

Health and Safety Commission Paper		HSC/05/62	
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Exemptions:	Annex B pages 4 – 10 Under Section 36(2)(b)(i) and (ii) Prejudice to effective conduct of public affairs		

## HEALTH AND SAFETY COMMISSION

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Noise and Vibration Programme Unit

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Cleared by Jonathan Rees on 22 April 2005

### Issue

1. Approval of the proposed Control of Noise at Work Regulations following public consultation. This paper responds to the Commission's request, at their meeting on 5 April, for the latest draft guidance and communications plan supporting the Regulations.

### Timing

2. For agreement at this meeting. Although the Regulations do not come into force until 15 February 2006, the theme of European Week of Safety and Health in October is noise at work, and we feel it would be the optimum publicity opportunity to launch the Regulations and guidance. In order to do this, the Regulations have first to be made (signed by the Minister) and their laying in Parliament completed before the summer recess.

### Recommendation

3. That the Commission:
- consider and note the draft guidance, which take account of the main points raised during public consultation, at Annex A;
  - consider and note the draft communications plan for the Regulations at Annex B;
  - approve the recommendations in HSC/05/01 to agree the Regulations.

### Background

4. Paper HSC/05/01 sets out the full background to the draft Regulations which implement the EU Physical Agents (Noise) Directive.

5. The Commission on 5 April asked to see the draft guidance and communications plan supporting the Regulations. This was in recognition of:
- the importance of effectively communicating what is (and what is not) required by the new Regulations;

- the reputational risk to HSC/E of adverse and misleading media comments.

The guidance makes clear that it applies to workplaces rather than public exposure to noise, and that employee and safety representatives should be consulted over any decision to use weekly personal noise exposure. The communications plan sets out clear messages addressing possible adverse media interest.

## **Argument**

### The draft guidance

6. The draft guidance is at Annex A. This comprises:

- Free employer leaflet
- Employee pocket card
- Priced formal guidance published alongside the Regulations

7. The guidance is a working draft only at this stage and requires further honing and internal consultation. The free leaflet, pocket card and Part 1 (legal commentary) of the priced guidance have been redrafted in line with comments received from public consultation. We recognise that the pocket card may benefit from redesign in the future. Other Parts and Appendices are more detailed and technical and have had little redrafting as yet, though an analysis of the comments received suggests that few changes will be necessary. Part 1 paragraph 2 states clearly that the Regulations only apply to people at work, while paragraph 18 addresses the issue of consultation with workers and their representatives on weekly averaging, and paragraph 42 provides a broader statement on consultation. These issues are addressed in the employer leaflet under the headings Introduction and Employee and safety representatives.

8. The commercial strategy for priced publications, presented in Commission paper MISC/05/10, describes HSE's aim of making more information available on the web. This strategy also outlined a consistent approach to priced publications, by category of publication, identifying a need to produce a small number of new priced publications each year (income target £5 million pa for the three years to 2007/08). Pricing policy will be further discussed at a Board meeting in the summer.

### The draft communications plan

9. The draft communications and media handling plan is at Annex B. This states clear messages, our target audience, how we are engaging with key stakeholders and gives robust lines to handle any potential negative media coverage.

## **Consultation**

10. Extensive consultation has already taken place on the Regulations and guidance. Policy Group, Field Operations Directorate, Communications Directorate, the Financial Policy Unit and Worker Involvement Programme have been consulted on this paper.

**Presentation**

11. The communications plan, and in particular the question and answer brief, address the risk of negative press coverage on the Regulations. To mitigate this risk we will continue to engage proactively with key stakeholders (see also Stakeholder engagement in Annex B). This material has been cleared with Communications Directorate.

**Costs and Benefits**

12. The post-consultation Regulatory Impact Assessment is discussed at paragraph 19 and Annex C of HSC/05/01.

**Financial/Resource Implications for HSE**

13. Estimated costs to HSE, including publication of the guidance, were discussed in paragraph 20 of HSC/05/01. The cost of the noise and vibration roadshows has already been accounted for in the vibration communications plan – noise will be added to these roadshows at no extra cost. Likewise the local seminars on vibration will now address noise at work too at no extra cost.

14. The European Week event is being managed for IOSH by independent conference organisers, who are bearing any financial risks. Thus there are no additional costs resulting from the areas of reconsideration sought by the Commission.

**Other implications**

15. None from the guidance and communications aspects in this paper.

**Next steps**

16. Once the Commission has noted the draft guidance and communications plan and agreed the recommendations in the paper for the April meeting, HSE will proceed as in paragraph 27 of HSC/05/01.