

## **Irish Congress of Trade Unions response to public consultation on Directive (EU) 2023/2668 asbestos at work.**

**May 2025**

### **About Congress**

Congress is the largest civil society organisation on the island of Ireland, representing and campaigning on behalf of some 800,000 working people. There are currently 44 unions affiliated to Congress, north and south of the border.

The Irish Congress of Trade Unions welcomes the directive and believe that it is timely. It is long past the time when workers and members of the public should be exposed to the fatal risks of asbestos. The dangers of asbestos have been known about for many years and yet workers continue to die of asbestos related diseases. Trade Unions continue to campaign for asbestos free workplaces and public buildings. The Directive must also take into account the ‘hidden’ dangers of asbestos in buildings within the public realm, including schools, hospitals, further and higher educational institutions.

The importance of creating a safety culture in organisations is obvious, and the primary means of achieving this is through real consultation with workers and their representatives in Trade Unions.

The positive role Safety Representatives play in the workplace is recognised by Government, Employers and the Health and Safety Authority and they can play a key role in highlighting the risks associated with asbestos and ensuring that protective measures are implemented.

Trade Unions and Safety Representatives make workplaces healthier and safer, and this must be acknowledged and reflected in any proposed legislation. In addition, the requirement to engage with worker’s representatives must be made clearly articulated and recognised.

As a non-threshold carcinogen, the legislation must reflect the serious risks that exposure to asbestos brings. Many workers continue to work in or enter buildings that still contain asbestos, and many are unaware of the potential exposure.

The legislation must include a clear requirement for an employer to identify if asbestos is present or not in their workplace and include detail of where it is located in the risk assessment.

The legislation, while stressing that the duty of carrying out risk assessments lies with the employer, must also be clear that risk assessments should be done in consultation with workers, including Trade Unions and Safety Representatives. The risk assessment, where asbestos is identified must be shared with every worker, including contracted or agency workers not directly employed by the employer.

In relation to the training required in any enterprise it is important that Trade Unions and Safety Representatives are fully consulted on the training available and whether it is adequate and meets the needs of the particular workplace.

All workers can be exposed to asbestos even if they don’t work with asbestos. While it is important that workers who are deemed most at risk to potential exposure receive the appropriate training,

it is Congress's recommendation that all workers should receive a level of training. This should be mandated for in the legislation.

Congress notes the proposals around workers deemed at risk of exposure having to wear PPE and have mandatory training. We would recommend that there is a broad interpretation of those deemed at risk – particularly given the acknowledgement that women are at risk to secondary exposure. In addition, attention must be paid to 'suitable PPE', this must be risk assessed with workers and trade unions and must be supplied to meet the needs of every workers paying particular attention to gender, disability or other requirements.

Congress welcomes the acknowledgement in the Directive that women are at particular risk to certain types of exposure to asbestos, including secondary exposure. We further welcome the recommendation that 'it is therefore essential to take into account gender differences in exposure to asbestos and health complications following such exposure, in order to better prevent and detect diseases caused by such exposure'.

Congress would like to see the steps expressed in the Directive which employers should be undertaking in order to mitigate and eliminate these risks, once identified. It would be useful if a Code of Practice were developed to accompany the legislation which would ensure there is no confusion as to duty holders responsibilities.

Congress would also recommend that the Department consider the State's responsibility in relation to publicising the new protections afforded by the Directive. It is important that members of the public are aware of these as well as self employed workers, including trades-people.

Finally Congress would welcome the opportunity to comprehensively engage with the Department as plans progress for the development of legislation.

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