

HSC/04/107 ANNEX C

The draft Control of Vibration at Work Regulations 2005

The draft Regulations are set out on the following pages. The Regulations have been amended following the public consultation which took place between November 2003 and March 2004. Amended text is indicated by sidelining and underlining.

Some amendments are for the purposes of clarification and some are substantive changes. The substantive changes are explained in the paragraph 8 of the covering Commission paper.

2005 No. 000

HEALTH AND SAFETY

The Control of Vibration at Work Regulations 2005

<i>Made</i> - - - -	<i>Day Month 2005</i>
<i>Laid before Parliament</i>	<i>Day Month 2005</i>
<i>Coming into force</i> - -	<i>Day Month 2005</i>

ARRANGEMENT OF REGULATIONS

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The Secretary of State, in the exercise of the powers conferred on him by sections 15(1), (2), (5)(a) and (b), and 82(3)(a) of, and paragraphs 1(1)(a) and (c), 8(1), 9, 11, 13(2) and (3), 14, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974^(a) (“the 1974 Act”) and of all other powers enabling him in that behalf, for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

^(a) 1974 c.37; sections 11(2), 15(1) and 50(3) were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 4, 6 and 16(3) respectively.

Citation and commencement

1. These Regulations may be cited as the Control of Vibration at Work Regulations 2005 and shall come into force on 2005.

Interpretation

2.—(1) In these Regulations—

“acceleration” means the quantity used to represent vibration magnitude in units of metres per second per second (m/s²)

“daily exposure” means the quantity of mechanical vibration to which a worker is exposed during a working day, which takes account of the magnitude and duration of the vibration;

“emergency services” include—

- (a) police, fire, rescue and ambulance services;
- (b) Her Majesty’s Coastguard;

“enforcing authority” means the Executive or local authority, determined in accordance with the provisions of the Health and Safety (Enforcing Authority) Regulations 1998(a);

“exposure action value” means the level of daily exposure set out in regulation 4 for any worker which, if exceeded, requires specified action to be taken to reduce risk;

“exposure limit value” means the level of daily exposure set out in regulation 4 for any worker which must not be exceeded, save as set out in regulation 6(4);

“the Executive” means the Health and Safety Executive;

“frequency-weighted acceleration” means vibration magnitude corrected for varying human sensitivity to vibration at different frequencies;

“hand-arm vibration” means mechanical vibration which is transmitted into the hands and arms during a work activity;

“health surveillance” means assessment of the state of health of an employee, as related to exposure to vibration;

“mechanical vibration” means vibration occurring in a piece of machinery or equipment or in a vehicle as a result of its operation;

“orthogonal directions” means three directions of vibration which are at right angles to one another;

“the risk assessment” means the assessment of risk required by regulation 5(1);

“whole-body vibration” means mechanical vibration which is transmitted into the body through the supporting surface when seated or standing, during a work activity or as described in regulation 5(3)(f); and

“working day” means a daily working period, irrespective of the time of day when it begins or ends, and of whether it begins or ends on the same calendar day.

(2) In these Regulations, a reference to an employee being exposed to vibration is a reference to the exposure of that employee to mechanical vibration arising out of or in connection with his work.

Application

3.—(1) These Regulations shall have effect with a view to protecting persons against a risk to their health and safety arising from exposure to vibration at work.

(2) Subject to paragraph (3), regulation 6(3) shall not apply until 6 July 2010 where work equipment is used which—

(a) S.I. 1998/494, as amended by S.I. 1999/3232, S.I.1999/2024, and .S.I. 2002/2675

- (a) was first provided to employees prior to 6 July 2007 by any employer; and
- (b) does not permit compliance with the exposure limit values,

but in using such equipment the employer shall take into account the latest technical advances and the organisational measures taken in accordance with regulation 6(2).

(3) For the agriculture and forestry sectors only, regulation 6(3) shall not apply to the whole-body vibration exposure limit value until 6 July 2014 in respect of work equipment which—

- (a) was first provided to employees prior to 6 July 2007 by any employer; and
- (b) does not permit compliance with the whole-body vibration exposure limit value,

but in using such equipment the employer shall take into account the latest technical advances and the organisational measures taken in accordance with regulation 6(2).

(4) Where a duty is placed by these Regulations on an employer in respect of his employees, he shall, so far as is reasonably practicable, be under a like duty in respect of any other person, whether at work or not, who may be affected by the work carried out by the employer except that the duties of the employer—

- (a) under regulation 7 (health surveillance) shall not extend to persons who are not his employees; and
- (b) under regulation 8 (information, instruction and training) shall not extend to persons who are not his employees, unless those persons are on the premises where the work is being carried out.

(5) These Regulations shall apply to a self-employed person as they apply to an employer and an employee and as if that self-employed person were both an employer and an employee, except that regulation 7 shall not apply to a self-employed person.

(6) These Regulations shall not apply to the master or crew of a ship or to the employer of such persons in respect of the normal shipboard activities of a ship's crew which are carried out solely by the crew under the direction of the master, and for the purposes of this paragraph "ship" includes every description of vessel used in navigation, other than a ship forming part of Her Majesty's Navy.

Exposure limit values and action values

4.—(1) For hand-arm vibration—

- (a) the daily exposure limit value normalised to an 8-hour reference period is 5 m/s^2 ;
- (b) the daily exposure action value normalised to an 8-hour reference period is 2.5 m/s^2 ; and
- (c) daily exposure shall be ascertained on the basis set out in Schedule 1 Part I.

(2) For whole body vibration—

- (a) the daily exposure limit value normalised to an 8-hour reference period is 1.15 m/s^2
- (b) the daily exposure action value normalised to an 8-hour reference period is 0.5 m/s^2
- (c) daily exposure shall be ascertained on the basis set out in Schedule 2 Part I.

Assessment of the risk to health created by vibration at the workplace

5.—(1) An employer who carries out work which is liable to expose any employees to risk from vibration shall make a suitable and sufficient assessment of the risk created by that work to the health and safety of those employees, and the risk assessment shall identify the measures that need to be taken to meet the requirements of these Regulations.

(2) In conducting the risk assessment, the employer shall assess daily exposure to vibration by means of—

- (a) observation of specific working practices;
- (b) reference to relevant information on the probable magnitude of the vibration corresponding to the equipment used in the particular working conditions, and

- (c) if necessary, measurement of the magnitude of vibration to which his employees are liable to be exposed,

and the employer shall assess whether any employees are likely to be exposed to vibration above an exposure action value or an exposure limit value.

(3) The risk assessment shall include consideration of—

- (a) the magnitude, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks;
- (b) the effects of exposure to vibration on employees whose health is at particular risk from such exposure;
- (c) any effects of vibration on the workplace and work equipment, including the proper handling of controls, the reading of indicators, the stability of structures and the security of joints;
- (d) any information provided by the manufacturers of work equipment;
- (e) the availability of replacement equipment designed to reduce exposure to vibration;
- (f) any extension of exposure at the workplace to whole-body vibration beyond normal working hours, including exposure in rest facilities supervised by the employer;
- (g) specific working conditions such as low temperatures; and
- (h) appropriate information obtained from health surveillance including, where possible, published information.

(4) The risk assessment shall be reviewed regularly and forthwith if—

- (a) there is reason to suspect that the risk assessment is no longer valid; or
- (b) there has been a significant change in the work to which the assessment relates,

and where, as a result of the review, changes to the risk assessment are required, those changes shall be made.

(5) The employer shall record—

- (a) the significant findings of the risk assessment as soon as is practicable after the risk assessment is made or changed; and
- (b) the measures which he has taken and which he intends to take to meet the requirements of regulation 6.

Elimination or control of exposure to vibration at the workplace

6.—(1) On the basis of the general principles of prevention set out in Schedule 1 to the Management of Health and Safety at Work Regulations 1999(a), the employer shall ensure that risk from the exposure of his employees to vibration is either eliminated at source or reduced as low as reasonably practicable.

(2) Where it is not reasonably practicable to eliminate risk at source pursuant to paragraph (1) and the risk assessment indicates that an exposure action value is likely to be exceeded, the employer shall reduce exposure as low as reasonably practicable by establishing and implementing a programme of organisational and technical measures which is appropriate to the activity and consistent with the risk assessment, and shall include consideration of —

- (a) other methods of work which eliminate or reduce exposure to vibration;
- (b) choice of work equipment of appropriate ergonomic design which, taking account of the work to be done, produces the least possible vibration;
- (c) the provision of auxiliary equipment which reduces the risk of injuries caused by vibration;

(a) S.I. 1999/3242, as amended by S.I. 2003/2457.

- (d) appropriate maintenance programmes for work equipment, the workplace and workplace systems;
 - (e) the design and layout of workplaces, work stations, and rest facilities;
 - (f) suitable and sufficient information and training for employees, such that work equipment may be used correctly and safely, in order to minimise their exposure to vibration;
 - (g) limitation of the duration and intensity of exposure to vibration;
 - (h) appropriate work schedules with adequate rest periods; and
 - (i) the provision of clothing to protect employees from cold and damp.
- (3) Subject to regulation 3(2) and (3) and paragraph (4), the employer shall—
- (a) ensure that his employees are not exposed to vibration above an exposure limit value; or
 - (b) if an exposure limit value is exceeded, he shall forthwith—
 - (i) take action to reduce exposure to vibration to below the limit value;
 - (ii) identify the reason for that limit being exceeded; and
 - (iii) modify the organisational and technical measures taken in accordance with paragraph (2) to prevent it being exceeded again.
- (4) Paragraph (3) shall not apply where the exposure of an employee to vibration is usually below the exposure action value but varies markedly from time to time and may occasionally exceed the exposure limit value, provided that—
- (a) any exposure to vibration averaged over one week is less than the exposure limit value;
 - (b) there is evidence to show that the risk from the actual pattern of exposure is less than the corresponding risk from constant exposure at the exposure limit value;
 - (c) risk is reduced as low as reasonably practicable, taking into account the special circumstances; and
 - (d) the employees concerned are subject to increased health surveillance, where such surveillance is appropriate within the meaning of regulation 7(2).

and exposure within the meaning of this paragraph shall be ascertained on the basis set out in Schedule 1 Part II for hand-arm vibration and Schedule 2 Part II for whole-body vibration.

(5) The employer shall adapt any measure taken in compliance with the requirements of this regulation to take account of any employee who is particularly sensitive to vibration.

Health surveillance

7.—(1) If—

- (a) the risk assessment indicates that there is a risk to the health of his employees who are, or are liable to be, exposed to vibration; or
- (b) employees are exposed to vibration in excess of an exposure action value,

the employer shall ensure that such employees are under suitable health surveillance, where such surveillance is appropriate within the meaning of paragraph (2).

(2) Health surveillance, which shall be intended to prevent or diagnose any health effect linked with exposure to vibration, shall be appropriate where the exposure of the employee to vibration is such that—

- (a) a link can be established between that exposure and an identifiable disease or adverse health effect;
- (b) it is probable that the disease or effect may occur under the particular conditions of his work; and
- (c) there are valid techniques for detecting the disease or effect.

(3) The employer shall ensure that a health record in respect of each of his employees who undergoes health surveillance in accordance with paragraph (1), is made and maintained and that that record or a copy thereof is kept available in a suitable form.

(4) The employer shall—

- (a) on reasonable notice being given, allow an employee access to his personal health record;
- (b) provide the enforcing authority with copies of such health records as it may require; and
- (c) if he ceases to trade, notify the Executive forthwith in writing and make available to the Executive all health records kept by him.

(5) Where, as a result of health surveillance, an employee is found to have an identifiable disease or adverse health effect which is considered by a doctor or other occupational health professional to be the result of exposure to vibration the employer of that employee shall—

- (a) ensure that a suitably qualified person informs the employee accordingly and provides the employee with information and advice regarding further health surveillance, including any health surveillance which he should undergo following the end of exposure;
- (b) ensure that he is informed himself of any significant findings from the employee's health surveillance, taking into account any medical confidentiality;
- (c) review the risk assessment;
- (d) review any measure taken to comply with regulation 6, taking into account any advice given by a doctor, occupational health professional or the enforcing authority;
- (e) consider assigning the employee to alternative work where there is no risk from further exposure to vibration, taking into account any advice given by a doctor or occupational health professional; and
- (f) provide for a review of the health of any other employee who has been similarly exposed, including a medical examination where such an examination is recommended by a doctor, occupational health professional or the enforcing authority.

(6) An employee to whom this regulation applies shall, when required by his employer and at the cost of his employer, present himself during his working hours for such health surveillance procedures as may be required for the purposes of paragraph (1).

Information, instruction and training for persons who may be exposed to risk from vibration

8.—(1) If—

- (a) the risk assessment indicates that there is a risk to the health of his employees who are, or who are liable to be, exposed to vibration; or
- (b) employees are exposed to vibration in excess of an exposure action value,

the employer shall provide those employees and their representatives with suitable and sufficient information, instruction and training.

(2) Without prejudice to the generality of paragraph (1), the information, instruction and training provided under that paragraph shall include—

- (a) the organisational and technical measures taken in order to comply with the requirements of regulation 6;
- (b) the exposure limit values and action values;
- (c) the significant findings of the risk assessment, including any measurements taken;
- (d) why and how to detect and report signs of injury;
- (e) entitlement to appropriate health surveillance;
- (f) safe working practices to minimise exposure to vibration; and
- (g) the collective results of any health surveillance undertaken in accordance with regulation 7 in a form calculated to prevent those results from being identified as relating to a particular person.

(3) The information, instruction and training required by paragraph (1) shall be adapted to take account of significant changes in the type of work carried out or methods of work used by the employer;

(4) The employer shall ensure that any person, whether or not his employee, who carries out work in connection with the employer's duties under these Regulations has suitable and sufficient information, instruction and training.

Exemption certificates for emergency services

9.—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any person or class of persons from regulation 6(3) in respect of activities carried out by emergency services which conflict with the requirements of that paragraph, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless it is satisfied that the health and safety of the employees concerned is ensured as far as possible in the light of the objectives of these Regulations.

Exemption certificates for air transport

10.—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any person or class of persons from regulation 6(3) in respect of whole-body vibration only in the case of air transport, where the latest technical advances and the characteristics of the workplace do not permit compliance with the exposure limit value despite the technical and organisational measures taken, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless—

- (a) it consults the employers and the employees or their representatives concerned,
- (b) the resulting risks are reduced as low as reasonably practicable; and
- (c) the employees concerned are subject to increased health surveillance, where such surveillance is appropriate within the meaning of regulation 7(2).

Exemptions relating to the Ministry of Defence etc.

11.—(1) Subject to paragraph (2), the Secretary of State for Defence may, by a certificate in writing, exempt any person or class of persons from regulation 6(3) in respect of activities carried out in the interests of national security which conflict with the requirements of that paragraph, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Secretary of State shall not grant any such exemption unless he is satisfied that the health and safety of the employees concerned is ensured as far as possible in the light of the objectives of these Regulations.

Extension outside Great Britain

12. These Regulations shall apply to and in relation to any activity outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001(a) as those provisions apply within Great Britain.

Amendment of the Offshore Installations and Wells (Design and Construction etc.) Regulations 1996

13. In the Offshore Installations and Wells (Design and Construction etc.) Regulations 1996(b), paragraph 67 of Schedule 1 shall be omitted.

(a) S.I. 2001/2127.

(b) S.I. 1996/913, amended by S.I. 1997/1993

Signed by authority of the Secretary of State

Date

Jane Kennedy
Minister of State
Department for Work and Pensions

SCHEDULE 1

Regulations 4(1) and 6(4)

Hand-Arm Vibration

Part I **Daily personal vibration exposure**

The daily personal vibration exposure ($A(8)$) of an employee is expressed in metres per second squared (m/s^2) and is ascertained using the formula:

$$A(8) = a_{\text{hv}} \sqrt{\frac{T}{T_0}}$$

where:

a_{hv} is the vibration magnitude, in m/s^2 ;

T is the duration of exposure to the vibration magnitude a_{hv} ; and

T_0 is the reference duration of 8 hours (28 800 seconds).

The vibration magnitude, a_{hv} , is ascertained using the formula:

$$a_{\text{hv}} = \sqrt{a_{\text{hwx}}^2 + a_{\text{hwy}}^2 + a_{\text{hwz}}^2}$$

where:

a_{hwx} , a_{hwy} and a_{hwz} are the root-mean-square acceleration values, in m/s^2 , measured in three orthogonal directions, x, y and z, at the vibrating surface in contact with the hand, and frequency-weighted using the weighting function W_h .

Where both hands are exposed to vibration, the greater of the two magnitudes a_{hv} is used to ascertain the daily exposure.

If the work is such that the total daily exposure consists of two or more operations with different vibration magnitudes, the daily exposure, $A(8)$, is ascertained using the equation:

$$A(8) = \sqrt{\frac{1}{T_0} \sum_{i=1}^n a_{\text{hvi}}^2 T_i}$$

where:

n is the number of individual operations within the working day;

a_{hvi} is the vibration magnitude for operation i ;

T_i is the duration of operation i .

The definition for the frequency weighting function W_h is given in British Standard BS EN ISO 5349-1:2001.

Part II Weekly average of daily personal vibration exposure

The weekly average personal vibration exposure ($A(8)_{\text{week}}$) is the total exposure occurring within a period of seven consecutive days, normalised to a reference duration of 40 hours. It is expressed in m/s^2 and is ascertained using the formula:

$$A(8)_{\text{week}} = \sqrt{\frac{1}{5} \sum_{j=1}^7 A(8)_j^2}$$

where:

$A(8)_j$ is the daily exposure for day j .

The weekly average daily personal vibration exposure is used only for the purposes of Regulation 6(4).

SCHEDULE 2

Regulations 4(2) and 6(4)

Whole-Body Vibration

Part I Daily vibration exposure ($A(8)$)

The daily vibration exposure $A(8)$ of an employee is expressed in metres per second squared (m/s^2) and is ascertained using the formula:

$$A(8) = k \left[\frac{1}{T_0} \int_0^T a_w^2(t) dt \right]^{0.5}$$

where:

$a_w(t)$ is the time-varying frequency-weighted vibration acceleration at the supporting surface;

T is the total duration of exposure within any period of 24 hours;

T_0 is the reference duration of 8 hours (28 800 seconds); and

k is a multiplying factor.

For horizontal vibration (x and y directions), $k = 1.4$ and $a_w(t)$ is obtained using the W_d frequency weighting function. For vertical vibration (z direction), $k = 1.0$ and $a_w(t)$ is obtained using the W_k frequency weighting function.

Definitions for the frequency weighting functions are given in International Standard ISO 2631-1:1997.

Daily vibration exposure values ($A(8)$) are evaluated separately for the x, y and z directions of vibration.

Part II Weekly average of daily personal vibration exposure

The weekly average personal vibration exposure ($A(8)_{\text{week}}$) is the total exposure occurring within a period of seven consecutive days, normalised to a reference duration of 40 hours. It is expressed in m/s^2 and is ascertained using the formula:

$$A(8)_{\text{week}} = \sqrt{\frac{1}{5} \sum_{j=1}^7 A(8)_j^2}$$

where:

$A(8)_j$ is the daily exposure for day j .

The weekly average daily personal vibration exposure is for use only for the purposes of Regulation 6(4).

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations implement as respects Great Britain Council Directive 2002/44/EC (OJ No L 177, 6.7.2002, p.13) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC). The Regulations impose duties on employers to protect employees who may be exposed to risk from exposure to vibration at work, and other persons who might be affected by the work, whether they are at work or not.

2. The Regulations make provisions including the following—

- (a) risk from exposure of employees to vibration should be eliminated at source or reduced as low as reasonably practicable (regulation 6(1));
- (b) when an employee is exposed to risk from vibration an assessment shall be made of that risk by observation, reference to relevant information, and if necessary by measurement (regulation 5);
- (c) action values and limit values are established for hand-arm vibration and whole-body vibration assessed on an eight-hour reference period (regulation 4);
- (d) if the risk assessment indicates that an action value is exceeded the employer shall implement a programme of measures to reduce exposure to vibration as low as reasonably practicable (regulation 6(2));
- (e) a limit value shall not be exceeded, or alternatively if it is exceeded immediate action shall be taken by the employer to identify the reason, to remedy the situation, and to amend the programme of measures taken in accordance with regulation 6(2) to prevent a recurrence (regulation 6(3)). Derogations from the commencement date for the operation of the limit values are provided for in the case of work equipment provided before 6 July 2007 until 6 July 2010 for all vibration (regulation 3(2)), and until 6 July 2014 for whole-body vibration in agriculture and forestry only (regulation 3(3));
- (f) an alternative assessment of exposure on a one week reference period may allow the limit value to be exceeded in specified circumstances (regulation 6(4));
- (g) the employer shall provide suitable health surveillance when the risk assessment indicates a risk to the health of employees or an action value is exceeded, where such health surveillance is appropriate within the meaning of regulation 7(2), and shall take specified steps if the health surveillance indicates that an employee has a disease or adverse health effect as a result of exposure to vibration (regulation 7); and
- (h) the employer shall provide suitable and sufficient information, instruction and training to employees if there is a risk to their health from vibration or if they are exposed to

vibration in excess of an exposure action value, and to any person who carries out work in connection with the employer's duties under the Regulations (regulation 8).

3. The Regulations give powers to grant exemptions from regulation 6(3) on limit values to—
- (a) the Health and Safety Executive in respect of the activities of emergency services (Regulation 9);
 - (b) the Health and Safety Executive in respect of whole-body vibration in the case of air transport (regulation 10); and
 - (c) the Secretary of State for Defence in respect of activities carried out in the interests of national security (Regulation 11).

4. The Regulations amend the Offshore Installations and Wells (Design and Construction etc.) Regulations 1996 (SI 1996/913) by removing paragraph 67 of Schedule 1, which concerns measures to prevent or control exposure to risk from vibration of plant.

5. Copies of British Standard BS EN ISO 5349-1:2001, relating to measurement and evaluation of human exposure to hand-transmitted mechanical vibration, referred to in Schedule 1, and International Standard ISO 2631-1:1997, relating to measurement and evaluation of human exposure to whole-body mechanical vibration and shock, referred to in Schedule 2, are obtainable from British Standards Institution, BSI House, 389 Chiswick High Road, London W4 4AL.

6. A copy of the regulatory impact assessment in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy of the Transposition Note in relation to the implementation of Council Directive 2002/44/EC can be obtained from the Health and Safety Executive, International Branch at the same address. Copies of both these documents have been placed in the Libraries of each House of Parliament.