

Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (vibration) (sixteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)

## SECTION II

### **OBLIGATION OF EMPLOYERS**

#### *Article 4*

#### **Determination and assessment of risks**

1 In carrying out the obligations laid down in Article 6(3) and Article 9(1) of Directive 89/391/EEC, the employer shall assess and, if necessary, measure the levels of mechanical vibration to which workers are exposed. Measurement shall be carried out in accordance with Point 2 of Part A or Point 2 of Part B of the Annex to this Directive, as appropriate.

2 The level of exposure to mechanical vibration may be assessed by means of observation of specific working practices and reference to relevant information on the probable magnitude of the vibration corresponding to the equipment or the types of equipment used in the particular conditions of use, including such information provided by the manufacturer of the equipment. That operation shall be distinguished from measurement, which requires the use of specific apparatus and appropriate methodology.

3 The assessment and measurement referred to in paragraph 1 shall be planned and carried out by competent services at suitable intervals, taking particular account of the provisions of Article 7 of Directive 89/391/EEC concerning the necessary competent services or persons. The data obtained from the assessment and/or measurement of the level of exposure to mechanical vibration shall be preserved in a suitable form so as to permit consultation at a later stage.

4 Pursuant to Article 6(3) of Directive 89/391/EEC, the employer shall give particular attention, when carrying out the risk assessment, to the following:

- a the level, type and duration of exposure, including any exposure to intermittent vibration or repeated shocks;
- b the exposure limit values and the exposure action values laid down in Article 3 of this Directive;
- c any effects concerning the health and safety of workers at particularly sensitive risk;
- d any indirect effects on worker safety resulting from interactions between mechanical vibration and the workplace or other work equipment;
- e information provided by the manufacturers of work equipment in accordance with the relevant Community Directives;
- f the existence of replacement equipment designed to reduce the levels of exposure to mechanical vibration;
- g the extension of exposure to whole-body vibration beyond normal working hours under the employer's responsibility;
- h specific working conditions such as low temperatures;

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- i appropriate information obtained from health surveillance, including published information, as far as possible.

5 The employer shall be in possession of an assessment of the risk in accordance with Article 9(1)(a) of Directive 89/391/EEC and shall identify which measures must be taken in accordance with Articles 5 and 6 of this Directive. The risk assessment shall be recorded on a suitable medium, according to national law and practice; it may include a justification by the employer that the nature and extent of the risks related to mechanical vibration make a further detailed risk assessment unnecessary. The risk assessment shall be kept up-to-date on a regular basis, particularly if there have been significant changes which could render it out-of-date, or when the results of health surveillance show it to be necessary.

#### *Article 5*

### **Provisions aimed at avoiding or reducing exposure**

1 Taking account of technical progress and of the availability of measures to control the risk at source, the risks arising from exposure to mechanical vibration shall be eliminated at their source or reduced to a minimum.

The reduction of such risks shall be based on the general principles of prevention set out in Article 6(2) of Directive 89/391/EEC.

2 On the basis of the risk assessment referred to in Article 4, once the exposure action values laid down in Article 3(1)(b) and (2)(b) are exceeded, the employer shall establish and implement a programme of technical and/or organisational measures intended to reduce to a minimum exposure to mechanical vibration and the attendant risks, taking into account in particular:

- a other working methods that require less exposure to mechanical vibration;
- b the choice of appropriate work equipment of appropriate ergonomic design and, taking account of the work to be done, producing the least possible vibration;
- c the provision of auxiliary equipment that reduces the risk of injuries caused by vibration, such as seats that effectively reduce whole-body vibration and handles which reduce the vibration transmitted to the hand-arm system;
- d appropriate maintenance programmes for work equipment, the workplace and workplace systems;
- e the design and layout of workplaces and work stations;
- f adequate information and training to instruct workers to use work equipment correctly and safely in order to reduce their exposure to mechanical vibration to a minimum;
- g limitation of the duration and intensity of the exposure;
- h appropriate work schedules with adequate rest periods;
- i the provision of clothing to protect exposed workers from cold and damp.

3 In any event, workers shall not be exposed above the exposure limit value.

If, despite the measures taken by the employer to comply with this Directive, the exposure limit value is exceeded, the employer shall take immediate action to reduce exposure below the exposure limit value. He shall identify the reasons why the exposure limit value has been exceeded, and shall amend the protection and prevention measures accordingly in order to prevent it being exceeded again.

4 Pursuant to Article 15 of Directive 89/391/EEC, the employer shall adapt the measures referred to in this Article to the requirements of workers at particular risk.

## *Article 6*

### **Worker information and training**

Without prejudice to Articles 10 and 12 of Directive 89/391/EEC, the employer shall ensure that workers who are exposed to the risks from mechanical vibration at work and/or their representatives receive information and training relating to the outcome of the risk assessment provided for in Article 4(1) of this Directive, concerning in particular:

- (a) the measures taken to implement this Directive in order to eliminate or reduce to a minimum the risks from mechanical vibration;
- (b) the exposure limit values and the exposure action values;
- (c) the results of the assessment and measurement of the mechanical vibration carried out in accordance with Article 4 of this Directive and the potential injury arising from the work equipment in use;
- (d) why and how to detect and report signs of injury;
- (e) the circumstances in which workers are entitled to health surveillance;
- (f) safe working practices to minimise exposure to mechanical vibration.

## *Article 7*

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

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.