

UNIVERSITY OF SUSSEX

SAFETY PROCEDURE AND GUIDANCE DOCUMENT 12 REVISED 2009

**IMPLEMENTATION OF THE NOISE AT WORK REGULATIONS 1989
&
CONTROL OF NOISE AT WORK REGULATIONS 2005
– (MUSIC AND ENTERTAINMENT) –**

INTRODUCTION

1. the Management of Health and Safety at Work Regulations require an assessment to be made of the hazards/risks to health arising from all work activities. A record must also be made of the preventive or protective measures required. All work operations, including research and teaching, must therefore take due account of any noise hazard likely to be associated with the activity.
2. To comply with the Provision and Use of Work Equipment Regulations, an assessment must also be made of the possible risk of hearing damage which might arise from all items of work equipment, and provision made to prevent hearing damage, e.g. by selecting alternative equipment with noise output below 85dB(A) or, where this is not possible, by providing protective measures, including sound-proofing the equipment, or the provision of personal protective equipment.
3. The basic aim of the Regulations is to ensure that persons at work do not suffer significant hearing damage. Whenever it is suspected that levels of noise are likely to produce hearing damage a careful assessment of the exposure must be made and, where necessary, measures must be taken to reduce the level of noise or to protect the individuals concerned.
4. The University has carried out noise assessments and, where necessary, has demarcated and labelled 'ear protection zones'. These existing zones will remain in force until such time as a review of the noise assessment indicates that they may no longer be required. All existing noise assessments must be reviewed from time to time as required by the Regulations. The University's existing assessments were undertaken to reduce noise exposure to 83dB(A) and the Regulations call for action at 85dB(A).
5. Where duties are placed upon employees, those duties also relate to self-employed persons. Employers must comply with duties to protect not only their employees but also other persons at work who may be affected. The University has an additional duty under Section 3 of the Health and Safety at Work Act 1974 to protect all non employees, e.g. students, visitors, members of the public, who may be affected by the noise-generating activity. It is therefore advised that, for the purposes of these Regulations, postgraduates are afforded the same standard of protection as employees of the University.

6. The Control of Noise at Work Regulations 2005 came into force for all industry sectors in Great Britain on 6 April 2006, except for the music and entertainment sectors where they take full effect on 6 April 2008.

These Regulations replace the Noise at Work Regulations 1989 and establish new Exposure Limit Values and Exposure Action Values. So that employers can meet their legal obligations under the Regulations, they must develop noise control strategies relating to music and entertainment in order to prevent or minimise the risk of hearing damage to employees and, so far as is reasonably practicable, to any other person at work who is affected by the performance of both live and recorded music.

- Music and entertainment sectors are defined in the Regulations as all workplaces where a) live music is played or b) recorded music is played in a restaurant, bar, public house, discothèque or nightclub, or alongside live music or a live dramatic or dance performance.

The level at which employers must provide hearing protection and hearing protection zones is now 85 decibels (daily or weekly average exposure) and the level at which employers must assess the risk to workers' health and provide them with information and training is now 80 decibels – both limits are 5 decibels lower than in the 1989 Regulations. There is also an exposure limit value of 87 decibels, taking account of any reduction in exposure provided by hearing protection, above which workers must not be exposed. Health surveillance is now required for any employee regularly exposed to noise levels above 85 decibels.

DEFINITIONS

Daily Personal Noise Exposure

7. This is the level of exposure of an employee, ascertained in accordance with Part I of the Schedule to the Regulations, but taking no account of any personal ear protection used. It represents the 'noise dose' over a whole day.

First Action Level

8. A daily personal noise exposure of 80dB(A).

Peak Action Level

9. A level of peak sound pressure of 200 Pa. This may be important where cartridge operated tools are used and where, although the daily personal exposure may be low, the peak pressure may be hazardous.

Second Action Level

10. A daily personal noise exposure of 85dB(A).

ACTIONS REQUIRED

11. Employers **must**;

- Assess the risks to employees from noise at work;
- Take action to reduce the noise exposure that produces those risks;
- Provide employees with hearing protection if the noise exposure cannot be reduced enough by using other methods;
- Make sure the legal limits on noise exposure are not exceeded;
- Provide employees with information, instruction and training. It is important that employees understand that the Noise Regulations apply to them;
- Carry out health surveillance where there is a risk to health.

ASSESSMENT OF EXPOSURE (Regulation 4)

12. When an employee is **likely to be exposed** to the first action level or above, or to the peak action level or above, the University must ensure that a **competent person** makes a **noise assessment** which is adequate for the purposes of:

(a) **identifying which employees** (and other persons) are likely to be exposed;

(b) **providing** the University with such **information** with regard **to the noise to which these employees (and other persons) may be exposed** as will facilitate compliance with the duties under Regulations 7, 9 and 11.

13. The noise assessment, which should be part of the activity risk assessment, shall be reviewed, and if necessary amended, when it is suspected that it is no longer valid or when there has been a significant change in the work to which the assessment relates.

14. It is suggested that the University Safety Service is asked to make the noise assessments. Clearly, however, other members of the University, e.g. Members of Faculty or Technicians, may, if they wish, undertake assessments. Assessments, however, must only be undertaken by persons with sufficient expertise and experience to be regarded as competent to undertake the noise assessments called for in the Noise at Work Regulations.

ASSESSMENT RECORDS (Regulation 5)

15. The University is required to ensure that an **adequate record** of any noise assessment, undertaken for compliance with Regulation 4, is retained until a further assessment is made for that particular work area/activity. Records of reviews called for under R4 (2) must similarly be retained.

16. Managers and Supervisors who request noise assessments must therefore keep records of these assessments. A central record should also be kept by the University Safety Service. Copies of Records of Assessment carried out by persons other than
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members of the University Safety Service must be sent to the Safety Service to become part of the central records.

REDUCTION OF RISK OF HEARING DAMAGE (Regulation 6)

17. The University is required to reduce the risk of damage to the hearing of employees from exposure to noise **to the lowest level practicable**. University policy has been to keep noise exposure (so far as is reasonably practicable) to less than 83dB(A). This policy will be continued.

REDUCTION OF NOISE EXPOSURE (Regulation 7)

18. Where employees are likely to be exposed to the **second action level or above, or to the peak action level or above**, the University is required to reduce, so far as is reasonably practicable (other than by personal ear protectors), the exposure to noise of those employees.

EAR PROTECTION (Regulation 8)

19. The University is required to ensure, so far as is reasonably practicable, that, when any of its employees is **likely** to be exposed to the **first action level or above**, but not exceeding 85dB(A), the affected employee is provided **at his or her request** with suitable and efficient personal ear protection.

Note: Managers/Supervisors will need to provide the ear defenders, but **there is no requirement to force the individuals concerned to wear them** at this level.

20. The University is required to ensure, so far as is reasonably practicable, that, when any of its employees is likely to be exposed to the **second action level or above**, or to the peak action level or above, that employee **is provided with** suitable ear protection which can reasonably be expected to **keep the risk of damage** to that employee's hearing to **below** that arising from the **second or**, as the case may be, **peak action level**. In this case University Managers/Supervisors **must ensure** that the ear protectors **are** worn (see Regulation 9 below).

EAR PROTECTION ZONES (Regulation 9)

21. An **ear protection zone** shall be established where any employee is **likely** to be exposed to either the second action level or above, or to the peak action level or above. Managers/Supervisors carry the overall responsibility for ensuring the establishment, where necessary, of ear protection zones. In practice they may delegate the implementation of this requirement to individuals or Members of Faculty.

22. The University is required, so far as is reasonably practicable, to ensure that each ear protection zone is demarcated and labelled with the sign in paragraph A3.3 of Appendix A of Part 1 of BS 5378. The sign must indicate:

- (a) that it is an ear protection zone, and
- (b) that employees must wear ear protection when within the demarcated zone.

23. Area Managers/Supervisors must ensure that no employees enter an ear protection zone unless wearing personal ear protectors.

MAINTENANCE AND USE OF EQUIPMENT (Regulation 10)

24. Managers/Supervisors are required to ensure, so far as is reasonably practicable, that,

- (a) anything provided for the benefit of an employee in compliance with the University's duties under these Regulations (except ear defenders provided under R8 (1)) is fully and properly used;
- (b) anything provided to achieve compliance with the University's duties under the Regulations is maintained, in an efficient state, in efficient working order and kept in good repair;
- (c) all employees shall fully and properly use (i) ear protection when provided to comply with R8 (2), and (ii) any other measures provided by the University in compliance with its duties under these Regulations.

25. If any employee discovers a defect in protective measures or equipment, he or she must report it to their manager/supervisor or his/her nominee.

PROVISION OF INFORMATION TO EMPLOYEES (Regulation 11)

26. The University is required to provide each of its employees who is likely to be exposed to the **first action level or above**, or to the **peak action level or above**, with adequate information, instruction and training on:

- (a) the risk of hearing damage to that person from the assessed exposure;
- (b) the steps the employee can take to minimise that risk;
- (c) how to obtain the personal ear protectors referred to in R8 (1), and
- (d) the employees obligations under the Noise at Work Regulations 1989.

27. Managers and Supervisor will need to explain to staff that above 83dB(A) hearing damage **will** occur, and that above this level, even though the exposure may be less than 85dB(A), it is advisable to **request and use** 'personal ear protectors'.

DUTIES OF MANUFACTURERS OF ARTICLES FOR USE AT WORK (Regulation 12)

28. Where manufacturers and members of the University construct articles likely to cause any employee to be exposed to the **first action level or above** or to the peak action level or above, adequate information, e.g. by attached warning notices, must be provided concerning the noise likely to be generated by that article.

EXEMPTIONS (Regulation 13)

29. The Health and Safety Executive can exempt any employer from:

- (a) the requirement of R7, where the daily personal noise exposure of the relevant employee averaged over one week and determined in accordance with Part II of the Schedule to the Regulations is below 85dB(A), and there are adequate arrangements for ensuring that the average will not be exceeded, or
- (b) the requirement in R8 (2), where:
 - the daily personal noise exposure of the relevant employee **averaged over a week** and determined as in (a) above is below 85dB(A), and there are adequate arrangements for ensuring that the average will not be exceeded;
 - the use of personal ear protectors would be likely to cause risk to the health of the user;
 - (subject to the use of ear protectors affording the highest degree of personal protection which it is reasonably practicable to achieve in the circumstances) compliance is not reasonably practicable.

30. An exemption will not be granted unless the HSE are satisfied that the health and safety of persons likely to be affected by the exemption will not be prejudiced as a consequence of the exemption.

31. It is unlikely that members of the University will seek exemptions, but Members of Faculty should be aware of the possibility of obtaining exemptions where research work may produce unusual problems.