

Council Directive 92/91/EEC of 3 November 1992 concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (eleventh individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)

## SECTION II

### EMPLOYERS' OBLIGATIONS

#### *Article 3*

#### **General obligations**

1 To safeguard the safety and health of workers, the employer shall take the necessary measures to ensure that:

- a workplaces are designed, constructed, equipped, commissioned, operated and maintained in such a way that workers can perform the work assigned to them without endangering their safety and/or health and/or those of other workers;
- b the operation of workplaces when workers are present takes place under the supervision of a person in charge;
- c work involving a special risk is entrusted only to competent staff and carried out in accordance with the instructions given;
- d all safety instructions are comprehensible to all the workers concerned;
- e appropriate first-aid facilities are provided;
- f any relevant safety drills are performed at regular intervals.

2 The employer shall ensure that a document concerning safety and health, hereinafter referred to as 'safety and health document', covering the relevant requirements laid down in Articles 6, 9 and 10 of Directive 89/391/EEC, is drawn up and kept up to date.

The safety and health document shall demonstrate in particular:

- that the risks incurred by the workers at the work place have been determined and assessed,
- that adequate measures will be taken to attain the aims of this Directive,
- that the design, use and maintenance of the workplace and of the equipment are safe.

The safety and health document must be drawn up prior to the commencement of work and be revised if the workplace has undergone major changes, extensions or conversions.

3 Where workers from several undertakings are present at the same workplace, each employer shall be responsible for all matters under his control.

The employer who, in accordance with national laws and/or practices, is in charge of the workplace, shall coordinate the implementation of all the measures concerning the safety and health of the workers and shall state, in his safety and health document, the aim of that coordination and the measures and procedures for implementing it.

The coordination shall not affect the responsibility of the individual employers as provided for in Directive 89/391/EEC.

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IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

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4 The employer shall, without delay, report any serious and/or fatal occupational accidents and situations of serious danger to the competent authorities.

If necessary, the employer shall update the safety and health document recording measures taken to avoid any repetition.

#### *Article 4*

### **Protection from fire, explosions and health-endangering atmospheres**

The employer shall take measures and precautions appropriate to the nature of the operation:

- to avoid, detect and combat the starting and spread of fires and explosions, and
- to prevent the occurrence of explosive and/or health-endangering atmospheres.

#### *Article 5*

### **Escape and rescue facilities**

The employer shall provide and maintain appropriate means of escape and rescue in order to ensure that workers have adequate opportunities for leaving the workplaces promptly and safely in the event of danger.

#### *Article 6*

### **Communication, warning and alarm systems**

The employer shall take the requisite measures to provide the necessary warning and other communication systems to enable assistance, escape and rescue operations to be launched immediately if the need arises.

#### *Article 7*

### **Keeping workers informed**

1 Without prejudice to Article 10 of Directive 89/391/EEC, workers and/or their representatives shall be informed of all measures to be taken concerning safety and health at workplaces, and in particular of those relating to the implementation of Article 3 to 6.

2 The information must be comprehensible to the workers concerned.

#### *Article 8*

### **Health surveillance**

1 To ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work, measures shall be introduced in accordance with national law and/or practices.

2 The measures referred to in paragraph 1 shall be such that each worker shall be entitled to or shall undergo health surveillance before being assigned to duties related to the activities referred to in Article 2 and subsequently at regular intervals.

3 Health surveillance may be provided as part of a national health system.

#### *Article 9*

### **Consultation of workers and workers' participation**

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391/EEC on the matters covered by this Directive.

#### *Article 10*

### **Minimum requirements for safety and health**

1 Workplaces used for the first time after the date on which this Directive is brought into effect as referred to in Article 12 (1) must satisfy the minimum safety and health requirements laid down in the Annex.

2 Workplaces already in use before the date on which this Directive is brought into effect as referred to in Article 12 (1) must satisfy the minimum safety and health requirements laid down in the Annex as soon as possible and at the latest five years after that date.

3 When workplaces undergo changes, extensions and/or conversions after the date on which this Directive is brought into effect as referred to in Article 12 (1), the employer shall take the measures necessary to ensure that those changes, extensions and/or conversions are in compliance with the corresponding minimum requirements laid down in the Annex.