Each week approximately 8 Joiners, 6 Electricians and 4 plumbers die from Asbestos related diseases. Asbestos is a Hidden killer and could be found in any Building built before 2000. Asbestos is now the single greatest cause of work related deaths in the U.K. and this figure is anticipated to increase until 2020 with over 4,000 people dying in the U.K. from asbestos related diseases each year.

An Asbestos issue will have a significant effect on a business. This includes examples such as:

- Health and emotional problems suffered by individuals exposed to a potential release of asbestos.
- Potential prosecution by enforcing authorities including prohibition and improvement notices.
- Insurance claims under Employers Liability and Public Liability policies.
- Uninsured third party claims; asbestos linked claims are specifically excluded under many Public Liability policies.
- Damage to business reputation and brand through media interest in mismanagement.

What is the latest legislation?

If you own or manage a building built before 2000 you need to effectively manage asbestos. A revised second edition Approved Code of Practice (ACoP) has been issued, LI43 Managing and Working with Asbestos. This document provides guidance on the Control of Asbestos Regulations 2012 (CAR). The guidance places a duty onto business owners to ensure that asbestos materials are managed and stipulates the information that must be included in asbestos management plans.

As the duty holder do you have oversight over the management of this risk?

The ‘duty holder’ is anyone responsible for maintaining and repairing all or part of a property, or who has control of the building, for example the occupier or the owner. You can never remove this duty, even if certain management actions are delegated to a third party. A key question to ask is:

Can you demonstrate that you have oversight in relation to this duty, and how do you monitor this within your business?

The media and enforcing authorities may focus on the owner not the managing agent, and you will need evidence of the level of oversight and monitoring for those who operate your buildings.

Case Study

In a recent case a leading hotel chain was ordered to pay more than £200,000 in fines and costs after construction workers and guests were put at risk of asbestos exposure. It was estimated twenty two workers were exposed, with the business suffering loss of revenue, reputational damage and potentially increased future insurance costs.

What can Willis do for you?

- We will be holding an asbestos seminar based on case studies and the requirements placed on duty holders.
- We can undertake individual asbestos management reviews, assessing existing arrangements against legislative and best practice standards. This will also assess practical implementation of asbestos policy. The audit will look at key controls such as provision of information, emergency procedures and remediation protocols.
- We can provide asbestos training covering a legal overview of responsibilities, likely asbestos materials, management documentation and emergency procedures. This training is tailored to the audience requirements and provided by an asbestos specialist.

To register interest in the seminar or to discuss any of the above in further detail, please do not hesitate to contact a member of your Client Service Team.
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