

NOISE AT WORK

- From 6 April, new rules on noise exposure at work will be extended to include the music and entertainment sectors. This will particularly affect pubs, clubs, bars and restaurants which play live or recorded music.
- The new rules are designed to protect workers and minimize their exposure to high levels of noise in the workplace which could damage their hearing. They replace existing health and safety legislation which has been in place since 1989.

What does the law say?

- The new regulations reduce existing noise exposure limits by 5db. There are 3 main db levels which employers need to be aware of – an upper and a lower action limit which trigger specific interventions and an absolute upper exposure limit.
- If an individual's exposure to noise over the course of a working day is above 80db, the new regulations require employers to assess the risks from noise in the workplace and provide information and training to staff about noise risk.
- If the daily personal noise exposure level is above 85db the employer must take reasonably practicable steps to reduce individual exposure and control sustained levels of noise. Hearing protection should be provided
- An upper limit of 87db must not be exceeded under any circumstances. This limit value takes account of any reduction in exposure provided by hearing protection.

What must employers do to comply?

- The main legal duties apply where noise exposure is above 80 db. If you suspect that this noise level may be breached, then you will need to check and record the actual level of noise exposure for each member of staff in a written risk assessment
- The risk assessment should identify sources and locations of noise, which workers are exposed to it and for how long, how the noise level varies from day to day and any reasonable practical steps which could be taken to reduce harmful exposure.
- Exposure to noise should be averaged over an 8 hour working day – even if the individual does not work for this length of time. Where an employee is subject to different levels of noise during the day or during different tasks then you should measure the noise in each location or during each task and calculate an average for the day. If noise levels vary day to day then you can average on a weekly basis.
- You can download daily noise calculators and weekly noise ready reckoners from www.hse.gov.uk/noise
- If the risk assessment concludes that certain workers are exposed to noise levels in excess of 85db over the course of a day or week, then action must be taken to control the noise or limit exposure to it.
- There are two main ways to reduce exposure to noise – either by reducing the level of noise itself or by reducing the length of time a worker is exposed to it. If neither of these are practical, then hearing protection must be provided to staff. Areas where the noise level exceeds 85db averaged over the course of a day or week should be declared hearing protection zones and all individuals entering the zone – even for a short period of time – should wear hearing protection.

- Workers frequently exposed to noise above 85 db should be subject to regular health surveillance checks and keep health records.

Implications for licensed retailers

- To put these db limit values in context, a loud radio or background music will normally generate 80db, a noisy bar or nightclub with loud music will generate 95db and a live amplified concert will be over 100db.
- It is clear, therefore that most licensed premises will breach the lower action level of 80db, and be required to include noise in their existing health risk assessments. The key question for most operators will be whether individual exposure to noise will breach the upper limit of 85 db and require specific steps to control noise.
- The new law does not prevent loud noises but rather seeks to limit an individual's exposure to them to prevent damage to hearing. An individual can only be exposed to loud noises for relatively short periods of time.
- The key to managing the introduction of these new laws in the hospitality sector will lie in controlling the duration of exposure to high noise levels by individual employees rather than controlling the level of noise in the workplace.
- Reducing the noise level by 3db would mean that a person could work twice as long in that environment. Equally, halving the time spent in a noisy environment reduces exposure by 3db and will bring employees below the 85db limit.

Practical Example:

A pub has an ambient background noise level of 75db when it is trading throughout the day with no music playing. In the evening, the bar area rises to 80db when background music or a juke box is playing. The noise level remains at 75db in the food serving area. On certain nights of the week, the pub has live music and the noise level rises to 90db during that period.

A worker spending an hour pre-opening (70db), an hour at lunchtime (75db) and 4 hours in the evening when live music was being played would have an average daily exposure of 87db and action would need to be taken to control the noise if it was sustained at that level throughout the week. However, if the same worker spent half their evening shift away from the live music area (80db) then their exposure would fall to 84db and no action need be taken.

Equally, if their exposure was averaged over the course of a working week and live music was played only on 1 or 2 evenings, then their exposure would fall to 83db meaning that the employer need take no formal steps to control the noise. The same worker working more of their shifts in the quieter food areas could see their average weekly exposure drop to 73db and they would fall outside the scope of the new rules.

- If you suspect that workers may be exposed to high levels of noise, it would be worth investing in a detailed analysis of noise levels throughout their working day and week.