

OSHA Warns Against Use of Music Headphones at Construction Sites

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A new guidance letter from the Occupational Safety and Health Administration (OSHA) indicates it is legal, but not generally advisable, for workers to use headphones to listen to music on a construction site even if the headphones are marketed as “OSHA approved.”

In the letter, the agency noted “there is no specific OSHA regulation that prohibits the use of headphones on a construction site.”

But that does not mean employers can avoid citations for resulting hazards. OSHA warned, “Listening to music may produce a safety hazard by masking environmental sounds that need to be heard, especially on active construction sites where attention to moving equipment, heavy machinery, vehicle traffic, and safety warning signals may be compromised.” This is concerning because, according to OSHA, “struck-by hazards are one of the four leading causes of death in construction.”

The agency added there is no such thing as “OSHA compliant” headphones because OSHA does not “register, certify, approve, or otherwise endorse commercial or private sector ... products.” Therefore, the agency continued, claims that any headphones are approved by OSHA “are misleading.”

Many contractors do not allow workers to listen to the radio or music on the job, much less with headphones or earbuds. It is important for workers to be able to hear equipment starting and stopping, warnings, alarms, and verbal directions from co-workers and supervisors. The same concerns apply in manufacturing environments.

An employer that allows construction or manufacturing workers to listen to music using headphones or earbuds could be cited under the “general duty clause” of the Occupational Safety and Health Act if an employee is injured because he or she could not hear approaching machinery. The general duty clause requires employers to provide a workplace that is free from recognized hazards likely to cause death or serious harm to employees.

If you have questions about this or other workplace safety and health compliance matters, please contact the Nexsen Pruet Employment and Labor Law team.

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