent persons, training for those groups of workers who are intentionally working with asbestos and those workers who are unintentionally confronted with asbestos containing material or products are requested. Also knowledge on new techniques, devices and material as well as the capacity to its appropriate use, is important for the improvement of working conditions.

In this respect good minimum standards for the qualification of workers, doing specific activities, are requested. The following aspects are not comprehensive, but they should be the core of any training activity for the groups of employees concerned.

Training for those professions who are intentionally working with asbestos

Minimum requirements regarding the contents, duration and reiteration

- Information about the different types of asbestos and their health hazards,
- “Cultural background”, i.e., for which applications asbestos has been used and during which periods. How these products have been looking,
- Basic knowledge on how to evaluate possible risks,
- Detailed information on requirements for ventilation and exhaustion and on the appropriate devices,
- Installing the work place including its capsulation,
- Knowledge about the different types of personal protective equipment, its use and for which situation which type it is appropriate,
- Working techniques and the required tools for different activities,
- How to handle waste in a correct way.
- In general, training should be reiterated every three years.

Specific training has to be supplied for younger and migrant workers. For the latter, information material has to be provided in their mother tongue.

It is also necessary to have specific requirements for the reiteration of training activities. This mainly in connection with:

- changes in technologies
- new devices and tools, used for the installation of asbestos-workplaces
- new knowledge on the conditions of exposure to asbestos
- new good practices for better prevention

Like the companies allowed to do asbestos activities, also institutions that are running training courses for employees need to be certified. They have to prove their knowledge and pedagogic competence as well as the appropriateness of their training.

Training for those professions who are not intentionally working with asbestos

Minimum requirements regarding the contents, duration and reiteration

- Information about types of asbestos and their health hazards,
- “Cultural background”, i.e., for which applications asbestos has been used and during which periods. How these products have been installed,
- In which situations (working activities, construction design, co-operation with other trades) they could be confronted with asbestos,
- Basic knowledge on how to evaluate possible risks,
- Knowledge about the different types of personal protective equipment, its use and for which situation which type it is appropriate,
- Techniques for their different activities
- Also for these groups of workers training should be reiterated after a few years in connection with new technologies, techniques.

IV. RECOGNITION OF ASEBESTOS RELATED DISEASES

We already mentioned in the introduction of this paper the number of people dying every year because of an asbestos related disease. This number will more or less remain the same in the years to come. The causal link to asbestos is not any longer disputed, but often it remains difficult for the victims to get their disease recognised. Therefore, we need in all European countries harmonized minimum standards regarding the recognition.

The following four diseases must be listed as occupational diseases everywhere:

- Asbestosis
- Lung cancer
- Mesothelioma
- Pleural plaques

However, some more types of cancer are expected to be related to the exposure to asbestos and there is new scientific evidence in this regard (See the EUROGIP report). It should be considered to also add these diseases to the European list of occupational diseases.

The way of recognition: All European countries have a list of recognised occupational diseases. These lists greatly facilitate the procedure of recognition, because the victims do not have to prove the causal link between the diseases and the harmful agent (exemptions are Sweden and Germany, where the procedure generally demands that victims have to prove the causality).

We explain briefly the main conditions for the recognition:

Asbestosis – the countries require definite extensive exposure to asbestos dust. Sometimes minimum periods are mentioned (10 – 15 years).

Lung cancer – either an intense exposure is proved or the disease is related with asbestosis. In some countries smoking can lead to the rejection of the claim for recognition.

Mesothelioma – is not easy to identify. The requirements are moderate. Only a few weeks of exposure could be sufficient to elicit the disease.

Pleural plaques – diagnosis is based on X-rays and modest exposure to asbestos dust is sufficient.

Pleural plaques are special because of the fact that it is a symptom of asbestos exposure but causes no direct harm to the organism. They are still not recognised as occupational disease in Austria and Spain. There is recognition in Germany, Belgium, Denmark, Finland, France, Norway, Portugal and Switzerland. Today, compensation is possible only in France

Even though the main diseases are recognized as occupational diseases, often it is not easy for victims to obtain recognition. Something more could be done to aid people in these proceedings. The requirements regarding the legal proceedings should be simple and information material should be available. In most of the EU-countries victim organisations have been founded and they support victims. Those organisations should be involved in future activities and they should be provided with financial means for their supporting work. Additionally, people need the right to take action and to put in a claim at least 40 years after their last employment including activities with asbestos-containing material or products.

V. COMPENSATION

The compensation of Asbestos related diseases varies widely between European countries. Sometimes, compensation includes, besides a monthly pension or a lump sum as the core factor, funeral expenses, monthly widows pension or a monthly pension for a sole orphaned child.

Compensation for those who are victims is necessary. It cannot compensate the sorrow but it will help people to arrange their daily living arrangements. Compensation should comprise both financial and medical help.

Similar to the previous chapter, some basic requirements should be met, i.e.:

- European minimum standards for the compensation of Asbestos related diseases;
- Simple legal proceedings;
- Information material including links to specialized medicines and victim organisations;
- Comprehensive medical help for victims;
- National funds for the support of victims.