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STATUTORY INSTRUMENTS

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**2005 No. 1093**

**The Control of Vibration at Work Regulations 2005**

**Health surveillance**

7.—(1) If—

- (a) the risk assessment indicates that there is a risk to the health of his employees who are, or are liable to be, exposed to vibration; or
- (b) employees are likely to be exposed to vibration at or above an exposure action value,

the employer shall ensure that such employees are placed under suitable health surveillance, where such surveillance is appropriate within the meaning of paragraph (2).

(2) Health surveillance, which shall be intended to prevent or diagnose any health effect linked with exposure to vibration, shall be appropriate where the exposure of the employee to vibration is such that—

- (a) a link can be established between that exposure and an identifiable disease or adverse health effect;
- (b) it is probable that the disease or effect may occur under the particular conditions of his work; and
- (c) there are valid techniques for detecting the disease or effect.

(3) The employer shall ensure that a health record in respect of each of his employees who undergoes health surveillance in accordance with paragraph (1) is made and maintained and that the record or a copy thereof is kept available in a suitable form.

(4) The employer shall—

- (a) on reasonable notice being given, allow an employee access to his personal health record; and
- (b) provide the enforcing authority with copies of such health records as it may require.

(5) Where, as a result of health surveillance, an employee is found to have an identifiable disease or adverse health effect which is considered by a doctor or other occupational health professional to be the result of exposure to vibration the employer of that employee shall—

- (a) ensure that a suitably qualified person informs the employee accordingly and provides the employee with information and advice regarding further health surveillance, including any health surveillance which he should undergo following the end of the exposure;
- (b) ensure that he is himself informed of any significant findings from the employee's health surveillance, taking into account any medical confidentiality;
- (c) review the risk assessment;
- (d) review any measure taken to comply with regulation 6, taking into account any advice given by a doctor or occupational health professional or by the enforcing authority;
- (e) consider assigning the employee to alternative work where there is no risk from further exposure to vibration, taking into account any advice given by a doctor or occupational health professional; and

- (f) provide for a review of the health of any other employee who has been similarly exposed, including a medical examination where such an examination is recommended by a doctor or occupational health professional or by the enforcing authority.
- (6) An employee to whom this regulation applies shall, when required by his employer and at the cost of his employer, present himself during his working hours for such health surveillance procedures as may be required for the purposes of paragraph (1).