

From: <Archie.Mitchell@hse.gsi.gov.uk>  
Subject: Enquiry about employment in licenced asbestos work  
Date: 3 December 2015 at 10:17:45 GMT  
To: <admin@asbestosjobsonline.co.uk>  
Cc: <Simon.Longbottom@hse.gsi.gov.uk>, <Jon.Dry@hse.gsi.gov.uk>

Dear John

Thanks for your query about employment in licenced asbestos work

Regulation 8 of the Control of Asbestos Regulations 2012 requires **an employer** to hold a licence, granted by HSE, in order to undertake "licensable work with asbestos" (as defined in regulation 2). It therefore follows that those workers carrying out the work will be **employees** of that employer.

HSE considers a licence holder to be the employer of those carrying out notified work for the following reasons:

- a) the licence holder has direct and immediate control over the way the work is done (i.e. the work follows a "suitable" plan of work, prepared by the licence holders' senior management prior to notification);
- b) the licence holder has the power to select and appoint workers;
- c) the licence holder provides equipment for the work;
- d) the licence holder has a great degree of controls over the time/location of the work.

Where staff work under the control of a licence holder they are considered to be employees under health and safety law, irrespective of how they are paid / their tax status. The term of employment can also be for different lengths of time - it does not mean a permanent member of staff.

Genuinely self-employed persons would be working entirely under their own control and direction and **those individuals would need their own personal licence to undertake the work with asbestos and would be required to notify the work in accordance with standard licence conditions**. HSE has not granted any such individual licences as it is not possible to carry out licensable work with asbestos as an individual working alone.

The HSE web pages have a large source of information on asbestos <http://www.hse.gov.uk/asbestos/> There is also a specific licenced asbestos web community where anyone can share information, ask questions and discuss asbestos related items similar to your questions. Most of the members are part of the industry and are willing to share knowledge.  
<http://webcommunities.hse.gov.uk/connect.ti/asbestos.licensing/grouphome>

regards

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