

L.N. 25/2005

THE FACTORIES AND OTHER PLACES OF WORK (NOISE PREVENTION AND CONTROL) RULES 2005

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| Citation                | 1 These rules shall be cited as Factories and Other Places of Work (Noise Prevention and Control) Rules 2005   |
| Interpretation          | <p>2 In these Rules except where the context otherwise requires: –</p> <p>“daily exposure” means the amount of noise stated in dB(A) to which a person is exposed during work day.</p> <p>“dB(A)” means decibels of noise, measured with an A-weighted filter</p> <p>“director” means the Director of Occupational Safety and Health Services</p> <p>“Directorate” means the directorate of occupational health and safety services.</p> <p>“machinery” includes machines tools and other technical devices used at the place of work</p> <p>“noise” means all sound energy which can result in hearing impairment or be harmful to health or otherwise dangerous</p> <p>“Peak sound level ” means the maximum instantaneous sound level in dB(A)</p> <p>“worker” includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise.</p> <p>“workplace” includes, any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment.</p> |
| Application             | <p>3 (1) These Rules shall apply to every workplace, premises, place, process and operations to which the provisions of the Act apply.</p> <p>(2) Every occupier shall comply with these Rules and every agent, worker and any other person in the workplace shall conduct his work in accordance with these Rules</p>   |
| Permissible noise level | <p>4. (1) No worker shall be exposed to noise level in excess of the (a) continuous equivalent of ninety dB (A) in eight hours within any twenty-four hours duration.</p> <p>(b) one hundred and forty dB(A) peak sound level at any given time.</p> <p>(3) Where noise is intermittent, noise exposure shall not exceed the sum of the partial noise exposure equivalent continuous sound level of ninety dB (A) in eight hours duration within any twenty-four hours duration.</p> <p>(4) It shall be the duty of the occupier to ensure that noise transmitted from the</p>   |

workplace to the community shall not exceed fifty five dB (A) during daytime and forty five dB (A) at night time.

Noise prevention programme

5(1) Where noise in a workplace exceeds the continuous equivalent of eighty five dB(A) the occupier must develop and implement an effective noise control and hearing conservation programme.

(2) The programme must be in writing and should address: -

- (a) noise measurement,
- (b) education and training,
- (c) engineering noise control,
- (d) hearing protection,
- (e) posting of notices in noisy areas,
- (f) hearing tests and,
- (g) annual programme review.

(3) The occupier shall maintain in a manner acceptable to the director a record of the hearing tests for each worker which must be: -

(a) kept as long as the worker is employed by the employer and not less than two years and

(b) treated as confidential and not released to anyone without the written permission of the worker.

Noise measurements and records

6. (1) (i) It shall be the duty of the occupier to carry out measurements of noise at least once in every period of twelve months in order to determine the prevailing noise conditions.

(ii) Whenever any facility, equipment, working process or working method has been changed, noise measurements shall be carried out.

(2) Noise exposure measurement results shall be recorded and specify:-

- (a) the date and time of the noise measurement;
- (b) the names and numbers of workers exposed;
- (c) types of occupations evaluated;
- (d) measuring conditions;
- (e) measuring method;
- (f) measuring equipment;
- (h) recommended remedial measures taken;
- (g) name of person taking the measurements.

(3) The result of the measurement carried out as required by paragraph 6(2) of these Rules shall be kept by the occupier for a period of two years or such other period as may be prescribed by the director and shall be communicated to the workers if requested.

(4) The director may issue guidelines on how monitoring of noise shall be carried

out.

Information and training of workers

7. (1) The occupier shall inform in writing all the workers in a process where noise level is below ninety dB(A) on:-

(a) the results of any noise exposure measurements

(b) the significance of those results to the risk of hearing loss and

(a) at the request of the worker, the purpose of hearing protection and testing

(2) The occupier shall inform in writing all workers exposed to noise above 90 dB(A) on: -

(a) The results of any noise exposure measurements,

(b) The effects of noise on hearing,

(c) The proper use and maintenance of hearing protection,

(d) The purpose of hearing testing.

(3) The occupier shall ensure that all workers exposed to noise are fully trained on the hazards involved, and instructed in the measures available for the prevention, control and protection against noise exposure.

Equipment

8. It shall be the responsibility of the occupier to ensure that all noise measuring equipment are regularly calibrated, maintained, inspected and operated according to manufacturer's instructions.

Engineering controls

9. Every occupier shall:-

(1) take suitable engineering noise reduction measures at the source of the noise to reduce it and limit its spreading.

(2) adopt methods of work, which shall reduce noise exposure of workers to the recommended noise levels.

(3) as far as practicable, walls and ceilings of workplaces shall be lined with suitable sound absorbing material to prevent reflection of noise.

Installation and maintenance of machinery or plant.

10. (1) Machinery shall be installed in such a way that the lowest possible noise is emitted when the machine is operating

(2) It shall be the duty of the occupier to carry out regular inspection and maintenance of machines and installations to ensure that noise emission is prevented or controlled.

(3) (a) Where noise levels exceed ninety dB(A), the process or machinery shall be segregated or be enclosed by suitable structures capable of suppressing noise.

(b) Where it is not practicable to segregate or enclose noisy machinery or process as required in Rule 10 (3)(a) of these Rules, there shall be provided a suitable sound reducing enclosure or cabin for use by employees exposed.

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| Means of communication                       | 11. The occupier shall install, where noise gives rise to difficulties in verbal or sound communication, a visual warning system or any other means of communication.  |
| Hearing protection                           | <p>12 Where noise cannot be controlled by engineering measures and exceeds ninety dB (A), the employer shall:-</p> <p>(1) Provide and maintain suitable hearing protection to the affected workers and;</p> <p>(2) Ensure that the hearing protection is always worn correctly.</p>  |
| Noise hazard areas                           | <p>13. Where the noise level is above ninety dB(A), the employer shall:-</p> <p>(1) Post a sign at the entrance to and in every room or conspicuous place, clearly and prominently marked “DANGER, HEARING PROTECTION MUST BE WORN” in English, Kiswahili and one local language commonly used where the workplace is situated;</p> <p>(2) Supply hearing protection to all persons required to enter such an area and;</p> <p>(3) Ensure that all workers and any other person entering this area wear hearing protection.</p>  |
| Workers responsibility in noise hazard areas | 14. All workers shall wear hearing protection in all areas, which are posted noise hazard areas, and in accordance with instructions provided by the employer.   |
| Duties of manufacturers                      | <p>15. (1) It shall be the duty of the occupier to ensure that the machines installed in the workplace are appropriately designed or have built-in noise reduction devices, which ensure the lowest possible emission and in any case not exceeding ninety dB(A).</p> <p>(2) The occupier shall request the supplier of the machine referred to in paragraph (1) to provide information on the noise characteristics of the machine.</p>   |
| Medical examination and hearing tests        | <p>16 (1) The occupier shall provide for medical examinations and hearing tests for workers exposed to noise above eighty five dB(A) limit as follows:</p> <p>(a) an initial test upon employment</p> <p>(b) annual tests thereafter or at such an interval as may be required by the director.</p> <p>(2) Every occupier who provides medical examination and hearing tests for his workers shall within twenty one days submit reports in such form as may be prescribed by the director.</p> <p>(3) Where medical examination reveal that a worker is unfit to continue with assignments involving exposure to noise the employer shall find an alternative employment.</p> <p>(4) A worker transferred to alternative employment in compliance with 16(3) of</p> |

these rules shall not suffer loss of remuneration or any other benefit due to him.

Compensation and notification of occupational deafness

17 (1) Every medical practitioner shall give to the director, after diagnosing occupational hearing impairment, a full report including the name of the patient, the name of the workplace in which the employee was last employed.  
(2) Occupational hearing impairment shall be compensated as an occupational disease.

Programme Review

18 (1) The occupier shall review the noise control and hearing conservation programme annually to ensure its effectiveness. (2) The review must address: -  
  
(a) The adequacy of noise control measures,  
(b) The selection and use of hearing protection and  
(c) Hearing testing and information on the rate and extent of occupational hearing loss.

Offences and penalties

19 Where any offence is committed under these Rules, the provisions of Part XI of the Act to offences, penalties (including the amounts thereof) and the proceedings shall apply, *mutatis mutandis*, to the Rules as if they were set out there in.

Subsidiary Legislation

20 The Noise Rules Legal Notice no.296 made in 1996 is hereby revoked