STATUTORY RULES OF NORTHERN IRELAND

2005 No. 397

HEALTH AND SAFETY

The Control of Vibration at Work Regulations (Northern Ireland) 2005

Made - - - -	*18th August 2005*
Coming into operation	*3rd October 2005*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), in exercise of the powers conferred on it by Articles 17(1), (2), (5) and 55(2) of, and paragraphs 1(1), 7(1), 8, 10, 12(2) and (3), 13, 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) and of every other power enabling it in that behalf, and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**4**) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3)(**5**) of that Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Control of Vibration at Work Regulations (Northern Ireland) 2005 and shall come into operation on 3rd October 2005.

Interpretation

2.—(1) In these Regulations—

"daily exposure" means the quantity of mechanical vibration to which a worker is exposed during a working day, normalised to an 8-hour reference period, 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;

(**1**) Formerly the Department of Economic Development; *See* S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9); Article 17 must be read with Articles 3(2) and 4(2) of S.I. 1992/1728
(**4**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**5**) Article 46(3) was amended by Article 6(1) of S.I. 1998/2795 (N.I. 18), and paragraphs 8 and 18(c) of Schedule 1

"enforcing authority" means the Executive or district council, determined in accordance with the provisions of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(**6**);

"exposure action value" means the level of daily exposure set out in regulation 4 for any worker which, if reached or 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(5);

"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;

"risk assessment" means the assessment of risk required by regulation 5;

"territorial sea" means the territorial sea of the United Kingdom adjacent to Northern Ireland and "within the territorial sea" includes on, over and under it;

"whole-body vibration" means mechanical vibration which is transmitted into the body, when seated or standing, through the supporting surface, 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 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 and transitional provisions

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

(2) Subject to paragraph (3), regulation 6(4) shall not apply until 6th July 2010 where work equipment is used which—

(a) was first provided to employees prior to 6th 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, regulation 6(4) shall not apply to whole-body vibration until 6th July 2014 in respect of work equipment which—

(a) was first provided to employees prior to 6th July 2007 by any employer; and

(b) does not permit compliance with the exposure limit value for whole-body vibration,

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—

(**6**) S.R. 1999 No. 90 as amended by S.R. 2000 No. 375 and S.R. 2003 No. 33

(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 is 5 m/s^2 A(8);

(b) the daily exposure action value is 2.5 m/s^2 A(8),

and 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 is 1.15 m/s^2 A(8);

(b) the daily exposure action value is 0.5 m/s^2 A(8),

and 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 of his 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 at or above an exposure action value or above 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 regulations 6 and 8.

Elimination or control of exposure to vibration at the workplace

6.—(1) The employer shall ensure that risk from the exposure of his employees to vibration is either eliminated at source or, where this is not reasonably practicable, reduced to as low a level as is reasonably practicable.

(2) Where it is not reasonably practicable to eliminate risk at source pursuant to paragraph (1) and an exposure action value is likely to be reached or exceeded, the employer shall reduce exposure to as low a level as is reasonably practicable by establishing and implementing a programme of organisational and technical measures which is appropriate to the activity.

(3) The measures taken by the employer in compliance with paragraphs (1) and (2) shall be based on the general principals of prevention set out in Schedule 1 to the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**7**) and shall include consideration of—

(a) other working methods 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;

(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 magnitude of exposure to vibration;

(h) appropriate work schedules with adequate rest periods; and

(**7**) S.R. 2000 No. 388, to which there are amendments not relevant to these Regulations

(i) the provision of clothing to protect employees from cold and damp.

(4) Subject to regulation 3(2) and (3) and paragraph (5), 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) reduce exposure to vibration to below the limit value;

(ii) identify the reason for that limit being exceeded; and

(iii) modify the measures taken in accordance with paragraph (1) and (2) to prevent it being exceeded again.

(5) Paragraph (4) 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 to as low a level as is 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.

(6) The employer shall adapt any measure taken in compliance with the requirements of this regulation to take account of any employee or group of employees whose health is likely to be particularly at risk from 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 likely to be exposed to vibration at or above an exposure action value,

the employer shall ensure that such employees are placed 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 the record or a copy thereof is kept available in a suitable form.

(4) The employer shall—