

Workplace Law Bulletin

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New Rules For Noise Protection at All Ontario Workplaces

By Cynthia Sefton and Meaghan Barrett*

In December 2015, the Ministry of Labour approved a new noise regulation which comes into force on July 1, 2016. The new regulation, Ont. Reg. 381/15, made under the Ontario *Occupational Health and Safety Act*, is intended to help protect all workers from noise-induced hearing loss, which the Ministry calls “a leading cause of occupational disease for Ontario workers.”

The regulation replaces existing noise requirements for a variety of businesses, including industrial establishments, mines and mining plants, and the offshore oil and gas industry. It also extends specific noise protection requirements to construction sites, health care facilities, schools, amusement parks, farming operations and police and fire services.

As of July 1, 2016, worker exposure to noise will be limited to a maximum time-weighted average exposure limit of 85 decibels over the course of an eight-hour shift. Employers will be required to put measures in place or enhance existing measures to reduce worker exposure to noise. These measures are based on what the Ministry describes as a “hierarchy of controls.” Employers will need to consider engineering controls to reduce noise at its source or along the path of transmission, scheduling and work practices involving equipment maintenance, limiting exposure time, and the use of personal hearing protection devices.

Personal hearing protection devices are only to be used as a last resort where, for example, other control measures do not exist, are not suitable for the work environment, or are neither practical nor reasonable

based on their effectiveness, cost, technical feasibility or future implications for use, servicing and maintenance of equipment.

As well, employers must post a warning sign, where practicable, at every approach to any area where the sound level regularly exceeds the 85 decibel exposure.

Undoubtedly, many Ontario businesses already have appropriate noise protection measures in place. However, even businesses which are already regulated for noise should consider whether they need a noise level assessment. According to the Ministry guidelines under the current regulations, a crude assessment of noise level exposure can start with the ease or difficulty in hearing another person speak at a distance of about one meter.

If it is necessary that someone speak very loudly in order to be heard, it is likely that the level exceeds 85 decibels.

It is important to point out that even if workers are exposed to noise levels below 85 decibels, some noise control measures may still be required. Exposure concerns are based on a worker’s cumulative exposure to noise throughout his or her work day.

We recommend that all workplaces, whether currently regulated for noise or about to be regulated for noise, consider having a noise level assessment performed prior to July 1, 2016, in order to ensure that the right measures and controls are in place prior to or on that date of the regulation coming into force.

Existing policies and procedures should be reviewed, or new ones created, to ensure compliance. These should identify sources of noise and the measures taken to control noise, taking into account cumulative overall exposure. In addition to any new or refresher training on applicable measures, if personal noise protection devices are used, employers must make sure that the workers are trained on their applicability and use, and any monitoring or quality assurance programs should include noise protection.

For more information please visit the [Ontario Ministry of Labour's website](#).

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