

Health and Safety Authority

Public Consultation Notice

- (i) Draft Safety, Health and Welfare at Work (Control of Noise at Work)(Protection of Employees) Regulations 2006**
- (ii) Guide to the Safety, Health and Welfare at Work (Control of Noise at Work)(Protection of Employees) Regulations 2006**

Introduction

The purpose of the draft Safety, Health and Welfare at Work (Control of Noise at Work)(Protection of Employees) Regulations 2006 is to transpose Directive 2003/10/EC of the European Parliament and the Council of 6 February 2003 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise).

The Regulations are designed to revoke and replace the European Communities (Protection of Workers)(Exposure to Noise) Regulations 1990 (S.I. No. 157 of 1990), subject to those Regulations continuing to apply to the music and entertainment sectors until 15 February 2008. This interim period is based on the recognition in Directive 2003/10/EC that the particular characteristics of the music and entertainment sectors require practical guidance to allow for an effective application of the provisions laid down the Directive. This period is to enable Member States to develop a code of conduct providing for practical guidelines which will help employers and employees in those sectors to attain the levels of protection established in the Directive and in these transposition Regulations. In addition, the application of the exposure limit value to personnel on board seagoing vessels (Regulation 6(5)) will not apply until 15 February 2011. Otherwise, the Regulations will apply from the date that they are signed by the Minister.

The draft Regulations do not deviate substantially from the requirements of Directive 2003/10/EC.

Draft guidelines, “Guide to the Safety, Health and Welfare at Work (Control of Noise at Work)(Protection of Employees) Regulations 2006” have also been developed by the Health and Safety Authority.

The Health and Safety Authority requests comments and observations (by 5.00 p.m. on Monday 15 May 2006) on the draft texts prior to submission of the proposed Regulations to the Minister of State at the Department of Enterprise Trade and Employment (Mr Tony Killeen) for his consideration.

The texts of the draft Regulations and draft Guidelines may be accessed at the links below.

Main Features of draft Regulations

As regards the prevention of the exposure of employees to harmful noise at work, the draft Regulations supplement and add specific detail to a range of general provisions

under the Safety, Health and Welfare at Work Act 2005 arising under sections 8 (General duties of employer), 9 (Information for employees), 10 (Instruction, training and supervision of employees), 13 (Duties of employees), 14 (Interference, misuse, etc.), 19 (Hazard identification and risk assessment) and 22 (Health surveillance) of the Act.

The Regulations specify (i) “exposure action values” and (ii) “exposure limit values” relating to exposure of any employee to noise at work covering, respectively, (i) the level of daily noise exposure or peak pressure level which, if exceeded, requires specified action to be taken to reduce risk, and (ii) the level of daily noise exposure or peak sound pressure which must not be exceeded.

An employer must ensure that the risk arising from exposure of his or her employees to noise is either eliminated at source or, where this is not reasonably practicable, reduced to a minimum. Where employees are liable to be exposed to noise at work at or above a lower exposure value, an employer must make a suitable and appropriate assessment of the risk arising from such exposure. If a risk assessment indicates that an upper exposure action value is exceeded an employer must establish and implement a programme of technical or organisational measures, or both, designed to reduce exposure to noise.

An employer must ensure that his or her employees are not exposed to noise above an exposure limit value, or if exposure above an exposure limit value is detected he or she must take action to reduce exposure to noise to below the limit value, identify the reasons for that limit being exceeded, and amend the organisational and technical measures taken to prevent it being exceeded again.

Where the risks arising from exposure to noise cannot be prevented by other means, appropriate, properly fitting, individual hearing protectors must be made available by an employer and used by his or her employees.

Where noise exposure exceeds the lower exposure action values, an employer must make individual hearing protectors available and an employee whose exposure equals or exceeds the upper exposure action values must use individual hearing protectors.

An employer must ensure, as far as is reasonably practicable, that hearing protectors are used in accordance with the Regulations, and that the measures are effective.

In addition to specifying provisions relating to employee information and training, the Regulations require an employer to make provision for appropriate health surveillance to be made available to those employees for whom a risk assessment carried out under the Regulations reveals a risk to their health.

Draft Guidelines to the Noise Regulations

The draft general Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on the draft Safety, Health and Welfare at Work (Control of Noise at Work)(Protection of Employees) Regulations 2006.

The objective of the Guide is to give general guidance aimed at the prevention of occupational accidents or ill health. It is not intended as a legal interpretation of the legislation.

In accordance with Article 14 of Directive 2003/10/EC, separate guidelines (Code of Conduct) will be produced by the Health and Safety Authority, to provide practical guidance to assist employers and employees in the music and entertainment sectors to whom the Regulations will apply from 15 February 2008.