Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 29/10/2001 - Council position

The Council has presented its common position regarding minimum health and safety requirements relating to the exposure of workers to excessive noise. Originally the subject of an annex under an overall framework Directive it has since been agreed to proceed with a separate Directive for the provision of noise protection. This line of reasoning applies to other physical agents originally covered by the framework Directive, namely (as well as noise) mechanical vibration, optical radiation, electro-magnetic fields and waves. The newly proposed Directive will eventually replace the existing 1986 Directive on noise at work the provisions of which are now deemed outdated and therefore inappropriate. The common position fixes the values of three levels of noise exposure - lower exposure action values, upper exposure action values and exposure limit values. Each of these values is expressed both as a time-weighted average and as a peak sound pressure. The time-weighted averages are defined in accordance with the international standard ISO 1999:1990. As a rule, the time-weighted average should be measured on a daily basis but Member States may, in rare cases, use a weekly noise exposure level. The Common position further sets the exposure values which must be adhered to. Whilst exact comparisons with the 1986 Directive are difficult to make it can be assumed that the new levels set are generally speaking lower. The current levels, according to the Council, strike an appropriate balance between the need to protect workers and the need to avoid excessive costs for undertakings - in particular Small and Medium Sized Enterprises. The provisions of the Directive are designed to trigger certain actions once the exposure values have been exceeded. Thus, when the lower exposure action values have been reached, the employer shall ensure that the workers concerned will receive information and training related to the risk. If the values have been exceeded the employer shall make individual hearing protectors available to the workers. In workplace where the upper exposure action values are likely to be exceeded areas affected by the excessive noise levels must be delineated with signs and markets. Individual hearing protectors must be used by the workers should these levels be exceeded. In addition workers will have the right to have a hearing check. Certain derogations to these requirements are incorporated into the draft legislation but these are rare and stringently applied. As far as the exposure limit values are concerned they must under no circumstances be exceeded. Should, in spite of preventative measures having been taken, this occur then the employer is obliged to take immediate action to reduce the exposure. As well as being in possession of a risk assessment, employers must periodically provide evidence that it has assessed, and if necessary altered, noise levels. Individual health records must be made and kept up-to-date, with workers having access to his/her records. The major differences between the Commission's initial proposal and the Council's common position are: - the redefinition and restructuring of the noise exposurevalues; - the deletion of the threshold level; - the abolition of the requirement to consider certain activities as a potential increased risk; - the introduction of the need to examine the effects between noise and work-related ototoxic substances; - the right of workers to have their hearing checked at a lower level of noise exposure; - more stringent requirement on the employer to review his/her risk assessment and preventative measures; - certain additions to the list of elements covered by noise-related information and training to be given to workers. Importantly, the Council has allowed for an optional five year transitional implementation period for the maritime sector. The takes into account the fact that personnel on board seagoing vessels were entirely exempt from the scope of the 1986 Directive.