

## **Opera Australia Orchestra**

### **Processes for the mitigation of exposure to excessive noise**

#### **Background**

The Opera Australia Orchestra's work is subject to the *Opera Australia Orchestra Enterprise Agreement 2017-2019*, which contains the OA Orchestra's Hearing Conservation Policy, to be found at the end of this document.

#### **Framework**

The legislative framework for the orchestra's work health and safety is regulated by section 274 of the NSW Work Health and Safety Act 2011 and to the relevant code of practice *Managing noise and preventing hearing loss at work* (web link below).

#### **Measures**

With reference to the applicable hierarchy of controls (referred to in the code of practice, link below), the OA Orchestra makes use of the following measures and processes to mitigate against excessive exposure to noise of its players:

- Performance call caps – there is a limit of 9 performances per fortnight in opera seasons, further reduced depending on physical and noise related respite requirements. Ballet season performance load is repertoire dependent.
- Noise monitoring regime – every production of opera and ballet is monitored through an accredited arms-length body (Foster OHS). As a result, data gathered over many years is available for the purposes of predicting noise issues. The sound level charts and instructions on how to understand them are circulated to all players at the earliest opportunity after they are produced – usually within 24 hours of the call.
- Noise rostering – the practice of assessing productions based on historical and empirical evidence then rostering players with a view to providing respite from noise (as well as physical respite) in order for individual players to not exceed identified LAeq levels of 85db over a working week. This process is coordinated through a sophisticated roster modelling tool.
- Provision of a variety of sound screens as required; The Brass section is permanently located behind acoustic screens (the “brass box”); head screens and full body length screens are also available and in use at every call when requested and practicable.
- Provision of customised personal hearing protectors for all permanent players as well as freelance musicians who are playing with the orchestra above a prescribed threshold of calls. Industrial “foam” earplugs available at all venues; “Christmas Tree” plugs available on request.
- Reducing sound levels at source: A process is in place that enables sections of the orchestra to be directed to moderate (reduce) sound levels after consideration of the available evidence or predictions. This is repertoire-specific.
- Conductors are reminded to not require full volume in the rehearsal room or when repeating passages.
- Proximity management: distance from the sound producing source is taken into account in positioning the orchestra within the orchestra pit.
- OA Orchestra's EBA stipulates mandatory annual hearing testing.

OA Orchestra's Hearing Conservation Policy and the Guidelines are circulated with the Weekly Notices which reach all permanent, seasonal and casual players.

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**Relevant documents:**

- SafeWork NSW “Managing noise and preventing hearing loss at work code of practice” April 2016

[http://www.safework.nsw.gov.au/\\_data/assets/pdf\\_file/0017/50075/SW08160-Code-of-Practice-Managing-noise-and-preventing-hearing-loss-at-work.pdf](http://www.safework.nsw.gov.au/_data/assets/pdf_file/0017/50075/SW08160-Code-of-Practice-Managing-noise-and-preventing-hearing-loss-at-work.pdf)

- OA Orchestra Hearing Conservation Policy, EBA 2017-19, Schedule 7. *Please see attachment at end of this document*

- *Hearing Personal Protective Equipment (PPE) – The Facts (Safework NSW)*

<http://www.safework.nsw.gov.au/media/publications/health-and-safety/hearing-personal-protective-equipment-ppe-the-facts>

- Goldscheider v Royal Opera House : Approved Judgment

<https://www.judiciary.gov.uk/wp-content/uploads/2018/03/goldscheider-v-roh-judgmentL.pdf>

## SCHEDULE 7      OA ORCHESTRA HEARING CONSERVATION POLICY

### 1      **General**

- 1.1      Of particular importance to the occupational health and safety of Players is hearing conservation. In recognition of this, the OA Orchestra Hearing Conservation Policy has been agreed by the Parties and forms a key component of the overall OH&S Policy.
- 1.2      This policy covers all work involving the rehearsal and performance of music by the members of the orchestra wherever it may take place and aims to minimise the risk of noise induced hearing loss in a manner that least compromises artistic standards.
- 1.3      Orchestra Management will continue to refine this policy in consultation with the JCC and the OH&S Representatives, and the Parties agree to develop and maintain further hearing conservation strategies as appropriate.

### 2      **Implementation**

- 2.1      It is the responsibility of the General Manager Orchestra, in consultation with the JCC and Player OH&S representatives, to implement this policy.
- 2.2      Where appropriate, advice will be sought from WorkCover or an organisation or authority recognised by the State Government for noise investigation and management in the workplace.

### 3      **Measurement and Control of Sound Levels**

- 3.1      Sound levels will be measured as agreed between the OH&S Representatives and the Orchestra Manager in accordance with guidelines developed as part of the hearing conservation strategies.
- 3.2      Hearing conservation strategy will include documentation of the noise measurement methodology and guidelines for when and where measurements are taken.

- 3.3 It is recognised, however, that some people may be susceptible to hearing damage at or below 85 dB(A), so the parties agree to work towards a further reduction of noise exposure.

#### 4 Interpretation

- 4.1 The Regulation states that a place of work is unsafe and a risk to health if any person is exposed there to noise levels:
- i) that exceed an 8 hour noise level equivalent of 85 dB(A) averaged over a rolling seven day period; or
  - ii) that peak at more than 140 dB(lin).

- 4.2 Sound levels in the pit area have been measured above 85 dB(A), therefore the parties agree to conform to the principles of the NSW Code of Practice for Noise Management, and apply the following noise control measures in order of priority:
- i) opening up the pit of the Opera Theatre to improve the acoustics;
  - ii) planning orchestra schedules and selecting venues with consideration of potential noise hazards associated with specific repertoire, orchestral configuration and environmental factors;
  - iii) identifying and where possible minimizing potential hazards before they occur by liaising between Orchestral Management and Players;
  - v) implementing administrative controls such as rostering and seating rotation;
  - vi) optimising the separation of Players by orchestra set-up and screens;
  - vi) showing consideration for colleagues within the needs of performance; and
  - vii) supplying appropriate personal hearing protectors and instruction as to their proper use.

#### 5 Program for Control and Management of Sound Levels

- 5.1 The Parties agree to work for the earliest implementation of the primary recommendation of the 1998 ARUP Report which considers that opening up the pit to be the most significant single action which would engineer a permanent reduction in noise levels and improve the quality of sound in the auditorium. The parties agree to progress this project through all relevant channels and with the highest priority.
- 5.2 Schedules and Venues:  
The General Manager Orchestra, in consultation with the Section Leaders and the OH&S Representatives, will ensure that in the forward planning of Opera and Ballet rehearsals and performances, due consideration is given to the scheduling and/or venue of loud works so as to minimise the risk of players being exposed to excessive sound levels.
- 5.3 Rostering and Seating Rotation:
- i) The Company will limit the weekly exposure of players to high sound levels by monitoring rostering with respect to predicted daily and weekly average sound levels.
  - ii) The Orchestra Manager will inform players when their predicted exposure exceeds the agreed limit and will re-roster them and/or consult with the relevant Section Leader to ensure they wear hearing protectors.
  - iii) The Orchestra Manager will arrange the seating rotation of players who are subject to high sound levels in consultation with the relevant Section Leader and a written roster will be posted in a suitable location in the pit
- 5.4 Set-Up and Screens:
- i) The Orchestra Manager will ensure that at any rehearsal or performance the orchestra set-up is designed to minimise the risk of players being exposed to excessive sound levels.
  - ii) No installed partition or sound screen will be modified or removed except on competent acoustic advice and with the agreement of the Joint Consultative Committee.

- iii) The orchestra commits to having available the appropriate number and type of screens for each program and venue.
- iv) Where risers and/or portable sound screens are used as a further protective measure, the duty Orchestra Manager will position them in consultation with the relevant Section Leaders and the OH&S Representatives (or their deputies).

#### 5.5 Consideration for Colleagues:

- i) In situations where sound levels have the potential to be a problem, the conductor will be informed prior to the rehearsal period and asked to give consideration to moderating the sound levels whenever possible.
- ii) Notwithstanding the obligation to fulfil artistic requirements, the directions of the conductor and the needs of performance, all players will be informed of their duty of care under the relevant legislation and must remain mindful of the safety of their colleagues at all times.

#### 5.6 Personal Hearing Protectors (Earplugs):

- i) The primary aim of this policy is to keep the daily average noise exposure of all players below 85dB(A), but for artistic and operational reasons, this has proved impossible to achieve within the current configuration of the Opera Theatre pit without resorting to the use of earplugs as an emergency measure, therefore the parties agree to the following procedures:
- ii) The Company will supply industry standard hearing protectors (earplugs) on request to all Permanent, Seasonal and Freelance players who are regularly engaged by the orchestra.
- iii) It will be compulsory that players at high risk of exposure to excessive sound levels be in possession of industry standard earplugs while rehearsing and performing.
- iv) The duty Orchestra Manager will supply hearing protectors adequate for temporary use to any Player, observer or visitor on request. These may be the disposable foam type.

## 6 Mitigation Measures During A Rehearsal Or Performance

- 6.1 Where a Player finds the sound level uncomfortable, they will ask the Duty Orchestra Manager for assistance.
- 6.2 The Duty Orchestra Manager will consult with the relevant Section Leader and OH&S Representative(s) and consider the following noise control measures:
  - i) the rearrangement of seating;
  - ii) the provision of sound screens;
  - iii) the provision/use of earplugs.

## 7 Hearing protectors

- 7.1 It is recognised that hearing protection measures make playing in tune and with the correct attention to balance and ensemble more difficult., and in some circumstances criticism on these grounds alone will not provide evidence of an unacceptable decline in playing ability or overall performance standard.
- 7.2 Where the daily average sound level exceeds (or is predicted to exceed) 85 dB(A), the Duty Orchestra Manager will advise the conductor that hearing protectors are required to be worn.
- 7.3 It is recognised that some people may be susceptible to hearing damage at or below this level and that there may be instances when players in a lower risk area choose to use hearing protection. When this occurs, they should notify the Duty Orchestra Manager, who in turn will notify the Conductor.

## 8 **Hearing Tests**

- 8.1 All players will be required to take a hearing test on confirmation of appointment to a permanent position in the orchestra. The results of this test will not influence the decision to appoint.
- 8.2 The General Manager Orchestra will organise annual hearing tests for all permanent players and Freelance players who are regularly engaged by the orchestra.
- 8.3 A player may opt to request that the results of all but the initial test remain confidential between the player and audiologist.
- 8.4 The audiologist may test the fitting and efficiency of hearing protectors during these tests.
- 8.5 The company will pay the cost of all hearing tests.
- 8.6 All hearing tests will be conducted in accordance with the relevant Australian Standard.

## 9 **Information and Education**

- 9.1 The parties are committed to the further development and implementation of procedures and information material for Players.
- 9.2 The company will maintain copies of all relevant Regulations, Standards and Codes of Practice and any other appropriate sources of information on hearing conservation. This information material will be available to any player on request.
- 9.3 The sound maps that form the basis of the current rostering model will be posted on the orchestra notice board at the Sydney Opera House together with appropriate explanation.
- 9.4 Information on the use and maintenance of appropriate hearing protectors will be made available to Players.
- 9.5 The Hearing Conservation Policy will be available to any Player on request to the Duty Orchestra Manager.

## 10 **Maintenance of Records**

- 10.1 Orchestra Management will maintain all appropriate records and make any relevant personal information available to the Player on request. Statistical information from these records may be tabled at the OH&S Committee meetings and may be made available to the OH&S Representatives upon request. It is accepted that such information be expressed in a manner that maintains the anonymity of individual Players.