

# Welfare in Asbestos Removal

(new HSE Operational Guidance (OG))

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COLETTE WILLOUGHBY

# Why is welfare important?

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- Good welfare is a basic requirement for anyone at work
- Good welfare is a barometer for the rest of the site and how the project is managed
- Asbestos workers are not second class workers, they deserve decent facilities
- Good welfare is a vital control measure against many ill health issues
- Asbestos sites are often remote and lacking fixed or accessible on-site facilities

# Why do we need a new OG?

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- The previous HSE 'OG' was published in 2013 and was due for review in 2015
- This new OG addresses the briefness and vagaries of the previous OG
- Industry have driven and contributed to this update and are welcoming of clearer standards
- The new OG gives HSE far clearer parameters for regulating this topic

# Major changes?

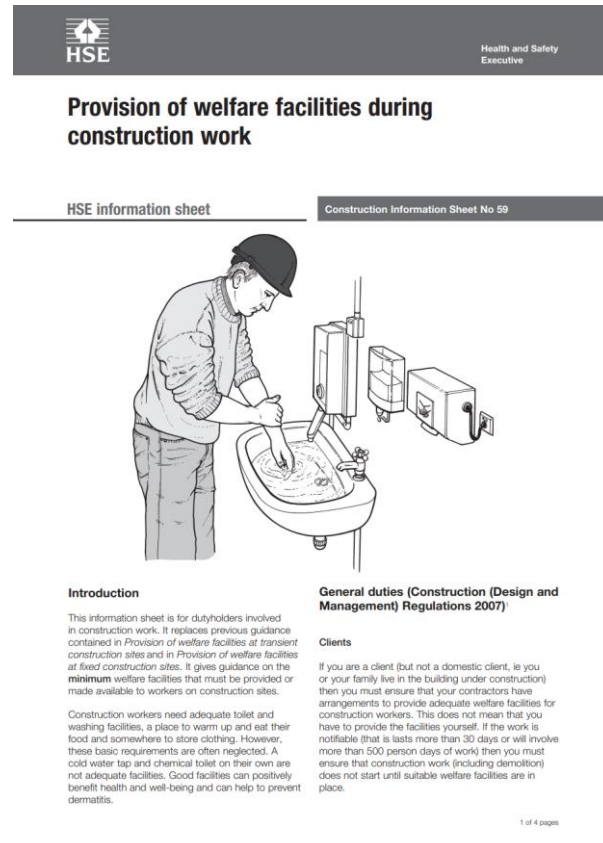
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Only a few notable changes to the standards required, standards are now just far better defined

- Distances given for toilet proximity, prevent people having to drive for miles to use the bathroom
- The ratios for toilets per person changed due to the British Standard being updated. 1 for 5 instead of 1 for 7
- Clear consideration is given to the provision of sanitary waste disposal facilities

The detail given for each requirement listed in CDM Schedule 2 will give contractors a clear framework to achieve as well as allowing the regulator to measure site conditions to a written standard


# What about CIS59?



**HSE** Health and Safety Executive

## Provision of welfare facilities during construction work

HSE information sheet Construction Information Sheet No 59



**Introduction**  
This information sheet is for dutyholders involved in construction work. It replaces previous guidance contained in *Provision of welfare facilities at transient construction sites* and in *Provision of welfare facilities at fixed construction sites*. It gives guidance on the **minimum** welfare facilities that must be provided or made available to workers on construction sites.  
Construction workers need adequate toilet and washing facilities, a place to warm up and eat their food and somewhere to store clothing. However, these basic requirements are often neglected. A cold water tap and chemical toilet on their own are not adequate facilities. Good facilities can positively benefit health and well-being and can help to prevent dermatitis.

**General duties (Construction (Design and Management) Regulations 2007)**

**Clients**  
If you are a client (but not a domestic client, ie you or your family live in the building under construction) then you must ensure that your contractors have arrangements to provide adequate welfare facilities for construction workers. This does not mean that you have to provide the facilities yourself. If the work is notifiable (that is lasts more than 30 days or will involve more than 500 person days of work) then you must ensure that construction work (including demolition) does not start until suitable welfare facilities are in place.

1 of 4 pages

- CIS59 – Welfare in Construction is now a little dated (nearly 13 years old) so should be used with this in mind
- CIS59 allowed cafes etc to act as welfare, this is to be a very last option, not a cheap solution
- The key principals within CIS59 still relevant today, welfare should be planned and managed and meet the standards laid down in Schedule 2 of CDM
- Investigations into whether CIS59 can be updated to reflect the new OG and welfare available to the industry

# The **BIG** taboo

## Male urinary incontinence

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Why bother providing sanitary waste bins for men to use, surely this is just a female issue? It's a waste of money, men don't need them!

- **20%** of men aged 18 to 25 suffer from symptoms of urinary incontinence (UI)
- **51%** of all men surveyed had suffered from symptoms of UI
- **25%** of men globally will suffer from UI over the age of 40, in the UK 1 in 25 men will suffer over 40 which rises to 1 in 3 for those over 65 years old

### ***Of the UK men identified as suffering from UI:***

- **78%** said they were anxious about leaving home for work due to the lack of places to dispose of sanitary pads etc
- **38%** said they left the house less regularly
- **44%** said they feel anxious about using public toilets

# Sanitary bin provision

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## How does this affect female analysts?

- The provision of sanitary bins should mean one less barrier to anyone using the welfare who needs to discretely dispose of used sanitary products
- By providing a more comfortable work environment for men and women, there is a lower chance of frustration and confrontation on site
- How big an impact will this have?
- The provision of sanitary waste bins is reasonably practicable as the cost is relatively low (£7 to £10 for a serviced bin)
- The risk of people not attending work due to the lack of somewhere to discretely dispose of used pads etc is removed.

# Welfare DCU's & vans

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- All major DCU manufacturers in the UK are liaising with HSE to improve their offerings
- Many existing units will be retrofitted to ensure they are compliant
- Analytical companies should ensure welfare is in place before attending site
- Be prepared to think differently and challenge what you're told is possible
- ARCA and ACAD have been asked to remind their members that welfare DCU's must be available to analysts throughout the work, without exception.



# What you should expect Inspectors and Visiting Officers to do?

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- Consider welfare provision on all inspection visits
- Assess the welfare provision early on in the visit to establish the general attitude to compliance on site
- Refer to the HSE website (<https://www.hse.gov.uk/construction/faq-welfare.htm>) for details of types and standards of welfare facilities expected and take appropriate enforcement action to secure compliance where on-site standards are poor
- Apply the standard in the new OG on all sites
- Enforce where required applying the Enforcement Management Model (EMM) and the standards in the OG

# Enforcement

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Where toilets, hand basins, drying room, etc. have not been provided or are inadequate, the Enforcement Management Model (EMM) enforcement expectations are to:

- Issue an Improvement Notice (IN) to secure compliance (a Prohibition Notice (PN) is generally not appropriate unless imminent health risks are present);
- Consider prosecution for repeated offences (prosecution as a first offence for welfare breaches may be appropriate depending on the level of breach).

It is anticipated that enforcement in welfare matters should increase now there is clearer information on the standards expected

**Welfare is effectively a shared responsibility with clients having a legal duty to ensure it is provided and the users ensuring it is present and in good order**

# So What Does This All Mean for the Analyst

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# Welfare Facilities

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These must be provided – not an optional or nice to have

They must also be accessible and available to be used

If they are not clean, then they are not acceptable

The provision of welfare facilities was the focus of a HSE Court Case heard on 29<sup>th</sup> November 2022 at Cannock Magistrates Court.

Employee became seriously ill, contracted a blood infection due to no on-site welfare facilities

Breaches – HASAWA (S2(1)), Workplace Health Safety and Welfare Regulations (20 (1))

Fined £126,100 plus costs £43,494

# Welfare Facilities

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Other Considerations

Do they actually comply – Licensed Asbestos Removal Works?

CDM Schedule 2 – Minimum Requirements for Welfare Facilities

# Welfare Facilities

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- **L153 Managing health and Safety in construction – Construction (Design and Management) Regulations 2015**

- Schedule 2 Minimum welfare facilities required for construction sites:
  - Sanitary conveniences
  - Washing facilities
  - Changing rooms and lockers

# Welfare Facilities

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- **L153 Managing health and Safety in construction – Construction (Design and Management) Regulations 2015**

- Schedule 2 Minimum welfare facilities required for construction sites:

Usually will be a DCU for Licensed Works

Perhaps a Welfare Van

# Welfare Facilities

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## **Washing facilities**

separate washing facilities must be provided for men and women, except where they are provided in a room the door of which is capable of being secured from inside and the facilities in each room are intended to be used by only one person at a time.

## **Changing rooms and lockers**

Suitable and sufficient facilities must, where necessary, be provided or made available at readily accessible places to enable persons to lock away—

- (a) any special clothing which is not taken home;
- (b) their own clothing which is not worn during working hours; and
- (c) their personal effects.



# Welfare Facilities

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**DCUs – key code lock accessible from outside !**

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# Welfare Facilities - Progress

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- SMH development of bespoke unit for client
- Alarm system within each section of DCU
- Battery back-up
- Locking system being reviewed, lockable from inside
  
- New electronic/magnetic locking system from Beacon
- Activation switch in clean and dirty end with indicator light
- Analyst has control whilst in the unit
- Further development required due to movement issues



Female Analyst  
Working Group

# Welfare Facilities - Progress

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Licensed Sector starting to acknowledge issues and abuse of analysts

Industry driven – moral & legal obligations

Client driven - moral & legal obligations

Analyst Organisations – staff support

Analysts (females) – confidential email/help line

[concerns@itsnotacceptable.co.uk](mailto:concerns@itsnotacceptable.co.uk)



Female Analyst  
Working Group

# Summary



Welfare is a vital part of site health and safety

The new HSE guidance merely supports existing legislation and makes interpretation easier for enforcing body and contractors alike

Good welfare is a shared duty from client to end user

Remember, welfare reflects the business both to site staff and visitors, no matter how infrequent

Welfare facilities should be safe and accessible for all to use

Good and compliant welfare should be child's play but we still have a reasonable way to go to ensure it is embedded as a core part of any construction/removal project, large or small

# Finally

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## Any Questions?