

Control of Noise at Work Regulations 2005

Are you prepared?

A guide for employers in pubs and clubs



Why are there new noise Regulations?

Noise-induced hearing-loss has been recognised by the World Health Organisation as 'the most prevalent irreversible industrial disease'. It is irreversible but preventable. The Regulations are intended to protect employees from risks to their health arising from exposure to noise.

When will businesses need to comply?

The Regulations came into force on 6 April 2006, but for pubs and clubs, they didn't come into force until April 2008. This two-year lead-in period was provided to give pubs and clubs enough time to prepare for the new Regulations. The old Noise At Work Regulations 1989 no longer apply.



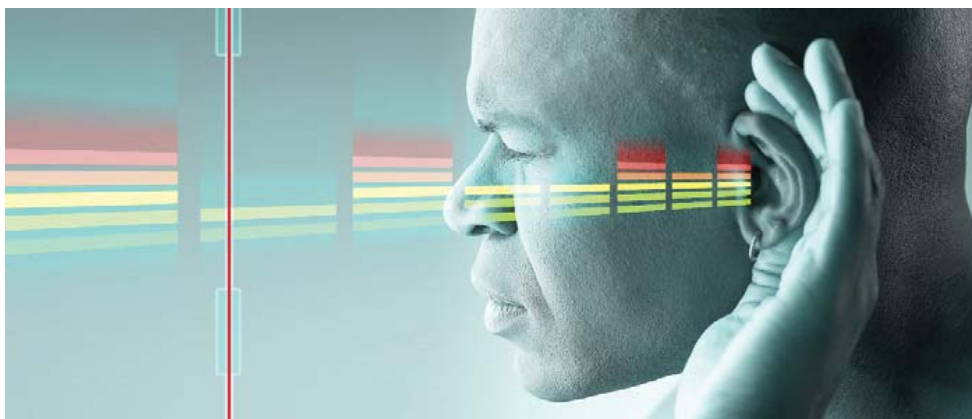
How will it affect me?

Employers needed to identify those employees who may be affected by the new lower exposure action values and have taken the appropriate measures to protect their hearing.

What are the key requirements of the new Regulations?

The Regulations require employers to:

- ⊙ **Assess** and, if necessary, measure the levels of noise employees are exposed to.
- ⊙ **Eliminate** the noise at source or, where this is not possible, reduce it to as low a level as reasonably practicable.
- ⊙ **Provide** employees with suitable hearing protection where noise cannot be controlled at source.
- ⊙ **Ensure** that new legal limits on noise exposure are not exceeded.
- ⊙ **Provide** employees with information, instruction and training.
- ⊙ **Carry** out health surveillance where the risk assessment indicates there is a risk to the health of employees.



What are the differences between the old and new Regulations?

Noise at Work Regulations 1989	Control of Noise at Work Regulations 2005
<p>First Action Level 85dB(A)</p> <p>Undertake a risk assessment when noise levels reach or exceed this first action level.</p> <p>Hearing protective equipment (HPE) must be made available to employees when this First Action Level is reached or exceeded.</p>	<p>Lower Exposure Action Value 80dB(A) (Daily Exposure) and/or 135dB(C) (Peak Sound Level)</p> <p>Undertake a risk assessment when noise levels reach or exceed this Lower Exposure Action Value.</p> <p>Hearing protective equipment (HPE) must be made available on request to employees when this Lower Exposure Action Value is reached or exceeded.</p>
<p>Second Action Level 90dB(A)</p> <p>Employee exposure to noise must be reduced to as low a level as is reasonably practicable, excluding the provision of HPE, when this Upper (second) Action Level is reached or exceeded.</p> <p>HPE must be provided to employees and must be worn at all times, where all reasonable measures have been undertaken and a risk to hearing remains.</p>	<p>Upper Exposure Action Value 85dB(A) (Daily Exposure) and/or 137dB(C) (Peak Sound Level)</p>
<p>Peak Sound Pressure Level (unweighted) 140dB(C)</p> <p>HPE must be provided to employees and must be worn and used properly at all times, at or above this Peak Sound Pressure Level.</p>	<p>Exposure Limit Value 87dB(A) (Daily Exposure) and/or 140dB(C) (Peak Sound Level)</p> <p>This must not be exceeded, after taking hearing protection into account.</p>
<p>Health Surveillance (hearing checks) must be provided at 90 dB(A) or 140dB(C)</p>	<p>Health Surveillance (hearing checks) must be provided to employees regularly exposed to noise levels above 85dB(A)</p>

What do I need to do now?

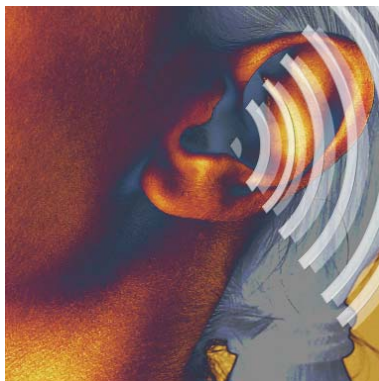
Employers in the music and entertainment sectors must have prepared themselves for the new Regulations.

The first step is to establish whether there is a noise hazard through knowledge and simple observations. For example, ask yourself the following questions:

- ⊙ Are employees exposed to noise, which makes it necessary to shout rather than talk to someone 1 metre away, for more than about half an hour per day in total? The noise level here is probably 90 dB or more.
- ⊙ Are employees exposed to noise, which makes it necessary to shout rather than talk to someone 2 metres away, for more than about two hours per day in total? The noise level here is probably 85dB or more.
- ⊙ Are employees exposed to noise, which makes it possible to talk to someone 2 metres away, but the noise is intrusive - comparable to a busy street, a typical vacuum cleaner or a crowded restaurant, for more than about 6 hours per day in total? The noise level here is probably 80 dB or more.

If the answer to any of these questions is yes, there are probably noise risks, which need to be assessed.

If the answer is no to all of these questions, and an employer is satisfied that the risk from exposure to noise has been reduced to as low a level as is reasonably practicable, it is sufficient to record that fact and take no further action.



What is a noise risk assessment and how do I carry one out?

A noise risk assessment is an examination of the likely risks employees are exposed to from noise levels at work. The aim of this assessment is to:

- ⦿ **Guide employers to effective control.**
- ⦿ **Identify where there is a risk** and who is affected.
- ⦿ **Provide a reliable estimate of noise exposure** to compare with the first and second action levels; and
- ⦿ **Identify what is needed to comply** (for example, noise control, hearing protection, health surveillance).

To carry out the tasks involved in a noise risk assessment requires competence in particular areas, for example, drawing up the risk assessment, measuring noise exposure and assessing the likely effectiveness of control measures.

Employers may have some of the necessary competencies themselves. They may have people within their workforce who are competent to carry out some of the tasks or provide them with the necessary information, perhaps with some training required. Alternatively, employers may find that they need to call in competent people from outside their company, such as consultants, to carry out some or all of the work.

Employers must record the findings of this risk assessment.

The risk assessment must be reviewed regularly (ideally at least every two years) and straight away if, a) there is a reason to suspect that the risk assessment is no longer valid; or b) there has been a significant change in the work to which the assessment relates.

What happens if I don't do anything, I've never had to before?

First of all, although the new noise regulations didn't come in to force until April 2008, the requirements of the Noise at Work Regulations 1989 applied up to that date. Even the 1989 Regulations included a general duty for employers to manage noise in the workplace and to reduce the risk of hearing damage to employees to the lowest level reasonably practicable, as well as other duties related to action levels.

Secondly, the seven local authorities covering Norfolk, along with many other local authorities, are committed towards working to help the transition to the new Regulations. Those businesses that fail to react to these new requirements could ultimately face formal enforcement action.

Thirdly, employers could also find themselves faced with civil claims from employees and ex-employees whose hearing has been damaged due to exposure to workplace noise.

Noise control measures are not necessarily difficult or expensive. Effective, simple controls may well be available, for instance by arranging work in a different way to eliminate or minimise employee's exposure to noise, or by re-arranging the workplace to position employees further away from noise sources. (Remember, providing hearing protectors to employees can only be considered as a last resort if noise exposure cannot be reduced enough by other methods).

If they haven't done so already, employers need to start making preparations now, to meet these new duties and to protect their employees from risks from noise.

To help provide employers with practical examples of controlling risks from noise at work the HSE has published new guidance '**Sound Advice**'. To purchase a copy, see page 8 of this booklet.

Where can I get further help?

The Association of Noise Consultants

Phone: 01727 896 092

Fax: 01727 896 026

Email: mail@association-of-noise-consultants.co.uk
www.association-of-noise-consultants.co.uk

Royal National Institute for the Deaf (RNID) Information Line

Phone: 0808 808 0123

Email: informationline@rnid.org.uk
www.dontlosethemusic.com/home/

Health & Safety Executive

www.hse.gov.uk/noise

<http://soundadvice.info/>

To purchase a copy of '**Sound Advice**' enter HSG260 in the search field box at www.hsebooks.co.uk

The Institute of Acoustics

Phone: 01727 848 195

Fax: 01727 850 553

Email: ioa@ioa.org.uk
www.ioa.org.uk/

Contact your local authority's Health and Safety Team:

Breckland Council: Elizabeth House, Walpole Loke, Dereham, NR19 1EE.
Tel: 01362 656870

Broadland District Council: Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Tel: 01603 431133

Great Yarmouth Borough Council: Maltings House, Malthouse Lane, Gorleston-on-Sea, Great Yarmouth, NR31 0GY. Tel: 01493 856 100

Borough Council of King's Lynn & West Norfolk: King's Court, Chapel Street, King's Lynn, PE30 1EX. Tel: 01553 616200

North Norfolk District Council: Council Offices, Holt Road, Cromer, NR27 9EN. Tel: 01263 513811

Norwich City Council: City Hall, St. Peter's Street, Norwich, NR2 1NH.
Tel: 0844 980 3333

South Norfolk Council: South Norfolk House, Swan Lane, Long Stratton, Norwich, NR15 2XE. Tel: 01508 533633

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