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STATUTORY INSTRUMENTS

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**2016 No. 588**

**The Control of Electromagnetic  
Fields at Work Regulations 2016**

**PART 2**

**EXPOSURE AND RISK**

**Limitation on exposure to electromagnetic fields**

4.—(1) Subject to paragraphs (2) and (3), an employer must ensure that employees are not exposed to electromagnetic field levels in excess of the ELVs.

(2) Exposure may exceed the sensory effect ELVs during work activities in respect of which the employer has taken the applicable safety measures set out in the Schedule(1).

(3) Paragraph (1) does not apply in relation to—

(a) any activity in respect of which a suitable and sufficient exposure limitation system is in place, where that activity is carried out—

(i) by a person acting in the capacity of a member of either Her Majesty’s armed forces or a visiting force;

(ii) by any civilian working with such a person; or

(iii) on any premises or part of premises under the control of the Secretary of State for the purposes of the Ministry of Defence or the service authorities of a visiting force; or

(b) the development, testing, installation, use and maintenance of, or research related to, magnetic resonance imaging equipment for patients in the health sector, where—

(i) the exposure of employees to electromagnetic fields is as low as is reasonably practicable; and

(ii) employees are protected against any health effects and safety risks related to that exposure.

(4) In paragraph (2), “sensory effect ELVs” means the sensory effect ELVs set out in Part 2 of the Schedule.

(5) In paragraph (3)(a)—

“Her Majesty’s armed forces” means the regular forces and the reserve forces as defined in section 374 of the Armed Forces Act 2006(2);

“service authorities” and “visiting force” have the meaning given in section 12 of the Visiting Forces Act 1952(3).

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(1) See paragraph 6 of Part 1 of the Schedule.

(2) 2006 c.52. The definition of “the reserve forces” was amended by section 44 of the Defence Reform Act 2014 (c.20).

(3) 1952 c.67. The definition of “visiting force” was amended by paragraph 14 of Schedule 15 to the Criminal Justice Act 1988 (c.33).

### **Exposure assessment**

5.—(1) The employer must make a suitable and sufficient assessment of the levels of electromagnetic fields to which employees may be exposed.

(2) Where regulation 4(1) applies—

- (a) the assessment must demonstrate whether that regulation is complied with, if necessary through the use of calculations and measurements; and
- (b) the employer may, in accordance with the Schedule(4), assess exposure against the ALs in order to determine that specific ELVs are not exceeded.

(3) The assessment may take into account—

- (a) emission information and other safety related data provided by the manufacturer or distributor of equipment;
- (b) industry standards and guidelines;
- (c) guidance produced by the European Commission; and
- (d) guidance produced by the Executive.

(4) The employer must review the assessment when—

- (a) there is reason to suspect it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates,

and make such changes to it as are necessary to ensure it remains suitable and sufficient.

### **Application of regulations 7 to 9**

6.—(1) Regulation 7 does not apply—

- (a) where the most recent exposure assessment under regulation 5 demonstrates compliance with regulation 4(1); or
- (b) in relation to activities set out in regulation 4(3).

(2) Regulations 8 and 9 do not apply where—

- (a) the most recent exposure assessment under regulation 5 demonstrates that employees are not exposed to electromagnetic field levels in excess of the ELVs;
- (b) the indirect effect ALs are not exceeded; and
- (c) there are no employees at particular risk.

(3) In paragraph (2)(b), “indirect effect ALs” means the Low ALs in Table AL1, and the ALs in Tables AL5 to AL7, in the Schedule.

### **Action plan**

7.—(1) The employer must make and implement a suitable and sufficient action plan to ensure compliance with regulation 4(1).

(2) The action plan must include consideration of, where relevant—

- (a) other working methods that entail lower exposure to electromagnetic fields;
- (b) replacement equipment designed to reduce the level of exposure;
- (c) technical measures to reduce the emission of electromagnetic fields, including, where necessary, the use of interlocks, screening or similar health protection mechanisms;
- (d) demarcation and access control measures;

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(4) See paragraphs 3 and 4 of Part 1 of the Schedule.

- (e) maintenance programmes for work equipment, workplaces and workstation systems;
- (f) the design and layout of workplaces and workstations;
- (g) limitations on the duration and intensity of exposure; and
- (h) the availability of suitable personal protective equipment.

(3) Where, despite the measures taken under paragraph (1), the exposure of employees exceeds any ELV the employer must, as soon as is reasonably practicable, identify and implement any changes to the action plan which are necessary to ensure compliance with regulation 4(1).

### **Risk assessment**

**8.**—(1) The employer must make a suitable and sufficient assessment of the risks to employees arising from their exposure to electromagnetic fields.

- (2) The risk assessment must include consideration of, where relevant—
  - (a) the ALs and ELVs;
  - (b) the frequency range, level, duration and type of exposure, including its distribution over the employee's body and the workplace;
  - (c) direct biophysical effects;
  - (d) replacement equipment designed to reduce the level of exposure;
  - (e) information obtained from any health surveillance or medical examinations provided under regulation 11;
  - (f) information provided by the manufacturer or distributor of equipment;
  - (g) multiple sources of exposure;
  - (h) simultaneous exposure to multiple frequency fields;
  - (i) indirect effects;
  - (j) any effects on employees at particular risk; and
  - (k) other health and safety related information.
- (3) The risks referred to in paragraph (1) do not include the risk of effects—
  - (a) caused by contact with live conductors;
  - (b) caused by multiple and separate instances of exposure; or
  - (c) which continue to develop when exposure has ceased.
- (4) The employer must review the assessment when—
  - (a) there is reason to suspect it is no longer valid; or
  - (b) there has been a significant change in the matters to which it relates,

and make such changes to it as are necessary to ensure it remains suitable and sufficient.

### **Obligation to eliminate or reduce risks**

**9.**—(1) The employer must ensure that, so far as is reasonably practicable, the risks identified in the most recent risk assessment under regulation 8 are eliminated or reduced to a minimum.

- (2) Measures taken under paragraph (1) must—
  - (a) be based on the general principles of prevention set out in Schedule 1 to the Management of Health and Safety at Work Regulations 1999(5); and

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(5) [S.I. 1999/3242](#), to which there are amendments not relevant to these Regulations.

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- (b) take into account technical progress, the potential to restrict access to parts of the workplace, and the availability of measures to control the production of electromagnetic fields at source.