

Practical Considerations for Maximising the Protection of those Working in Music & Entertainment

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First let me express thanks to the BAuA for organising this important conference and allowing me to contribute to it. The conference is a valuable input to the process of preparing for the implementation of the European Noise Directive in the Music & Entertainment Industries. Contributing at this stage of the meeting means I will inevitably repeat some things already said. Also the contribution of David Smeatham means I do not need to cover in detail the pubs & clubs area.

This presentation derives from work being undertaken in conjunction with the two British Unions – Musicians Union & BECTU – and FIM (the musicians' international). In particular working with Pauline Dalby MU, Maggie Pollock MU & Clive Coston BECTU as members of the HSE Working Group drawing up the British document in regard to the Noise Directive as it applies to the Music & Entertainment Industries; participating jointly with Pauline Dalby on the Working Group drawing up the European generic noise guidance; and with FIM on co-ordinating the response of musicians to the Noise Directive, in particular with Thomas Dayan, who is in attendance here. Prior to the passing of the Noise Directive I worked with Pauline Dalby in direct contacts with the European Parliament and the Commission on the detail of the Directive as it affected music & entertainment.

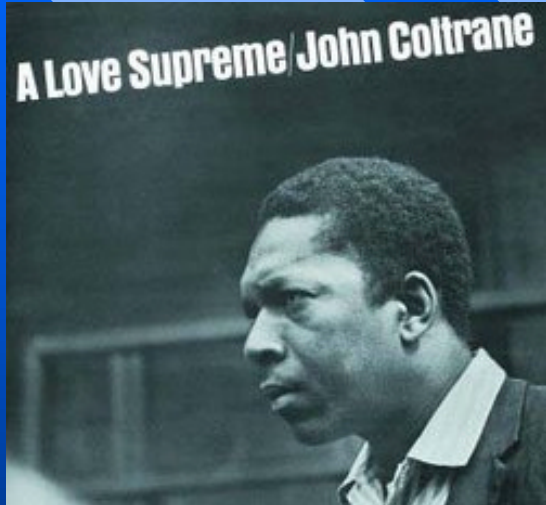


That is just to outline our immediate involvement in this process. I will be using the term “we” throughout as the points being made derive from this joint working at both British and European level (through FIM) to put forward the position of those working in the industries. At the same time there has been an active dialogue and education process with union members which has informed our work. For us these are always works in progress - finding out what works, where the pitfalls are and how we can integrate the knowledge of those who do the jobs.

We obviously welcome the large amount of valuable research and scientific work being done over the years, in particular the last few. This has developed a more exact understanding of what we face. We must pay special tribute to the work of Marshall Chasin which has been extremely useful and the early work on trying to address the problems in Australia and Canada.



We also need to dispel some misconceptions which seem to hang around despite no basis in fact. Some still claim, as was last done at the European Foundation conference in Bilbao, that musicians wanted to be excluded from the Noise Directive. This could not be further from the truth. Certain employers groups were lobbying for exclusion but musicians and other industry workers wanted to be included. The position is clear – if a noise level is found that causes harm to workers then musicians deserve the same protection as others. They need their hearing as much, if not more, than other workers. What we do recognise are the particular differences and complications in achieving the necessary controls. We recognise that noise for most industries is an unwanted by-product of what they do, whereas for music and areas of entertainment it is the product – or part of the product – they deliver.



Our key focus is how to change things – as someone else said not just to understand but to change things.

Where amplification is used the control measures can, theoretically, be very simple - if the practical considerations complicate matters. The simplest area being where recorded music is played. The real complexities occur where live music is performed. Yet given the sensitivities and techniques developed in the field for performance, if similar sorts of care, sensitivity and variation can be devoted to the control of noise levels, then the situation can be tackled.

We are conscious that the way musicians experience and perform music is far more complex than just sound and it is important we are sensitive to the balance of those different elements. Most importantly, we involve them in the process.



A wide range of methods have to be looked at such as – orchestral/band lay out; risers; screens; rotation of musician position and rotation of working; noise rest periods; content of programmes; choosing programme to suit acoustic profile of venue; layout of venues and integrating noise control features; monitoring musicians', technicians' and other workers' noise exposure; ensuring co-operation on noise control with orchestra/band managements, venue operators, producers, manufacturers on instrument performance etc. Venues should be assessed for their noise profile and the sort of performance that they can accommodate delineated. This may even mean educating conductors!

The wide variety of measures that are available should be treated as a palette to select and mix from to get the right blend for the situation faced.

In jobs such as sound engineer or DJ it is necessary to look at the tasks that have to be performed and adapting equipment that provides protection to allow carrying out of the tasks. There are a range of special ways they work that have to be taken into consideration.



We emphasise here that hearing protection should not be the universal measure adopted at stage 1. Hearing protection has a role but at the end of the process of measures and with proper attention to the real requirements of the individual.

There is also need for genuine involvement of those working in the industries. Making sure musicians or sound engineers or whoever are involved and listened to. Not to build up whole new edifices of “experts” who will direct things - but using existing working formats. We have seen attempts to introduce procedures to tackle noise but without properly involving the workers and, importantly, their unions. Then we have to hear these efforts lauded at Conferences like this, despite knowing the reality is different. Given the massive experience and understanding, for example, of orchestral musicians - that should be tapped into.



In the often complicated contractual arrangements for some performances which involve venue operators, producers, performance directors, contractors, technicians, musicians' management etc, there needs to be good co-operation to decide on clear responsibilities. Basically, applying the principles that should already be in place for other health & safety matters. We want to avoid people hiding behind the minutiae of contracts. We need to establish a clear set of principles to protect the hearing of all those involved. This kind of complicated situation has been addressed with some success for health & safety in the construction industry and that sort of approach could be adopted.



Important areas that can contribute are getting the subject integrated into music college and school syllabuses; entering into dialogue with conductors and composers; and dealing with long adopted practices. Rehearsal/teaching rooms, for example, need proper assessment particularly for size and ceiling height. Raising awareness of the noise issue should start as soon as possible.



There is an education process required at all levels and in all areas. We recognise there are cultures that have often resisted such changes – both in rock & pop but also areas of “artistic” discretion. It has proved effective to use well-known musicians, sound engineers or DJs to explain what happened to them in terms of hearing loss. There have been experiments to lower initial sound levels at gigs so when volume rises it only has to do so in proportion to the starting level to achieve a powerful effect. Work is going on to control drum noise as the “level” on which others build. There is also interesting work going on in marching bands.

For many big events adopting simple noise exclusion zones removes unnecessary workers from high noise areas. Where hearing protection is required modern trends of using all sorts of ear equipment makes it easier to get it accepted. Control limiters on amplification equipment are being increasingly utilised and so on. There should also be more cross-fertilisation between work on environmental noise and workplace noise – particularly where controls are being exercised in both areas for music & entertainment.



There is a perfect opportunity to develop close co-operation through working parties of instrument manufacturers, amplification manufacturers, equipment hirers and contractors, production companies, hearing protection manufacturers, acousticians, architects & builders, entertainment operators, designers, recording studio operators, conductors, employers organisations and trade unions etc to fully integrate noise requirements into all the aspects of the daily working life of the music & entertainment industries. This can be done at both national and European level. It is particularly important given the international nature of the industries.



The nature of the industries, with a high level of workers termed freelance and self-employed, also presents a challenge. The Directive excludes the self-employed but it is open for nations to include them in their control provisions. This is the approach adopted by Britain. If we are serious about protecting the hearing of those working in the industries, we must include this large part of the workforce. Obviously a degree of responsibility falls on the self-employed/freelance workers but there should also be a responsibility on those that use them in the same way, but with greater emphasis, they should deal with other contractors. Their inclusion is an indicator of the seriousness with which real protection of those in the industries is taken. It also is the most practical solution where they will be working alongside directly employed musicians or technicians. We also recognise the many different roles a musician may be carrying out such as performer to audiences, performer in recording, teacher, plus their own practice, iPod, Walkman etc.

All contribute to their noise dose.



Given the large numbers of individual or small groups of musicians playing at small clubs and venues, it is vital they are covered as well as the major orchestras or shows. Jazz, pop, folk, classical, modern all have to be included. The same principles of protection should be applied to all.

In Britain the MU has had a scheme, which was set up by Pauline Dalby, operated with the British Association for Performing Arts Medicine and Musician Hearing Services, that offers musicians an opportunity to have their hearing checked. The MU now propose to go further and introduce a Musicians Hearing Passport which will develop the surveillance of their hearing, aimed specifically for the freelance/self-employed sector. This looks at all types of noise induced problems, not just hearing loss (eg tinnitus & damage to auditory function). It also is sensitive to the issues of confidentiality which can raise critical questions for those working in the sector. We are also conscious of the large number of small venues and producers who require assistance in dealing with the requirements of the Directive.



It is important that nations drawing up their national codes of conduct ensure they get best practical input by involving the social partners as set out in Article 14 of the Directive.

A key part of any national strategy will be enforcement of the protective measures. Proper effective enforcement will ensure that the measures are taken seriously and importantly will ensure that those who try to apply them are not undercut by those ignoring them. The industries have often been treated as low risk areas and not given the proper enforcement resources. This must be avoided as the measures come into force.



It is important that the examples of good practice, effective measures and solutions are disseminated across Europe. This will make it easier for all nations to build on the collective experience. The process has already been extremely effective by integrating experiences from other countries both within Europe and across the world. We will have the valuable generic guidance (with a specific chapter covering music & entertainment) drawn up by the Commission which incorporates the key principles and some of the best practice as an important initial guide.

We would stress here that each nation is responsible for the drawing up of a code of conduct which clearly implies a stronger procedure than mere guidance. This should include a measure of enforceability of the Code itself.



We have some concerns – weekly averaging being one – but the Directive gives us the opportunity to bring the music & entertainment industries into line with the rest of the world of work. The hearing of their workers must be protected and the most effective way is to involve all those at different levels but most importantly the musicians and other workers.

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