ILA–USMX Joint Safety Committee

OSH ALERT 2020-01 [02 January 2020]

OSHA & Audio Head/Earphones

Recently, OSHA made public an interpretation which clarified the agency's position with regard to worker use of certain audio devices meant to entertain and/or pass the time.

In sum, the agency's interpretation holds that the use of such devices may be allowed… but that employers who do permit their use should be cautioned that, under certain circumstances, audio head/earphones could serve as distractions and create a seriously unsafe workplace. In that event, OSHA would be free to cite the employer under the OSH Act's General Duty Clause. Here's a link to that section of the law:

https://www.osha.gov/laws-regs/oshact/section_5

While the interpretation was provided in response to an inquiry originating from a construction industry employer, the basis, logic and application of OSHA's interpretation would unquestionably hold true for those of us in the marine cargo handling industry. Here's a link to the interpretation:

https://www.osha.gov/laws-regs/standardinterpretations/2019-09-06-0

The ILA~USMX Joint Safety Committee appreciates how popular these devices have become at many marine terminals (particularly during late night shifts). Notwithstanding, we are obliged to recognize the wisdom of this recent interpretation and caution employers and employees about the existence of this interpretation and of the logic that forms its basis. We do so in this OSH Alert.

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

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