

A.L. 158 ta' l-2006**ATT DWAR L-AWTORITÀ GHAS-SAĦĦA U S-SIGURTÀ
FUQ IL-POST TAX-XOGHOL
(KAP. 424)****Regolamenti ta' l-2006 dwar Bżonnijiet Minimi ta' Saħħa u
Sigurtà għall-Protezzjoni tal-Haddiema minn Riskji li jinqalghu
minn Espożizzjoni għall-Hsejjes fuq il-Post tax-Xoghol**

BIS-SAĦĦA tas-setghat mogħtija bl-artikolu 12 ta' l-Att dwar l-Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xoghol, il-Ministru ta' l-Edukazzjoni, Żgħażaġh u Impieg, f'konsultazzjoni ma' l-Awtorità dwar is-Saħħa u s-Sigurtà fuq il-Post tax-Xoghol, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2006 dwar Bżonnijiet Minimi ta' Saħħa u Sigurtà għall-Protezzjoni tal-Haddiema minn Riskji li jinqalghu minn Espożizzjoni għall-Hsejjes fuq il-Post tax-Xoghol.

Titolu, skop u applikabbiltà.

(2) L-iskop ta' dawn ir-regolamenti hu li jiġu stabbiliti l-bżonnijiet minimi għall-protezzjoni tal-haddiema minn riskji għal saħħithom u s-sigurtà tagħhom kaġunati jew li jistgħu ikunu kaġunati minn espożizzjoni għall-hsejjes u partikolarment mir-riskju għas-smiġh. Ir-rekwiziti ta' dawn ir-regolamenti jkunu japplikaw għal dawk l-attivitajiet kollha li fihom il-haddiema jkunu qegħdin jiġu jew jistgħu jkunu esposti għal riskji minn hsejjes bħala riżultat ta' xogħlhom. Dawn ir-regolamenti jdahhlu fis-seħħ id-Direttiva 2003/10/KE tal-Parlament u tal-Kunsill Ewropew.

(3) Dawn ir-regolamenti għandhom japplikaw għall-haddiema kollha, mingħajr preġudizzju għal provvedimenti iktar stringenti u, jew iktar speċifiċi f'xi liġi jew regolament ieħor dwar il-protezzjoni tal-haddiema minn riskji kaġunati minn espożizzjoni għall-hoss.

(4) Dawn ir-regolamenti jidhlu fis-seħħ fid-data tal-pubblikazzjoni tagħhom:

Iżda fil-każ ta' ekwipaġġ fuq bastimenti, il-provvedimenti ta' regolament 7 ghandhom jidhlu fis-sehh fil-5 ta' Frar, 2011:

Iżda wkoll fil-każ ta' haddiema li jahdmu fis-setturi tal-mużika u tad-divertiment, dawn ir-regolamenti ghandhom jidhlu fis-sehh fil-5 ta' Frar, 2008, b'dana li jinżammu l-livelli ta' protezzjoni diġà milhuqa.

Tifsir.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx titlob mod ieħor:

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“l-Att” tfisser l-Att dwar l-Awtrorita ghas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol;

“l-Awtorità” tfisser l-Awtorità ghas-Sahha u s-Sigurtà stabbilita bl-artikolu 8 ta' l-Att;

“l-oghla pressjoni tal-hoss (P_{peak})” tfisser l-oghla valur tal-‘C’- *frequency weighted instantaneous noise pressure*;

“livell ta' espożizzjoni għall-hoss matul ġimgha - level ($L_{\text{EX,8h}}$)” tfisser il-medja kalkolata skond iż-żmien tal-livelli ta' espożizzjoni tal-hoss ta' kuljum għal ġimgha nominali ta' hamest ijiem ta' tmien sigħat xogħol kif definiti mill-istandard internazzjonali ISO 1999: 1990, punt 3.6 (nota 2);

“livell ta' espożizzjoni għall-hoss ta' kuljum - level ($L_{\text{EX,8h}}$) (dB(A) re. 20 μ Pa)” tfisser il-medja kalkolata skond iż-żmien tal-livelli ta' espożizzjoni tal-hoss għal ġurnata nominali ta' tmien sigħat xogħol kif definita mill-istandard internazzjonali ISO 1999: 1990, punt 3.6. Ikopri kull hoss preżenti fuq ix-xogħol, inkluż xogħol impulsiv;

“il-Ministru” tfisser il-Ministru responsabbli ghas-sahha u s-sigurtà fuq il-post tax-xogħol.

Valuri ta' limitu ta' espożizzjoni u valuri ta' espożizzjoni għall-azzjoni.

3. (1) Il-valuri ta' limitu ta' espożizzjoni u valuri ta' espożizzjoni għal azzjoni fir-rigward ta' livell ta' espożizzjoni għall-hoss ta' kuljum u ta' l-oghla pressjoni tal-hoss, għandhom ikunu kif ġej:

(a) valuri ta' limitu ta' espożizzjoni: $L_{\text{EX,8h}} = 87$ dB(A) u $P_{\text{peak}} = 200$ Pa ⁽¹⁾ rispettivament;

(b) l-oghla valur ta' espożizzjoni għal azzjoni: $L_{\text{EX,8h}} = 85$ dB(A) u $P_{\text{peak}} = 140$ Pa ⁽²⁾ rispettivament;

(ċ) l-inqas valur ta' espożizzjoni għal azzjoni: $L_{EX,8h} = 80$ dB(A) u $P_{peak} = 112$ Pa ⁽³⁾ rispettivament.

(2) Meta jkunu qed jiġu applikati il-valuri ta' limitu ta' espożizzjoni, l-espożizzjoni effettiva tal-haddiem għandha tinhadem billi tkun ikkunsidrata l-attenwazzjoni provduta mill-protetturi tas-smiegh individwali li jintlibsu mill-haddiem. Il-valuri ta' espożizzjoni għal azzjoni m'għandhomx jagħtu kont ta' l-effett ta' protetturi bħal dawk.

(3) F'ċirkustanzi ġustifikati kif imiss, għal attivitajiet fejn l-espożizzjoni ta' kuljum għall-hoss tvarja sostanzjalment minn ġurnata ta' xogħol għall-ohra, min ihaddem jista, biex japplika il-valuri ta' limitu ta' espożizzjoni u l-valuri ta' espożizzjoni għal azzjoni, juża il-livelli ta' espożizzjoni ta' hoss matul ġimgħa flok il-livell ta' espożizzjoni ta' kuljum biex jevalwa l-livelli ta' hoss li għalihom huma esposti l-haddiema, bil-kundizzjoni li:

(a) il-livell ta' espożizzjoni ta' hoss matul ġimgħa kif muri minn monitoraġġ adegwat, ma jkunx jaqbeż il-valur ta' limitu ta' espożizzjoni ta' 87 dB(A); u

(b) jittiehdu miżuri adatti biex jitnaqqas għal livell minimu ir-riskju assoċjat ma' dawn l-attivitajiet.

(¹) 140 dB (C) in relazzjoni ma' 20 μ Pa.

(²) 137 dB (C) in relazzjoni ma' 20 μ Pa.

(³) 135 dB (C) in relazzjoni ma' 20 μ Pa.

4. (1) Min ihaddem għandu jevalwa, u jekk mehtieg ikejjel il-livelli ta' hoss li għalihom huma esposti l-haddiema.

Determinazzjoni u evalwar ta' riskji.

(2) Il-metodi u l-apparat użat għandu jkun adattat għall-kundizzjonijiet li jkunu jeżistu fid-dawl tal-karatteristiċi tal-hoss li ser jitkejjel, it-tul ta' hin ta' l-espożizzjoni, il-fatturi ambjentali u l-karatteristiċi ta' l-apparat tal-kejl. Dawn il-metodi u apparat għandhom jagħmluha possibbli li jiġu determinati l-parametri kif definiti f'regolament 2, u jiġi deċiż jekk, f'xi każ partikolari, ikunux inqabżu l-valuri stabbiliti f'regolament 3.

(3) Il-metodi użati jistgħu jinkludu t-tehid ta' kampjuni, li jkunu rappreżentattivi tal-espożizzjoni personali ta' haddiem.

(4) L-evalwar u l-kejl imsemmija f'subregolament (1) għandhom ikunu ppjanati u għandhom isiru minn persuni kompetenti

f'intervalli adatti. Ir-rizultati miksuba mill-evalwar u, jew mill-kejl tal-livell ta' espożizzjoni għall-istorbju għandhom jinżammu f'forma talment adatta li jkunu jistgħu jippermettu konsultazzjoni aktar 'il quddiem.

(5) Meta jkun qed jiġi applikat dan ir-regolament, il-valutazzjoni tal-kejl għandu jkollha l-ineżattezzi fil-kejl determinati skond prattiċi ta' metrololoġija.

(6) Min ihaddem għandu jagħti attenzjoni partikolari, meta jkun qed jagħmel l-evalwazzjoni tar-riskju, f'dan li ġej:

(a) il-livell, it-tip u t-tul ta' l-espożizzjoni, inkluża kull espożizzjoni għal hoss impulsiv;

(b) il-limiti ta' valur ta' espożizzjoni u l-valuri ta' espożizzjoni għall-azzjoni kif stabbiliti f'regolament 3 ta' dawn ir-regolamenti;

(ċ) kull effett li jikkonċerna is-saħħa u s-sigurtà ta' haddiema li jkunu jappertjenu għal gruppi f'xi riskju partikolarment sensitiv;

(d) sa fejn hu teknikament possibbli, kull effett fuq is-saħħa u s-sigurtà ta' haddiema li tirriżulta minn interazzjonijiet bejn l-istorbju u sustanzi ototossici użati fuq ix-xogħol, u bejn l-istorbju u vibrazzjonijiet;

(e) kull effett indirett fuq is-saħħa u s-sigurtà tal-haddiema li triiżulta minn interazzjonijiet bejn l-istorbju u sinjali ta' twissija jew hsejjes oħra li għandhom ikunu osservati biex jitnaqqas ir-riskju ta' inċidenti;

(f) informazzjoni fuq emissjonijiet ta' storbju provduti minn manifatturi ta' apparat użat fuq ix-xogħol skond Direttivi Komunitarji rilevanti li jkunu fis-seħh;

(g) l-eżistenza ta' apparat tax-xogħol alternattiv li jkun iddisinjat biex inaqqas l-emissjoni ta' l-istorbju;

(h) l-estensjoni ta' l-espożizzjoni għall-istorbju għal hinijiet barra minn dawk normali tax-xogħol meta l-haddiem ikun taħt ir-responsabbiltà ta' min ihaddem;

(i) informazzjoni adatta miksuba wara li ssir sorveljanza tas-saħħa, inkluża informazzjoni pubblikata, sa fejn hu possibbli;

(j) protetturi ghas-smiegh li wiehed ikun jista' jinqeda bihom b'karatteristiċi xierqa ta' attenwazzjoni.

(7) Min ihaddem ghandu jkollu fil-pussess tieghu, evalwazzjoni tar-riskju skond regolament 10 tar-Regolamenti ta' l-2003 A.L. 36 ta' l-2003. dwar Dispożizzjonijiet Ġenerali dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, u ghandu jidentifika dawk il-miżuri li ghandhom jittiehdu skond ir-regolamenti 5, 6, 7 u 8 ta' dawn ir-regolamenti. L-evalwazzjoni tar-riskju ghandha tiġi reġistrata fuq mezz xieraq. L-evalwazzjoni tar-riskju ghandu jinżamm aġġornat fuq bażi regolari, partikolarment jekk kien hemm tibdil sinifikanti li jagħmluh mhux aġġornat, jew meta r-rizultati tas-sorveljanza tas-sahha juru li jkun hekk neċessarju.

5. (1) Kull min ihaddem ghandu jiehu miżuri biex jelimina mill-bidu jew biex inaqqas ir-riskji li jirrizultaw minn espożizzjoni għall-istorbju, filwaqt li jqis il-progress tekniku u dawk il-miżuri li jistgħu jittiehdu biex ikun ikkontrollat ir-riskju mill-bidu. It-tnaqqis ta' dawn ir-riskji ghandu jkun ibbażat fuq prinċipji ġenerali ta' prevenzjoni, li jqisu b'mod partikolari: Protezzjoni personali.

(a) il-metodi l-ohra ta' xoghol li jehtieġu espożizzjoni inqas għall-istorbju;

(b) l-għażla ta' apparat adatt użat fuq ix-xoghol, waqt li jitqies ix-xoghol li jkun sar, li minnu johroġ l-inqas storbju possibbli, inkluża il-possibiltà li l-haddiema jkunu jistgħu jużaw apparat fuq ix-xoghol bla hsara għall-provvedimenti Komunitarji bil-għan jew bl-effett li tiġi limitata l-espożizzjoni għall-istorbju;

(c) id-disinn u t-tqassim ta' postijiet tax-xoghol u ta' postijiet fejn isir ix-xoghol;

(d) informazzjoni adatta, tahriġ u struzzjoni lill-haddiema biex jużaw l-apparat tax-xoghol kif suppost u mingħajr perikli sabiex tkun tista' titnaqqas għall-minimu l-espożizzjoni tagħhom għall-istorbju;

(e) it-tnaqqis ta' l-istorbju b'mezzi tekniċi:

(i) jitnaqqas l-istorbju trasmess fl-arja, bħal b'tarki, ghelug, u ghata li jassorbi l-istorbju;

(ii) jitnaqqas l-istorbju trasmess fl-istruttura, bħal bil-qtugh mill-art b'materjal apposta jew b'izolament.

(f) programmi ta' manutenzjoni xierqa għall-apparat tax-xogħol, il-post tax-xogħol u sistemi użati fuq ix-xogħol;

(g) l-organizzar tax-xogħol biex jitnaqqas l-istorbju:

(i) il-limitazzjoni tat-tul u l-intensità tal-espożizzjoni;

(ii) hinijiet ta' xogħol adatti b'perjodi ta' mistrieh adegwati;

(2) Skond ir-risultat tal-valutazzjoni tar-riskju msemmi f'regolament 4, jekk l-oghla valur ta' espożizzjoni għall-azzjoni jinqabeż, min ihaddem għandu jstabilixxi u jimplimenta programm ta' miżuri tekniċi u, jew ta' organizzar bl-iskop li jnaqqas l-espożizzjoni għall-istorbju, filwaqt li jqis b'mod partikolari il-miżuri msemmija f'subregolament (1).

(3) Skond ir-risultat ta' l-evalwazzjoni tar-riskju msemmi f'regolament 4, dawk il-postijiet tax-xogħol fejn ikun probabbli li haddiema jkunu esposti għall-oghla valur ta' espożizzjoni għall-azzjoni ta' storbju għandhom ikunu immarkati b'sinjali adatti. Iż-żoni msemmija għandhom ikunu immarkati u l-aċċess għalihom ristrett fejn dan ikun teknikament possibbli u fejn ir-riskju ta' espożizzjoni jkun hekk jitlob.

(4) Fejn, minhabba n-natura tax-xogħol, haddiem ikun jibbenefika mill-użu ta' faċilitajiet għall-mistrieh taht ir-responsabbiltà ta' min ihaddem, l-istorbju f'dawn il-faċilitajiet għandu jitnaqqas għal livell kompatibbli ma' l-iskop li jkunu qeghdin għalih u mal-kundizzjonijiet ta' l-użu. Min ihaddem għandu jadotta dawk il-miżuri msemmija f'dan ir-regolament skond il-htigiet ta' haddiema f'riskji partikolari.

Tnaqqis ta' riskji li jirriżultaw minn espożizzjoni għall-istorbju.

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6. (1) Jekk ir-riskji li johorġu minn espożizzjoni għall-istorbju ma jkunux jistgħu jiġu evitati b'mezzi ohra, protetturi tas-smiegh individwali adatti, u li jkunu jiġu sew lil min jilbishom, għandhom ikunu disponnibbli għall-haddiema u jintużaw minnhom skond il-provvedimenti tar-Regolamenti ta' l-2003 dwar Rekwiziti Minimi għall-Użu ta' Tagħmir Protettiv Personali fuq ix-Xogħol, u taht il-kundizzjonijiet stabbiliti kif ġej:

(a) meta l-espożizzjoni għall-istorbju teċċedi l-inqas livell ta' valur għall-azzjoni ta' espożizzjoni, min ihaddem għandu jagħmel disponnibbli għall-haddiema, il-protetturi individwali tas-smiegh;

(b) meta l-espożizzjoni għall-istorbju tilhaq jew teċċedi l-oghla livell ta' espożizzjoni għall-azzjoni, għandhom jintużaw il-protetturi individwali tas-smiegh;

(ċ) il-protetturi tas-smiegh individwali ghandhom jintaghżlu b'mod li jeliminaw ir-riskju għas-smiegh jew li jnaqqsu dak ir-riskju għal livell minimu.

(2) Min ihaddem għandu jagħmel kull sforz biex jiżgura l-użu tal-protetturi tas-smiegh u għandu jkollu r-responsabbiltà li jiċċekkja l-effettività tal-miżuri li jittiehdu konformament ma'dan ir-regolament.

7. (1) L-espożizzjoni tal-haddiem kif stabbilit minn sub-regolament 3(2) m'għandha, taht l-ebda ċirkustanza, teċċedi l-valuri ta' limitu għall-espożizzjoni.

Limitu ta' espożizzjoni.

(2) Jekk, minkejja l-miżuri meħuda fl-implimentazzjoni ta' dawn ir-regolamenti, jinkixfu espożizzjonijiet oghla mill-valuri ta' limitu ta' espożizzjoni, min ihaddem għandu:

(a) jiehu azzjoni immedjata biex inaqqas l-espożizzjoni għal livell li jkun inqas mill-valur ta' limitu ta' espożizzjoni;

(b) jidentifika r-raġunijiet għalfejn tkun sehhet l-espożizzjoni għola; u

(ċ) jemenda l-miżuri ta' protezzjoni u ta' prevenzjoni biex jevita li jerga jġri l-istess.

8. (1) Min ihaddem għandu jiżgura li haddiema li jkunu esposti għall-istorbju fuq ix-xogħol f'livell li jkun daqs jew oghla mill-livell baxx tal-valur ta' espożizzjoni għall-azzjoni, u, jew ir-rappreżentanti tagħhom, jirċievu informazzjoni u tahrig relatat mar-riskji li jirriżultaw mill-espożizzjoni għall-istorbju, li jkunu jikkonċernaw, b'mod partikolari:

Informazzjoni u tahrig lill-haddiema.

(a) in-natura ta' dawk ir-riskji;

(b) il-miżuri li ttiehdu biex jimplementaw dawn ir-regolamenti biex jiġu eliminati jew jitnaqqsu għall-minimu ir-riskji mill-istorbju, inklużi dawk iċ-ċirkostanzi meta japplikaw il-miżuri;

(ċ) il-valuri ta' espożizzjoni limitata u l-valuri ta' espożizzjoni attiva stabbiliti f'regolament 3 ta' dawn ir-regolamenti;

(d) ir-riżultati tal-valutazzjoni u tal-kejl ta' l-istorbju li jsiru skond ir-regolament 4 ta' dawn ir-regolamenti flimkien ma' spjega tas-sinifikat tagħhom u r-riskju potenzjali;

(e) l-użu korrett biex jintlibsu l-protetturi;

(f) ir-raġunijiet għalfejn u kif wiehed għandu jinduna bi u jirrapporta sinjali ta' hsara fis-smiegh;

(g) iċ-ċirkustanzi li fihom haddiema huma intitolati għal sorveljanza tas-sahha u l-iskop għal sorveljanza bħal dik, skond ir-regolament 10 ta' dawn ir-regolamenti;

(h) il-prattiċi ta' xogħol siguri li jnaqqsu l-espożizzjoni għall-istorbju.

Konsultazzjoni u parteċipazzjoni tal-haddiema.

9. Il-konsultazzjoni u l-parteeċipazzjoni tal-haddiema, u, jew tar-rappreżentanti tagħhom fuq dawk il-materji li jaqgħu taht dawn ir-regolamenti, inklużi l-valutazzjoni u l-kejl ta' l-istorbju esperjenzat fuq ix-xogħol, għandhom isiru skond ir-Regolamenti tal-2003 dwar Disposizzjonijiet Ġenerali dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xogħol, b'mod partikolari:

(a) il-valutazzjoni tar-riskju u l-identifikazzjoni tal-miżuri li għandhom jittiehdu, kif imsemmi fir-regolament 4;

(b) l-azzjonijiet mahsuba biex jeliminaw jew inaqqsu riskji minn espożizzjoni għall-istorbju, kif imsemmija f'regolament 5;

(ċ) l-għażla tal-protetturi tas-smiegh individwali imsemmija fil-paragrafu 6(1)(ċ).

Sorveljanza tas-sahha.

10. (1) Mingħajr preġudizzju għad-dritt li għandu kull haddiem, jekk il-haddiem ikun irid li jirċievi sorveljanza tas-sahha f'intervalli regolari, min ihaddem għandu jagħmel arrangamenti biex issir sorveljanza xierqa tas-sahha għal dawk il-haddiema li fil-każ tagħhom, ir-riżultati tal-valutazzjoni tas-sorveljanza tas-sahha imsemmija fir-regolament 4 ta' dawn ir-regolamenti, ikunu juru riskju għas-sahha, u dawk ir-records tas-sahha għandhom ikunu disponibbli għall-Awtorità.

(2) Haddiem li l-espożizzjoni tiegħu teċċedi l-oghla valur ta' espożizzjoni għall-azzjoni, għandu jkollu d-dritt li s-smiegh ikun iċċekkjat minn tabib jew minn persuna oħra b'kompetenza xierqa taht ir-responsabbiltà ta' tabib. Testijiet awdjometriċi preventivi għandhom ikunu wkoll disponibbli għall-haddiema meta l-espożizzjoni teċċedi l-inqas valur ta' espożizzjoni għall-azzjoni, meta l-valutazzjoni u l-kejl imsemmija fir-regolament 4 jkunu jndikaw riskju għas-sahha. L-objettivi ta' dawn it-testijiet huma li jipprovdu dijanjosi kmieni ta' telf ta' smiegh, u li jippreservaw il-funzjoni tas-smiegh.

(3) Min ihaddem ghandu jizgura illi ghal kull haddiem li ssirlu sorveljanza tas-sahha skond regolament 10 (1), ikun hemm records individwali tas-sahha li ghandhom jinzammu aggnati.

(4) (a) *Records* tas-sahha ghandu jkollhom sommarju tar-rizultati tas-sorveljanza tas-sahha li tkun saret, u ghandhom jinzammu f'forma adatta li tkun tippermetti kull konsultazzjoni ssir b'mod kunfidenzjali f'data iktar il-quddiem.

(b) Kopja tar-*records* adatti ghandhom jinghataw lill-Awtorità meta dawn jigu hekk mitluba; il-haddiem individwali ghandu, meta huwa hekk jitlob, ikollu access ghar-*records* tas-sahha li jkunu jirrelataw ghalih personalment.

(5) Meta, bhala rizultat tas-sorveljanza tal-funzjoni tas-smiegh, haddiem jinstab li jkollu hsara identifikabbli fis-smiegh, tabib jew speċjalista, jekk dan ikun ikkunsidrat mehtieg mit-tabib, ghandu jqis jekk il-hsara tkunx giet ikkaġunata minn espożizzjoni ghall-istorbju fuq ix-xoghol. Jekk dan ikun il-każ:

(a) il-haddiem ghandu jkun infurmat mit-tabib jew minn persuna oħra b'kompetenza adatta bir-rizultat li jkun jikkonċerna personalment lill-haddiem;

(b) min ihaddem ghandu:

(i) jirrevedi l-valutazzjoni tar-riskju li jkun sar skond ir-regolament 4;

(ii) jirrevedi l-mizuri li jkun gie provdut dwarhom biex jeliminaw jew inaqqsu r-riskji skond ir-regolamenti 5 u 6;

(iii) jikkunsidra l-parir tal-persuna kompetenti jew ta' l-Awtorità fl-impentazzjoni ta' kull mizura mehtieġa biex telimina jew tnaqqas ir-riskju skond ir-regolamenti 5 u 6, inkluża l-possibilita li l-haddiem ikun assenjat xoghol alternattiv fejn ma jkunx hemm riskju ta' aktar espożizzjoni, u

(iv) jaghmel arrangamenti ghal sorveljanza sistematika tas-sahha u jipprovdi revizjoni ta' l-istat ta' sahha ta' kull haddiem iehor li jkun espost b'mod simili.

11. (1) F'sitwazzjonijiet eċċezzjonali, fejn minhabba n-natura tax-xoghol, l-użu shih u xieraq ta' protetturi personali individwali jista' jikkaġuna riskji akbar ghas-sahha u s-sigurtà milli kieku l-protetturi Eżenzjonijiet.

kellhom ma jintużawx, il-Ministru jista b'ordni bil-miktub, jaghti eżenzjonijiet mill-htigijiet ta' regolamenti 6 (1) (a) u (b) u 7.

(2) L-eżenzjonijiet imsemmija fir-regolament 11 (1), ghandhom ikunu bla hsara ghal kundizzjonijiet, li skond ċirkustanzi individwali, jiżguraw illi r-riskji li jirriżultaw minn dawn l-eżenzjonijiet jitnaqqsu ghall-livell minimu, u l-eżenzjonijiet ghandhom jiġu riveduti kull tant żmien, u jiġu revokati mill-iktar fis sa' fejn dan ikun raġonevolment prattikabbli.

Reati.

12. Fi proċedimenti ghal reat taht dawn ir-regolamenti li jikkonsisti f'nuqqas ta' harsien ta' dmir jew htieġa li ssir xi haġa, jew li ssir xi haġa safejn ikun raġonevolment prattikabbli, huwa l-akkużat li ghandu jgħib il-prova, skond il-każ, li ma kienx prattikabbli jew li ma kienx raġonevolment prattikabbli li jsir aktar milli fil-fatt ikun sar biex jiġu sodisfatti dak id-dmir jew dik il-htieġa, jew li ma kienx hemm mezz ieħor aktar prattikabbli minn dak li fil-fatt jkun ġie użat biex jiġi sodisfatt dak id-dmir jew dik il-htieġa. Min ghandu jgħib il-prova¹³. Kull persuna li xjentament jew bi traskuraġni tindahal fil-proċess li jiġi provdut post tax-xogħol li jkun wieħed sigur u bla periklu, ikun hati ta' reat.

Ihassar A.L. 185
ta' l-2004.

14. Ir-Regolamenti ta' l-2004 dwar Bżonnijiet Minimi ta' Saħħa u Sigurtà għall-Protezzjoni tal-Haddiema minn Riskji li Jinqalghu minn Espożizzjoni għall-Hsejjes fuq il-Post tax-Xogħol, qeghdin jiġu mhassrin b'effett mid-data msemmija fir-regolament 1 (4).

L.N. 158 of 2006

**OCCUPATIONAL HEALTH AND SAFETY AUTHORITY
ACT
(CAP. 424)**

**Work Place (Minimum Health and Safety Requirements for the
Protection of Workers from Risks resulting from Exposure to
Noise) Regulations, 2006**

IN exercise of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, the Minister for Education, Youth and Employment, in consultation with the Occupational Health and Safety Authority, has made the following regulations:

1. (1) The title of these regulations is the Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Noise) Regulations, 2006. Title, scope and applicability.

(2) The scope of these regulations is to lay down minimum requirements for the protection of workers from risks to their health and safety arising or likely to arise from exposure to noise and in particular the risk to hearing. The requirements of these regulations shall apply to all those activities in which workers are, or are likely to be exposed to risks from noise as a result of their work. These regulations shall implement Directive 2003/10/EC of the European Parliament and of the Council.

(3) These regulations shall apply fully to all workers without prejudice to more stringent and, or more specific provisions contained in any other law or regulation on the protection of workers from the risks related to exposure to noise.

(4) These regulations shall come into force on the date of publication:

Provided that, with regards to members of the crew on board seagoing vessels, the provisions of regulation 7 shall come into force on the 5th February, 2011:

Provided further that with regards to workers working in the music and entertainment sectors, these regulations shall come into force

on the 5th February 2008, on condition that the levels of protection already achieved are maintained.

Interpretation.

2. In these regulations, unless the context otherwise requires:

Cap. 424.

“the Act” means the Occupational Health And Safety Authority Act;

“the Authority” means the Occupational Health and Safety Authority established by article 8 of the Act;

“daily noise exposure level ($L_{EX,8h}$) (dB(A) re. $20 \mu\text{Pa}$)” means the time-weighted average of the noise exposure levels for a nominal eight-hour working day as defined by international standard ISO 1999: 1990, point 3.6. It covers all noises present at work, including impulsive noise;

“the Minister” means the Minister responsible for occupational health and safety;

“peak sound pressure (P_{peak})” means the maximum value of the ‘C’- frequency weighted instantaneous noise pressure;

“weekly noise exposure level ($L_{EX,8h}$)” means the time-weighted average of the daily noise exposure levels for a nominal week of five eight-hour working days as defined by international standard ISO 1999:1990, point 3.6 (note 2).

Exposure limit values and exposure action values.

3. (1) The occupational exposure limit values and exposure action limit values in respect of the daily noise exposure levels and peak sound pressure shall be as follows:

(a) exposure limit values: $L_{EX,8h} = 87 \text{ dB(A)}$ and $P_{\text{peak}} = 200 \text{ Pa}$ ⁽¹⁾ respectively;

(b) upper exposure action values: $L_{EX,8h} = 85 \text{ dB(A)}$ and $P_{\text{peak}} = 140 \text{ Pa}$ (2) respectively;

(c) lower exposure action values: $L_{EX,8h} = 80 \text{ dB(A)}$ and $P_{\text{peak}} = 112 \text{ Pa}$ ⁽³⁾ respectively.

(2) When applying the exposure limit values, the determination of the worker’s effective exposure shall take account of the attenuation provided by the individual hearing protectors worn by the worker. The exposure action values shall not take account of the effect of any such protectors.

(3) In duly justified circumstances, for activities where daily noise exposure varies markedly from one working day to the next, the employer may, for the purposes of applying the exposure limit values and the exposure action values, use the weekly noise exposure level in place of the daily noise exposure level to assess the levels of noise to which workers are exposed, on condition that:

(a) the weekly noise exposure level as shown by adequate monitoring does not exceed the exposure limit value of 87 dB(A); and

(b) appropriate measures are taken in order to reduce the risk associated with these activities to a minimum.

⁽¹⁾ 140 dB (C) in relation to 20 μ Pa.

⁽²⁾ 137 dB (C) in relation to 20 μ Pa.

⁽³⁾ 135 dB (C) in relation to 20 μ Pa.

4. (1) The employer shall assess and, if necessary, measure the levels of noise to which workers are exposed. Determination and assessment of risks.

(2) The methods and apparatus used shall be adapted to the prevailing conditions particularly in the light of the characteristics of the noise to be measured, the length of exposure, ambient factors and the characteristics of the measuring apparatus. These methods and this apparatus shall make it possible to determine the parameters defined in regulation 2 and to decide whether, in a given case, the values fixed in regulation 3 have been exceeded.

(3) The methods used may include sampling, which shall be representative of the personal exposure of a worker.

(4) The assessment and measurement referred to in sub-regulation (1) shall be planned and carried out by competent persons at suitable intervals. The results obtained from the assessment and, or measurement of the level of exposure to noise shall be preserved in a suitable form so as to permit consultation at a later stage.

(5) When applying this regulation, the assessment of the measurement results shall take into account the measurement inaccuracies determined in accordance with metrological practice.

(6) 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 impulsive noise;

(b) the exposure limit values and the exposure action values laid down in regulation 3 of these regulations;

(c) any effects concerning the health and safety of workers belonging to particularly sensitive risk groups;

(d) as far as technically possible, any effects on workers' health and safety resulting from interactions between noise and work related ototoxic substances, and between noise and vibrations;

(e) any indirect effects on workers' health and safety resulting from interactions between noise and warning signals or other sounds that need to be observed in order to reduce the risk of accidents;

(f) information on noise emission provided by manufacturers of work equipment in accordance with the relevant Community Directives in force;

(g) the existence of alternative work equipment designed to reduce the noise emission;

(h) the extension of exposure to noise beyond normal working hours where the worker is under the employer's responsibility;

(i) appropriate information obtained following health surveillance, including published information, as far as possible;

(j) the availability of hearing protectors with adequate attenuation characteristics.

(7) The employer shall be in possession of an assessment of the risk in accordance with regulation 10 of the General Provisions for Health and Safety at Work Places Regulations, 2003, and shall identify those measures which must be taken in accordance with regulations 5, 6, 7 and 8 of these regulations. The risk assessment shall be recorded on a suitable medium. 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.

5. (1) Every employer shall take measures to eliminate at their source or minimize the risks arising from exposure to noise, taking account of technical progress and of the availability of measures to control the risk at source. The reduction of such risks shall be based on the general principles of prevention, taking into account in particular:

Reduction of risks
resulting from
exposure to noise.

(a) other working methods that require less exposure to noise;

(b) the choice of appropriate work equipment, taking account of the work to be done, emitting the least possible noise, including the possibility of making available to workers work equipment subject to Community provisions with the aim or effect of limiting exposure to noise;

(c) the design and layout of workplaces and work stations;

(d) adequate information, training and instruction of workers to use work equipment correctly and safely in order to reduce their exposure to noise to a minimum;

(e) noise reduction by technical means:

(i) reducing airborne noise, such as by shields, enclosures, sound-absorbent coverings;

(ii) reducing structure-borne noise, such as by damping or isolation;

(f) appropriate maintenance programmes for work equipment, the workplace and workplace systems;

(g) organisation of work to reduce noise:

(i) limitation of the duration and intensity of the exposure;

(ii) appropriate work schedules with adequate rest periods;

(2) On the basis of the risk assessment referred to in regulation 4, if the upper exposure action values are exceeded, the employer shall establish and implement a programme of technical and/or

organisational measures intended to reduce the exposure to noise, taking into account in particular the measures referred to in sub-regulation (1).

(3) On the basis of the risk assessment referred to in regulation 4, workplaces where workers are likely to be exposed to noise exceeding the upper exposure action values shall be marked with appropriate signs. The areas in question shall also be delimited and access to them restricted where this is technically feasible and the risk of exposure so justifies.

(4) Where, owing to the nature of the activity, a worker benefits from the use of rest facilities under the responsibility of the employer, noise in these facilities shall be reduced to a level compatible with their purpose and the conditions of use. The employer shall adapt the measures referred to in this regulation to the requirements of workers at particular risk.

Personal protection

6. (1) If the risks arising from exposure to noise cannot be prevented by other means, appropriate, adequately-fitting individual hearing protectors shall be made available to workers and used by them in accordance with the provisions of the Minimum Requirements for the Use of Personal Protective Equipment at work Regulations, 2003 and under the conditions set out below:

L.N. 121 of 2003.

(a) where noise exposure exceeds the lower exposure action values, the employer shall make individual hearing protectors available to workers;

(b) where noise exposure matches or exceeds the upper exposure action values, individual hearing protectors shall be used;

(c) the individual hearing protectors shall be so selected as to eliminate the risk to hearing or to reduce the risk to a minimum.

(2) The employer shall make every effort to ensure the wearing of hearing protectors and shall be responsible for checking the effectiveness of the measures taken in compliance with this regulation.

Limitation of exposure.

7. (1) Under no circumstances shall the exposure of the worker as determined in accordance with regulation 3(2) exceed the exposure limit values.

(2) If, despite the measures taken to implement these regulations, exposures above the exposure limit values are detected, the employer shall:

(a) take immediate action to reduce the exposure to below the exposure limit values;

(b) identify the reasons why overexposure has occurred; and

(c) amend the protection and prevention measures in order to avoid any recurrence.

8. (1) The employer shall ensure that workers who are exposed to noise at work at or above the lower exposure action values, and, or their representatives, receive information and training relating to risks resulting from exposure to noise concerning, in particular:

Information and training for workers.

(a) the nature of such risks;

(b) the measures taken to implement these regulations in order to eliminate or reduce to a minimum the risks from noise, including the circumstances in which the measures apply;

(c) the exposure limit values and the exposure action values laid down in regulation 3 of these regulations;

(d) the results of the assessment and measurement of the noise carried out in accordance with regulation 4 of these regulations together with an explanation of their significance and potential risk;

(e) the correct use of hearing protectors;

(f) why and how to detect and report signs of hearing damage;

(g) the circumstances in which workers are entitled to health surveillance and the purpose of such health surveillance, in accordance with regulation 10 of these regulations;

(h) safe working practices to minimise exposure to noise.

9. (1) Consultation and participation of workers and, or their representatives on the matters covered by these regulations, including the assessment and measurement of noise experienced at work, shall take place in accordance with the General Provisions for Health and Safety at Work Places Regulations, 2003, in particular:

Consultation and participation of workers.

(a) the assessment of risks and identification of measures to be taken, referred to in regulation 4,

(b) the actions aimed at eliminating or reducing risks arising from exposure to noise, referred to in regulation 5,

(c) the choice of individual hearing protectors referred to in paragraph 6(1)(c).

Health surveillance.

10. (1) Without prejudice to each worker's right, if the worker so wishes, to receive health surveillance at regular intervals, an employer shall make arrangements for carrying out appropriate health surveillance of workers for whom the results of the assessment referred to in regulation 4 of these regulations reveal a risk to health, and such health records shall be made available to the Authority.

(2) A worker whose exposure exceeds the upper exposure action values shall have the right to have the hearing checked by a doctor or by another suitably competent person under the responsibility of a doctor. Preventive audiometric testing shall also be available for workers whose exposure exceeds the lower exposure action values, where the assessment and measurement provided for in regulation 4 indicate a risk to health. The objectives of these checks are to provide early diagnosis of any loss of hearing due to noise, and to preserve the hearing function.

(3) An employer shall ensure that for each worker who undergoes health surveillance in accordance with regulation 10 (1), individual health records are made and kept up-to-date.

(4) (a) Health records shall contain a summary of the results of the health surveillance carried out, and shall be kept in a suitable form so as to permit any consultation in a confidential manner at a later date.

(b) Copies of the appropriate records shall be supplied to the Authority on request; the individual worker shall, at his request, have access to the health records relating to him personally.

(5) Where, as a result of surveillance of the hearing function, a worker is found to have an identifiable hearing damage, a doctor or a specialist if the doctor considers it necessary, shall assess whether the damage is likely to be the result of exposure to noise at work. If this is the case:

(a) the worker shall be informed by the doctor or other suitably competent person of the result which relates to him personally;

(b) the employer shall:

(i) review the risk assessment carried out pursuant to regulation 4,

(ii) review the measures provided for to eliminate or reduce risks pursuant to regulations 5 and 6,

(iii) take into account the advice of the competent person or the Authority in implementing any measures required to eliminate or reduce risk in accordance with regulations 5 and 6, including the possibility of assigning the worker to alternative work where there is no risk of further exposure, and

(iv) arrange systematic health surveillance and provide for a review of the health status of any other worker who has been similarly exposed.

11. (1) In exceptional situations where, because of the nature of the work, the full and proper use of individual hearing protectors would be likely to cause greater risk to health or safety than not using such protectors, the Minister may by order in writing grant exemptions from the provisions of regulations 6(1)(a) and (b) and 7. Exemptions.

(2) The exemptions referred to in sub-regulation 11(1), shall be subject to conditions, which in view of individual circumstances, ensure that the risks resulting from such exemptions are reduced to a minimum and the exemptions shall be reviewed periodically and be revoked as soon as is reasonably practicable.

12. In any proceedings for an offence under these regulations consisting of failure to comply with a duty or requirement to do something, or to do something so far as is reasonably practicable, it shall be for the accused to prove (as the case may be) that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or there was no better practicable means than was in fact used to satisfy the duty or requirement. Onus of proof.

13. Any person who knowingly or recklessly interferes with the process of providing a safe and healthy place of work shall be guilty of an offence. Offences.

B 2892

Repeals L.N. 185 of
2004.

14. The Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks arising from Exposure to Noise) Regulations, 2004 are hereby repealed with effect from the date set out in sub-regulation 1(4).