

<p>GRAND-DUCHE DE LUXEMBOURG</p>  <p>INSPECTION DU TRAVAIL ET DES MINES</p> <p>LABOUR INSPECTION</p>	<p>Lifting</p> <p>classified</p> <p>establishments</p> <p>application rules</p>	<p>ITM-SST</p> <p>2229.2 EN</p>
		<p>character : public</p>
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This document is a translation. In case of dispute, the French text is applicable

objet :	Lifting devices
concerne :	Lifting of persons with devices designed for the lifting of goods
Question :	Is it allowed to lift persons with equipment designed for the lifting of goods?
nombre de pages :	4

A) Legal rules:

Modified regulation of the 4th of November 1994 concerning the minimum safety and health requirements for the use of work equipment by workers at work¹

ANNEX II

3.1.2 The lifting of persons is allowed only with working equipment and accessories designed for that purpose.

Without prejudice to Article 5 of the regulation of the 4th of November 1994 concerning the minimum safety and health requirements for the use of work equipment by workers at work, exceptionally, work equipment not designed for the purpose of lifting persons may be used for that purpose, provided that appropriate action has been taken to ensure safety in accordance to the law of 10th June 1999 relative to classified establishments.²

4. Provisions concerning the use of work equipment provided for temporary work at a height

4.1. General provisions

4.1.1. If, pursuant to Article 6 of Directive 89/391/EEC and Article 3 of this Directive, temporary work at a height cannot be carried out safely and under appropriate ergonomic conditions from a suitable surface, the work equipment most suitable to ensure and maintain safe working conditions must be selected.

¹ « Règlement grand-ducal du 4 novembre 1994 concernant les prescriptions minimales de sécurité et de santé pour l'utilisation par les travailleurs au travail d'équipements de travail » Transposition of directive 2009/104/EC

² Initially in the original text the superseded law of 9th Mai 1990 was mentioned. Original text of law in application: « Loi du 10 juin 1999 relative aux établissements classes. »

Collective protection measures must be given priority over personal protection measures. The dimensions of the work equipment must be appropriate to the nature of the work to be performed and to the foreseeable stresses, and must allow passage without danger.

The most appropriate means of access to temporary workplaces at a height must be selected according to the frequency of passage, the height to be negotiated and the duration of use.

The choice made must permit evacuation in the event of imminent danger. Passage in either direction between a means of access and platforms, decks or gangways must not give rise to any additional risks of falling.

Law of 10th June 1999 relative to classified establishments³

Art. 13 Authorisations, setup and operating conditions

The permits shall establish the layout and operating conditions which are deemed necessary to protect the interests referred to in article 1 of this law, taking into account the best available technologies in both domains of the environment and of personal safety.

These authorizations may be limited in time and may determine the period within which the establishment must be brought into operation.

Art. 2 Definitions

10. "*best available technologies in the domain of personal safety*": save the best available technologies in the domain of the environment, the most effective and advanced stage of development of activities and their methods of operation, indicating the practical suitability of certain technologies to establish in principle the base for avoiding and, where this is impossible, to generally reduce the risks for the public safety and that of the neighbourhood in general as well as for the safety, the hygiene and the health at work, for cleanliness and ergonomics.

By "*technologies*" we understand both the used technologies and the way in which the establishment is designed, constructed, maintained, operated and shut down.

By "*available*" we understand technologies developed on a scale allowing them to be applied in the concerned industrial sector, under economically and technically viable conditions, taking into account the costs and advantages, whether or not these technologies are used or produced in Luxembourg territory, provided that the concerned operator can access these under reasonable conditions.

By "*best*" we understand technologies which are most effective at achieving a generally high level of personal safety.

³ Loi du 10 juin 1999 relative aux établissements classés telle que modifiée

B) Decisions

1. Concerning the necessity of lifting persons with equipment designed for the lifting of goods.

The lifting of persons with equipment designed for the lifting of goods can only be admitted in the following cases:

- The access with traditional lifting devices is difficult, impossible or dangerous
- The available lifting devices do not fit the requirements for the work
- The erection of a scaffolding would be too a big burden in comparison to the work to be executed, or would generate higher risks.

The principle of the exceptional nature of the lifting of persons with a device not designed to that purpose must be respected.

2. Concerning the safety of persons lifted

The employer must proceed to a risk evaluation in conformity to article L.312-2⁴ of the Code of work. This evaluation must before all include the abovementioned aspects, and the technical aspects of the used equipment.

The safety of lifted persons must be guaranteed as far as possible and the risk of an accident must be reduced to a minimum.

3. Concerning the procedure:

With the aim of respecting the conditions of the preceding points 1 and 2 the following conditions must be respected:

The Minister of work fixes in his authorisation for the use of the lifting device not designed for the lifting of persons, that exceptionally the Labour inspection may authorise the lifting of persons.

- For a defined job
- Taking place at a fixed date
- For a job limited in time.

The demand must be addressed to the secretariat of the Labour inspection by either of the following means:

- By letter
- by fax No.: 49 14 47
- by mail to address : info@itm.etat.lu

The Labour inspection appreciates the situation, and if applicable gives his authorisation for the defined job.

⁴ Article 9 of the directive 89/391EEC

4. Essential elements of the demand for the authorisation of a working platform lifted by a lifting device not designed for the lifting of persons.

- Name and address of the enterprises executing the work
- Name of the responsible person for the works
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- Location
- Start date of the work
- Duration of the work

- Lifting device used :
- Type of lifting device:
- Matriculation number
- Description of the device:

- A copy of the authorisation of the minister of work

- Description of the job to be done

- Risk evaluation

- Justification why the work cannot be made with a lifting device designed for the lifting of persons or other means.

5. Lifting devices for which the lifting of persons may be allowed exceptionally:

- Car crane (type condition : ITM-SST 1230 with ITM-SST 1232)⁵
- Tower crane (type condition : ITM-CL 31.2 or ITM-SST 1230 with ITM-SST1231)
- Bridge crane (type condition : ITM-CL 80 or ITM-SST 1230)

For other lifting devices, the mechanic division of the Labour Inspection may be consulted.

enforcement
9th February 2015

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Marco BOLY
Director f.f.
of Labour inspection

⁵ These mentioned type conditions are only mentioned because of the definition but are not in relation to the lifting of persons.