Safety and health at work: exposure of workers to noise

1992/0449A(COD) - 06/02/2003 - Final act

PURPOSE: to lay down minimum requirements for the protection of workers from risks arising from exposure to noise.

LEGISLATIVE ACT: Directive 2003/10/EC of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise). Seventeenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC.

CONTENT: this Directive supplements Council Directive 89/391/EEC of 12 June 1989 intended to encourage improvements in health and safety at work and applies more specifically to the exposure of workers to noise.

As a reminder, this Directive is the second stage in a process started in 1992 with the presentation by the Commission of a proposal for a Directive on the exposure of workers to physical agents which included the exposure of workers to four types of agent: noise, mechanical vibration, electromagnetic fields and optical radiation. However, this proposal was abandoned in favour of a text covering each of the agents in question.

Scope and aim of the Directive:

The Directive lays down minimum requirements and leaves Member States the option of maintaining or adopting more favourable provisions in this area. It aims to reorganise the measures already laid down by Directive 86/188/EEC on the protection of workers exposed to noise at work, while taking into account progress made in scientific knowledge and technology since its adoption. However, as current scientific knowledge is not sufficient to enable precise exposure levels to be set, the Directive is limited to defining the objectives to be attained to ensure the application of a minimum level for the exposure of workers to noise.

In this context, the Directive establishes three types of noise exposure limit value determined according to physical parameters which are peak sound pressure (maximum value of the instantaneous noise pressure), daily noise exposure level and weekly noise exposure level. These exposure limit values are:

- daily noise exposure level: fixed at 87 decibels (dB) with a peak sound pressure of 200 Pa;

- action values: fixed respectively at 80 dB for the lower value (and peak sound pressure limited to 112 Pa) and 85 dB for the upper value (and peak sound pressure limited to 140 Pa, as requested by the European Parliament). These two values must be regarded as the values beyond which employers must take the measures specified in the Directive. The exposure limit value cannot, however, be exceeded and must be determined taking into account any noise attenuation measures such as individual hearing protectors worn by workers.

Derogations from these measures are provided for, but the limit of 87 dB may not be exceeded.

Obligations of employers: the Directive specifies six types of obligation:

1) Determination and assessment of risks: the employer shall assess and, if necessary, measure the levels of noise to which workers are exposed. When carrying out this assessment and given the measures already laid down by Directive 89/391/EEC, the employer shall give particular attention to a series of parameters which include the level, type and duration of exposure, the exposure limit values and exposure action values, the exposure of workers belonging to specific risk groups, any interactions between noise and vibration, the existence of alternative work equipment designed to reduce noise emission, the extension of exposure to noise beyond normal working hours, information on health surveillance and the availability of hearing protectors. Once in possession of this assessment, the employer shall take a series of measures laid down by the Directive and record the results in a suitable medium to allow consultation at a later date;

2) Reduction of risks: every effort must be made to minimise or eliminate the risk of exposure to noise at source. In addition to the measures already laid down in the Framework Directive, provision is made for a programme of technical and/or organisational measures to be established in order to reduce the exposure to noise (choice of appropriate work equipment; design and layout of workplaces; information and training of workers; use of technical measures to reduce noise; improved organisation of work). These measures shall apply in particular if the limit of 85 dB is exceeded (in particular, signage and restriction of access to exposed workplaces);

3) Personal protection: as requested by the European Parliament, if other means cannot prevent the risks, individual hearing protectors shall be made available to workers when the noise exceeds 85 dB;

4) Limitation of exposure: if, despite the measures taken to implement the Directive, the 87 dB limit is exceeded, the employer shall take immediate action to reduce the exposure and to amend the specified measures;

5) Worker information and training: the employer shall ensure that workers who are exposed to noise at or above 80 dB and/or their representatives receive appropriate information and training on exposure to noise and, in particular, the nature of such risks, the measures taken to eliminate these, the existence of exposure limit values and exposure action values, the correct use of hearing protectors, how to detect signs of hearing damage, etc.;

6) Consultation and participation of workers: workers and/or their representatives shall be consulted on the assessment of risks and the measures to be taken. They shall also be consulted on the choice of individual hearing protectors.

Health surveillance: in addition to these six general obligations, the Directive provides for specific measures on the health surveillance of workers in order to preserve their hearing. As requested by the European Parliament, when noise levels exceed 85 dB, workers shall have the right to have their hearing checked and, if the exposure level exceeds 80 dB, they shall have the right to a preventive audiometric test. These tests are intended to provide early diagnosis of any loss of hearing and to preserve the hearing of workers. The latter may benefit from individual health records which they may consult at a later date.

Provisions are laid down in order to define the arrangements for this audiometric testing. The worker shall be informed of the test result and, if excessive exposure is detected, measures shall be taken to eliminate or reduce the risks (e.g.: assigning the worker to alternative work).

Derogations: in exceptional situations where the use of individual hearing protectors would be likely to cause greater risk to the worker’s health or safety than not using these, Member States may derogate from the individual protection obligation. These derogations shall be reviewed every four years.

In the music and entertainment sectors, Member States shall be entitled to make use of a transitional period of two years to draw up a code of conduct allowing workers and employers in these sectors to comply with the Directive.

Every five years Member States shall provide a report to the Commission on the implementation of the Directive. On the basis of these reports, the Commission shall carry out an overall assessment. Technical amendments may also be made to the Directive in line with technical progress or new findings concerning noise.

ENTRY INTO FORCE: 15/02/2003. Directive 86/188/EEC is repealed.

TRANSPOSITION IN THE MEMBER STATES: 15/02/2006 except for the music and entertainment sectors (15/02/2008) and for personnel on board seagoing vessels (15/02/2011).