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Health and Safety Guidelines for Live Performance

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Early in 2013 a small area of the Ontario Ministry of Labour's website began to change. For some time, the Health and Safety Guidelines for Live Performance had sat stuck in 2005. There had been no updates to existing guidelines in a number of years. Not that the Health and Safety Advisory for Live Performance is inactive, rather, the process for updating is as rigorous as launching a new guideline. The Sound Levels guideline is the first full revision of an existing guideline to be added to the MoL website and is an overhaul of the original from 1993. The overhaul was necessary because of new Noise Requirements in the Regulations for Industrial Establishments enacted on July 1, 2007.

The H&S Advisory for Live Performance (HSALP) is a volunteer group under the supervision of the MoL. 50% of the group is comprised of representatives from labour organizations, the other half a mix of individuals from management and independent groups identified as desirable and willing participants.

The work of the Advisory is driven mainly by sub-committee work. In the case of Sound Levels, I was delegated sub-committee chair and joined by Janet Sellery, an independent from the main committee. We identified other potential sub-committee members and met for the first time in October 2007 with a group of five by inviting Christine Ardagh from the Artists' Health Centre, Rex Banks from the Canadian Hearing Society, and Marshall Chasin from the Musicians' Clinics of Canada who was the only holdover from the first Sound Levels guideline published in 1993.

In a nutshell, the legislation for Noise Requirements enacted on July 1, 2007 contains three basic elements: that employers are to take all measures reasonably necessary in the circumstances to protect workers from exposure to hazardous sound levels; that when the exposure limit prescribed by the regulations is exceeded, the employer is required to put measures in place to reduce workers' exposure; and that employers must post clearly visible warning signs at the approaches to areas where the sound level regularly exceeds 85 dBA.

The onus is on employers to protect workers but, in practical terms, it is the mutual responsibility of workers and employers to protect hearing. The point of the H&S Advisory for Live Performance is to provide the Ministry of Labour with realistic guidelines for our industry and the preamble to our Sound Levels guideline states that the "recommendations are intended to help prevent long-term auditory damage to workers while minimizing impact on artistic standards."

The basic flow of a guideline starts at the first meeting of the sub-committee identified to deal with the topic. Working from the 1993 copy, we added reams of new material including chunks of the legislation, quotes from news items, prose that we thought clever, charts and graphs – anything that we thought might enhance the information we were trying to convey. The first draft of 15 pages was eventually whittled down to 6 pages through careful consideration and nit-picking by both the sub-committee and Advisory. The guideline didn't even get to the main committee until draft 9 and

at that point most of the legislation was removed (no need for duplication), since the guideline is to be used as a resource for those working in theatre under the supervision of someone familiar with the law. The guidelines are meant to be used for the practical application of safety standards and thus must be understandable, even to musicians.

The back-and-forth phase can last three years or more since the Advisory deals with all sub-committee work (e.g., Stage Combat, Mechanised Scenery, Fall Arrest). Substantial changes are common once a draft makes it to one of the Advisory's five annual meetings. Documents must fit into a consistent format and cross-referencing is essential for clarity. The MoL uses these guidelines on-site in case of any incident and we need to be careful that the recommendations in Sound Levels don't conflict with those, for example, in Orchestra Pits. Then the Editorial committee cleans it up for the three-stage MoL scrutiny: Policy; Hygiene; Legal. After each stage the Advisory discusses the recommended changes from the MoL and either agrees with them or sends it back. Once there is agreement at all three stages, the guideline is ready for publication. The MoL process for Sound Levels began in April of 2010 and from that point, it was essentially out of the hands of the sub-committee. Any subsequent changes were made by mutual agreement between the Advisory and MoL though there was still some consultation with the sub-committee.

The HSALP recently decided (by authentic consensus – there are no votes) to pursue an on-line format for distribution of the guidelines. We hope that that decision will expedite the process for getting the guidelines into the hands of people who can benefit from them. There is any number of reasons why it takes so long to finish a guideline: we are a volunteer committee so we work on guidelines when we can; the committee meets only five times per year; there are as many as six subcommittees meeting and generating paper for the Advisory; the MoL, or deputies could change at any time; and there are provincial elections which can bog down the process. Patience is required for the task that we've taken on. The Sound Levels guideline started as an update to reflect changes in legislation adopted June 1, 2007. Six years later we have a new document which can be found at the Ministry of Labour website, along with the rest of the work of the Advisory for Live Performance. http://www.labour.gov.on.ca/english/hs/topics/performance.php