

LABOR SAFETY AND HEALTH INSTITUTE

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*"To assure safe and
healthful working conditions
for working men and women..."*

Guide # 8

FRANK GOLDSMITH, Director

NOISE CONTROL PROGRAM

IN A

LOCAL UNION

Broadcast Technicians

The National Association of Broadcast Employees and Technicians (NABET) represents workers at the American Broadcasting Company (and NBC) nationwide. The Executive Committee of NABET Local 16 decided to employ the services of a professional audiologist to provide hearing tests for its 600 members in New York City. This action came as a result of several complaints from union technicians that noise in various locations (studios, control rooms, etc.) was annoying, and perhaps dangerous.

Sound levels were never measured by company management or its consultants to learn if the current federal standard of 90 decibels had, in fact, been exceeded. However, the kind of noise and its persistence made it a great nuisance and potential health hazard.

Discussion of noise complaints during grievance sessions proved to be futile. No offer was made by the company to conduct audiometric (hearing) tests for the technicians nor sound level tests at worker stations. In the union program, workers were offered an audiogram or graph showing their level of hearing at a number of frequencies.

Union Confidentiality

Results of hearing tests were confidential due to the complete control by the union. Some workers feared the loss of income or, ultimately, dismissal if the company learned of their impaired hearing. The union assured each member that its purpose was to expose the work-site noise problem and that individual hearing tests would not be used. In addition, the hearing test for each worker was retained by the union and filed for future reference.

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Worker Participation

The entire membership was informed of the noise control program via newspaper, etc. Specific procedures were outlined which included special hours and days for the union-financed tests. Members were advised to appear for ear tests prior to work time and not to use subways or motorcycles to travel to the hearing test studio. One hundred fifty-one members elected to take the ear test. The showing was considered a good one considering the fact that over one hundred members work out of state to cover sports and other events.

Workers' Compensation

Although some workers had a prior hearing test, the union program established a "base-line" reference point illustrating a hearing level at a specific time. The importance of the "base-line" test cannot be over emphasized since hearing loss can be documented by future tests. Insurance companies invariably contest hearing loss cases on job-related claims--they rarely lose. While workmen's compensation is "no fault" in principle, the worker will need "base-line" data and other tests to show loss of hearing as being work-related.

Use of OSHA

The union has not used the services of an OSHA inspector, but safety and health activists within the union have attended classes on OSHA and are very familiar with its provisions. On occasion the union has threatened the company with an OSHA inspection for noise and other occupational hazards.

Use Of Collective Bargaining

The union, in using its own membership funds, did not use its collective bargaining agreement to achieve its noise control program. Union leaders did plan to use adverse test results as a club to get the company to correct the high noise levels. Future negotiations will be utilized on safety, etc., however.

Results of Testing Program

Much to the surprise (and shock) of most of the NABET members the hearing tests proved that a noise hazard exists in the radio and television studios. At least 75 technicians showed hearing loss, and showed indications of hearing loss. Perhaps the most significant fact is the rapid hearing loss of 18-34 year-old workers. The full report was written and presented by the hearing specialists hired by the union. A union executive board meeting heard the report and the results were then given to the full membership. The final report contained no individual names but a series of graphs and tables showing the rate of hearing loss. An evaluation of the results accompanied the graphs and tables.

Conditions Changed?

The union presented the results of their testing program to the company. The company yawned and made no response! In fact, the company was in the process of reorganizing some studios at the time of the union ear testing program. The union was never consulted on the new studio design. The result of one studio reorganization was higher audio levels with more complaints of hazardous noise levels. The purpose of the studio adjustments was to satisfy management desires

as seen by audio consultants. At no time did management mention or request evidence of hearing loss nor did they discuss the project with the union safety members.

Did Union Give Up?

Most of the safety & health activists knew prior to the testing program that the company would give it little attention. It was a necessary step. The membership was not then aware that a problem existed. But the testing program that was accomplished and continuing education on noise, its health effects and safety made the membership aware of the danger of hearing loss because of work conditions.

Some Hope

Recently, one union member used collective bargaining techniques and OSHA information at an arbitration. The worker escalated his complaints against noise levels with grievances and accident reports which resulted in an expedited arbitration. The arbitrator ruled on behalf of the worker that he should not be fired for demanding a safe workplace. The company agreed to technical changes so that studio monitors (speakers) would not be offensive to technicians and sound insulation is to be installed. The union is now considering a second round of audiometric (hearing) tests following the "base-line" tests by two to three years. The results should begin to document that hearing loss is job-related. Based on comparative tests, the union will determine if workers' compensation claims can be processed for partial permanent hearing loss. Whether this becomes an economic incentive to the company to change the studio remains to be seen.

Some Lessons

The main lesson of this noise control program is that any union can be mobilized for a program of hearing conservation. The company has a more difficult time sowing discontent among workers not favorable to the program as it could if this phase of the program was not accomplished. This is a popular tactic on the part of management to stop union safety and health activities. And, the way is now paved for the collective bargaining of this issue since the fact of hearing loss has been scientifically established which would furnish evidence to future arbitrations which could fall against the company. This sequence of events usually results in corrective actions on the part of management to deflect union momentum. The union plans to use this opening to press for lower noise levels.

Another major lesson is that OSHA was of little or immediate use. The OSHA noise standard was not exceeded, but a noise problem still existed. This gap between a known occupational hazard and the OSHA standard was not bridged.

The current and OSHA proposed noise standard of 90 dBA exceeds the noise standard (85 dBA) of practically all industrialized nations. The labor movements' demand for a 85 dBA is still possible if action is taken immediately.

Hazard control programs in a local union should meet the following standards:

1. Maximum involvement of the whole local union membership;
2. Establishment of a permanent safety and health committee with a subcommittee on the particular hazard, in this case, a noise control committee; One shop steward per work area task may be sufficient;
3. Use of outside medical or scientific professionals in hazard detection, medical surveillance, and preventive measures;
4. Strategic use of collective bargaining clauses & procedures;
5. Maximum knowledge of the Occupational Safety and Health Act, its enforcement and other regulatory provisions;
6. Close monitoring of management initiated safety and health activities, especially those which require workers to use personal protective equipment;
7. Regular reports to the membership through the local newspaper; union shop steward notices; bulletin boards; special OSHA newsletters;
8. Investment of union dues monies in the hazard correction programs in addition to possible monies gained through negotiations with management during collective bargaining.