

## 2. Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)

### Article 1 of Convention No. 148: Scope of Application

The Government did not list any branches as excluded from the application of the Convention.

#### Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

The Control of Substances Hazardous to Health Regulations 2002 ([S.I. 2002/2677](#)), the Control of Noise at Work Regulations 2005 ([S.I. 2005/1643](#)), the Control of Vibration at Work Regulations 2005 ([S.I. 2005/1093](#)) apply to all branches of economic activities, except for certain maritime activities. Exemptions may be granted under those Regulations, for instance with regard to emergency services, air transport, and the military.

### Article 2(1) and (2) of Convention No. 148: Exclusion of categories of hazards

The UK has not accepted the obligations of the Convention in respect of noise (as it considered in its first report that it was "premature to prepare the legislation necessary to meet the requirements of the Convention until the knowledge of the risks involved and precautions required" was "sufficiently developed").

The UK has also not accepted the obligations of the Convention in respect of vibration (indicating in its first report that "existing legislation and practice on noise, particularly with respect to specifying exposure limits and the application of protective measures" was "insufficient [...]" "to enable the Government either to ratify the Convention or to accept the Recommendation").

#### Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Further to previous reports on this Convention, the UK accepts the obligations of the Convention in respect of noise and vibration. Implementation measures are noted in the report as appropriate, however the main instruments are;

#### **GREAT BRITAIN**

Control of Vibration at Work Regulations 2005 ([S.I. 2005/1093](#))  
[Control of Noise at Work Regulations 2005 \(S.I. 2005/1643\)](#)

#### **NORTHERN IRELAND**

Control of Vibration at Work Regulations (Northern Ireland) 2005 ([2005 No. 397](#))  
Control of Noise at Work Regulations (Northern Ireland) 2006 ([2006 No. 1](#))

**Article 4(1) of Convention No. 148: Measures for prevention, control and protection prescribed by national laws or regulations**

**Implementing measures**

☒ Please check if the information in the box below is up-to-date and complete; if not, please update and/or complete the text.

**GREAT BRITAIN**

Air pollution

Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#))

Dangerous Substances (Notification and Marking of Sites) Regulations 1990 ([S.I. 1990/304](#))([NATLEX](#))

Dangerous Substances and Explosive Atmospheres Regulations 2002 ([S.I. 2002/2776](#))

Control of Asbestos Regulations 2012 ([S.I. 2012/632](#))

Control of Lead at Work Regulations 2002 ([S.I. 2002/2676](#))

Classification, Labelling and Packaging of Chemicals (Amendments to Secondary Legislation) Regulations 2015 ([2015 No. 21](#))

Control of Artificial Optical Radiation at Work Regulations 2010 ([S.I. 2010/1140](#))

Gas Safety (Management) Regulations 1996 ([S.I. 1996/551](#))

Gas Safety (Rights of Entry) Regulations 1996 ([S.I. 1996/2535](#))

Gas Safety (Installation and Use) Regulations 1998 ([S.I. 1998/2451](#))

Genetically Modified Organisms (Contained Use) Regulations 2014 ([S.I. 2014/1663](#))

As regards the legislation on radiation, see under [Article 1 of Convention No. 115](#) above.

**NORTHERN IRELAND**

A number of Regulations with similar content have been adopted in Northern Ireland.

**Article 4(2) of Convention No. 148: Technical standards, codes of practice and other appropriate methods**

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

ACOPs (approved codes of practices) have a special place in British legislation. They are not legally binding, but are best practice and the standard set or expected (section 16 of the [HSWA](#)). It is not compulsory for employers to follow the individual requirements of the ACOP, but the legal burden falls on employers to show that they achieved the same or higher standard as is set out in the ACOP, where they choose not to follow them (Section 17 [HSWA](#)).

[Source: Government's report on C187, received in 2010]

The HSE publishes Approved Codes of Practice (ACOPs) and guidance in the form of leaflets, books and on its webpages, some of which include:

Air pollution:

ACOP on Control of substances hazardous to health (6th edition): Control of Substances Hazardous to Health Regulations 2002 (as amended) ([ACOP: 2002/2677](#))

ACOP on Managing and Working with Asbestos (2nd edition): Control of Asbestos Regulations 2012 ([ACOP: 2012/632](#))

Approved Classification and Labelling Guide: Chemicals (Hazard Information and Packaging for Supply) Regulations 2009 ([ACLG: S.I. 2009/716](#))

[Source: [HSE website](#)]

*[Article 5\(1\) and \(2\)](#) of Convention No. 148: Consultation with the most representative organisations of employers and workers concerned, and association in the elaboration of provisions*

## Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Moreover, please supply any other relevant information on the procedures followed for consulting the most representative organisations of employers and workers in giving effect to the provisions of the Convention, and for associating representatives of employers and workers in the elaboration of provisions concerning the practical implementation of the measures prescribed in pursuance of the Convention.

Representatives of workers and employers are consulted via their membership of the tripartite HSE Board on the formulation, implementation and review of the national strategy for health and safety at work.

*[Article 5\(3\)](#) of Convention No. 148: Collaboration at all levels between employers and workers*

## Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulation 2(4) (appointment by recognised trade unions of safety representatives) of the [HSWA](#);  
Regulation 2(5) (election by employees of safety representatives) of the [HSWA](#);  
Regulation 2(6) (duty of employers to consult representatives – cooperation in safety and health measures) of the [HSWA](#);  
Regulation 2(7) (establishment of safety committees) of the [HSWA](#)  
Safety Representatives and Safety Committee Regulations 1977 ([S.I. 1977/500](#)) (as amended)  
Health and Safety (Consultation with Employees) Regulations 1996 ([S.I. 1996/1513](#)) (as amended)  
ACOP on Consulting workers on health and safety: Safety representatives and safety committees regulations 1977 (as amended) and health and safety (consultation with employees) regulation 1996 (as amended) ([ACOP: 1977/500 & 1996/1513](#)); Consulting employees on health and safety – [a brief guide to the law](#) (includes information for employers and workers)

A number of national policy instruments are used to encourage and promote the application of preventative measures at the level of undertakings. [HSE](#) website contains guidance on worker involvement and consultation. *[Government's reports on C187, received in 2010 and 2014.]*

**Article 5(4)** of Convention No. 148: Opportunity for employer' and workers' representatives to accompany inspectors

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulation 28(8) (Restrictions on disclosure of information) of the [HSWA](#)  
Regulations 4(e),(f) and (g) (Functions of safety representatives), 5 (Inspections of the workplace), 6 (Inspections following noticeable accidents, occurrences and diseases) and 7 (Inspection of documents and provision of information) of the Safety Representatives and Safety Committee Regulations 1977 ([S.I. 1977/500](#)) (as amended)  
Regulation 6(c) (Representation by safety representatives in consultations at the workplace with inspectors) of the Health and Safety (Consultation with Employees) Regulations 1996 ([S.I. 1996/1513](#)) (as amended)

**Article 6(1)** of Convention No. 148: Responsibility of employers

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulations 2 and 3 (General duties of employers), section 5 (General duty regarding the prevention of harmful emissions into the atmosphere) of the [HSWA](#).  
Regulations 3, 6 (risk assessment) 7 (prevention or control of exposure), 8 and 9 (control measures), 10 (monitoring), 11 (health surveillance), 12 (information and instruction), 13 (arrangements to deal with accidents) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#)).

**Article 6(2)** of Convention No. 148: Collaboration between two or more employers undertaking activities simultaneously at one workplace

**Implementing measures**

☒ No information available at the Office. Please give particulars of any general procedures prescribed for collaboration between two or more employers undertaking activities simultaneously at one workplace.

Regulation 11 of The Management of Health and Safety at Work Regulations 1999,  
<http://www.legislation.gov.uk/ukxi/1999/3242/regulation/11/made>

This says

*11.—(1) Where two or more employers share a workplace (whether on a temporary or a permanent basis) each such employer shall—*

*(a) co-operate with the other employers concerned so far as is necessary to enable them to comply with the requirements and prohibitions imposed upon them by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997;*

*(b) (taking into account the nature of his activities) take all reasonable steps to co-ordinate the measures he takes to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997 with the measures the other employers concerned are taking to comply with the requirements and prohibitions imposed upon them by that legislation; and*

*(c) take all reasonable steps to inform the other employers concerned of the risks to their employees' health and safety arising out of or in connection with the conduct by him of his undertaking.*

*(2) Paragraph (1) (except in so far as it refers to Part II of the Fire Precautions (Workplace) Regulations 1997) shall apply to employers sharing a workplace with self-employed persons and to self-employed persons sharing a workplace with other self-employed persons as it applies to employers sharing a workplace with other employers; and the references in that paragraph to employers and the reference in the said paragraph to their employees shall be construed accordingly.*

### Article 7(1) of Convention No. 148: Requirement of workers to comply with safety procedures

#### Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulation 8(2) (use of control measures, etc.), 13(5) (reporting of incident or accident) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#)).

### Article 7(2) of Convention No. 148: Rights of workers and their representatives to present proposals and obtain training and to appeal to appropriate bodies

#### Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulation 4(c),(d) and (h) of the Safety Representatives and Safety Committee Regulations 1977 ([S.I. 1977/500](#)) (as amended) [Functions of safety representatives to make representations following the investigations of potential hazards, dangerous occurrences and complaints and participation in safety committee]

Regulation 6(a) and (b) of the Safety Representatives and Safety Committee Regulations 1977 ([S.I. 1977/500](#)) (as amended) [Functions of safety representatives to make representations on potential hazards and dangerous occurrences and general matters affecting health and safety at work]

Regulation 12 (information, instruction and training regarding potential exposure to hazardous substances), Regulation 13 (information on emergency arrangements), and section 14(2) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#))

**Article 8(1)** of Convention No. 148: Establishment of criteria for determining hazards and, where appropriate, specification of exposure limits

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

The HSE Guidance Note [EH40](#) "Workplace Exposure Limits: Containing the list of workplace exposure limits for use with the Control of Substances Hazardous to Health Regulations 2002 (as amended)" was last revised in 2018 to implement the 4th Indicative Occupational Exposure Limit Values (IOELV) Directive. IOELVs are implemented in the UK as Workplace exposure Limits (WELs), which are updated and revised to take account of international knowledge and data by the EU Scientific Committee on Exposure Limits.  
[Source: Government's report on C148, received in 2014 and [HSE website](#), last accessed on 27 March 2019]

**Article 8(2)** of Convention No. 148: Consideration of opinions of technically competent persons designated by employers' and workers' organizations

**Implementing measures**

☒ No information available at the Office. Please state which representative organisations have designated technically competent persons for the purpose of this Article, and indicate how their opinion is taken into account in elaborating the criteria and determining the exposure limits.

Regulation 7 (Health and Safety Assistance) of the [Management of Health and Safety at Work Regulations \(as amended\)](#)

Tools to assist the sourcing of competent advice are available [here](#)

HSE guidance notes [L5](#), [L108](#), [L140](#) and [L141](#) provides support to businesses and representative organisations on the consultation of specialist engineers (or technically competent persons) for the sectors covered by the Convention.



**Article 8(3) of Convention No. 148: Establishment, supplementation and regular revision of criteria and exposure limits**

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

See information above under [Article 8\(1\) of C148](#).

As regards simultaneous exposure, the HSE Guidance Note [EH40](#) "Workplace Exposure Limits: Containing the list of workplace exposure limits for use with the Control of Substances Hazardous to Health Regulations 2002 (as amended)" addresses the issue of how to deal with mixed exposures in paragraphs 88 et seq.

**Article 9 of Convention No. 148: Technical measures to prevent exposure (or supplementary measures)**

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

New plant or processes in design or installation: Section 64 of the [HSWA](#) and Building Regulations, regulation 5 (notification of the use of biological agents), section 6 (notification of the consignment of biological agents), Schedule 9 (notification of certain fumigations) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#))(as amended).

Technical measures prescribed for existing plant or processes: Section 5 (General duty regarding the prevention of emission of harmful emissions into the atmosphere) of the HSWA, regulations 3 and 6 (risk assessment) 7 (prevention or control of exposure), 8 and 9 (control measures), 10 (monitoring) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#)) (as amended). Pursuant to regulation 2 of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#)) (as amended) "control measure" means a measure taken to reduce exposure to a substance hazardous to health (including the provision of systems of work and supervision, the cleaning of workplaces, premises, plant and equipment, the provision and use of engineering controls and personal protective equipment).

***Article 10** of Convention No. 148: Provision of suitable personal protective equipment, where measures do not bring air pollution within specified limits*

### Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Provision of suitable protective equipment:

Regulation 15 and Schedule III, Paragraph 11 (protective clothing or equipment)

Regulation 7(3)(c) and 9, read in conjunction with the Personal Protective Equipment Regulations 2002 ([S.I. 2002/1144](#)), and section 9(3),(4), (5) and (6) (examination and testing of protective equipment, maintenance, storing, cleaning and destroying where necessary). regulation 2 provides that “personal protective equipment” means all equipment (including clothing) which is intended to be worn or held by a person at work and which protects that person against one or more risks to his health, and any addition or accessory designed to meet that objective.

Methods prescribed for determining whether exposure limits are exceeded.

Regulation 4 of control of Noise at work reg 2005 also para 26-31 in 108 And Regulation 4 of control of Vibration at work reg 2005 also para 24-25 and part 2 of L140

***Article 11(1)** of Convention No. 148: Supervision at suitable intervals of the health of workers*

### Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulation 11 (health surveillance) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#))

***Article 11(2)** of Convention No. 148: Health supervision at no costs to the workers*

### Implementing measures

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulation 11(8) (health surveillance at the cost of the employer) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#))

**Article 11(3)** of Convention No. 148: Suitable alternative employment or maintenance of income through social security measures or otherwise

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Alternative employment: Section 11 (9)(d) of the Control of Substances Hazardous to Health Regulations 2002 (2002 No. 2677)

**Article 11(4)** of Convention No. 148: No adverse effect on the rights of workers under social security or social insurance legislation

**Implementing measures**

☒ No information available at the Office. Please provide information in the box below.

The rights of workers under the UK social security system are not in any way adversely affected by any UK provisions that implement this Convention.

**Article 12** of Convention No. 148: Notification to competent authorities of working conditions involving exposure

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

The competent authority for the purposes of this Article is the Health and Safety Executive. Regulation 14 and Schedule 9 of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#)) place duties on employers to notify HSE when carrying out certain fumigations. Regulation 7 and Schedule 3 of the Regulations place similar duties on the employer in respect of biological agents.  
[Source: Government's report on C148, received in 2014]

**Article 13:** Information on potential occupational hazards in the working environment and Instructions on measures available for prevention, control and protection

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Regulation 12 (Information, instruction and training for persons who may be exposed to substances hazardous to health) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#)) (as amended) Regulation 13(2) (information made available on emergency procedures and the information to be provided to the emergency services) of the Control of Substances Hazardous to Health Regulations 2002 ([2002 No. 2677](#)) (as amended)

**Article 14** of Convention No. 148: Promotion of research

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

In pursuance of section 11 of the Health and Safety at Work Act, etc. 1974 ([HSWA](#)), and the Health and Safety at Work Act (Northern Ireland) Order 1978 ([1978 No. 1039](#)), HSE (and the Health and Safety Executive for Northern Ireland ([HSENI](#))) make appropriate arrangements for carrying out research and encouraging research by others. HSE invests in a large portfolio of research: this is primarily carried out in-house by HSE researchers although a small proportion is done by contractors. Elements of HSE's in-house portfolio of research are open to financial sponsorship through Shared Research Programmes. Other research is financed or encouraged by UK Government or financed by industry. HSE publishes its Areas of Research Interest which gives a high-level summary of wider research interests that either HSE or other organisations – sometimes working in partnership – could usefully address.

[Source: Government's report on C148, received in 2014]

***Article 15 of Convention No. 148: Appointment of a competent person or use of a competent service by employers***

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Management of Health and safety at work Regulations 1999 requires an employer to appoint one or more competent people to help the implement the measures they need to comply with these legal requirements. If there is no relevant competency within the enterprise, employers may employ external consultants.

***Article 16 of Convention No. 148: Steps as may be necessary to give effect to the Convention; Appropriate inspection services***

**Implementing measures**

☒ Please check if the information in the box below is up-to-date; if not, please update the text.

Inspection services:

The main authorities responsible in GB for health and safety are the Health and Safety Executive (HSE) and Local Authorities (LA).

Sections 18-26 of the [HSWA](#). The Health and Safety Executive (HSE) is the main body responsible for labour inspection in the area of OSH. [HSWA](#) and related legislation is usually enforced by HSE, the Office of Rail Regulation ([www.rail-reg.gov.uk](#)) and the local authorities, according to the main activity carried out at individual work premises. Local authorities have statutory responsibility for enforcing of health and safety law in certain premises, mainly in the distribution, retail, office, leisure and catering sectors.

There are other authorities with regulatory responsibility for certain sectors not covered by HSE and LA such as Office of Rail and Road (ORR) and Office of Nuclear Regulation (ONR) Maritime and Coastguard Agency

(MCA) is responsible for enforcement of health and safety legislation made under the Merchant Shipping Act 1995,

*[Source: Government's reports on C187, received in 2010 and 2014]*

The Health and Safety Executive for Northern Ireland (HSENI) is the lead body responsible for the promotion and enforcement of health and safety at work standards in Northern Ireland. It shares this responsibility with the 11 local councils. *[Source: Website of the [HSENI](#), last accessed on 26 March 2019]*

Penalties:

Sections 33 et seq. of the [HSWA](#)

## ***Application of Conventions 115 and 148 in practice***

*In so far as it has not already been supplied in reply to other questions, please provide information on the practical application of the Convention concerned (for example, copies or extracts from official documents including inspection reports, studies and inquiries, statistics); please also state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Conventions concerned. If so, please supply the text of these decisions.*

Details of previous years statistics for noise and vibration can be found here

<http://www.hse.gov.uk/noise/statistics.htm>

<http://www.hse.gov.uk/vibration/hav/statistics.htm>

And enforcement information can be found searching HSE data base of enforcement activity here

<http://www.hse.gov.uk/notices/>

Any research can be found on this link <http://www.hse.gov.uk/noise/research.htm>