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**We have a question regarding OSHA policy on personal use of headphones /listening to music while working.**

**We have an employee who has issues with anxiety and his job is pretty fast paced and stressful. He likes to wear headphones while working as he claims that listening to music reduces his stress.**

**We do not think this is a good idea, and we are checking to see if there are any actual OSHA rules to prevent employees from wearing them. However, I would like to ask other members if they would share their policies on a situation like this.**

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We don't allow headphones in a production area – only hearing protection. We feel it is a safety hazard.

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What kind of job does this employee have? I would think that would have some impact on headphones.

Are they headphones or earbuds?

Our rules for headphones and/or earbuds depend on the department.

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It would depend on whether hearing protection is required in the area he works in and whether or not there is a danger that he would not hear a warning signal in the event of a fire, moving vehicle approaching, etc.

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We do not allow personal headphones in our manufacturing areas, so that there is no interference with hearing protection and no distraction that could cause someone to miss a critical sound like a forklift backup alarm. Employees in office areas and labs are allowed to wear personal headphones.

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I would find it difficult to believe that this person is able to perform a "fast paced and stressful" job while jamming or listening to a talk show. I would say, no, I'm sorry, but we need your full attention to your job. If the job is too stressful, then perhaps he should try a different job.

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Not sure but it may fall under ADA ??? How about a compromise and let him have one earbud in. We allow one earbud not headphones.  
Both for the plant and office personnel

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We recently did a fire drill. Two employees wearing ear buds on the production floor could not hear the alarm. We have since instituted a policy that employees are not allowed to wear them on the production floor due to safety and communication concerns. Employees are allowed to use a device with speaker, at a volume the manager/supervisor approves, to listen to music. The full policy is attached.

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This could be considered an ADA type accommodation. Absent a safety issue where hearing is required for safety or work (forklift area, etc) consideration may be needed.

We do not give accommodations unless we get the documented medical information from the employee's care provider (symptoms, diagnosis, etc, recommendation) and then if we are willing to make the accommodation, we require that the care provider spell out exactly what is needed, by brand, type, etc, and in this case, maybe what is listened to. Example, if ergonomic mouse is needed we require the brand name specifically – the wrong type may cause exacerbation of the condition making it become a WC. Then the employer can choose the least intrusive solution.

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We do not allow any type of wireless or personal phones during working hours. We do have a radio playing at all times and employees are allowed to bring approved music to give everyone the chance to listen to their style. No swearing, drinking or drugs references.

Allowing head phones is a hazard not only at press or on the production floor, but if emergencies happen (fire ,bad weather ...) or equipment starting and stopping sounds and forklifts.

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We do not allow headphones on the floor due to safety, and it could get caught in the machines.

Also, is someone yells watch out they do not hear the person.

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This seems similar to the question I asked for a survey a couple months ago. Based on that feedback, we've continued our more relaxed practice of allowing the use in the our office areas, especially for our Technology staff who can tune out the noise in the open space areas.

We limit the use in any production areas for safety reasons. I would think OSHA would not look favorably upon the use, unless it's more of an accommodation issue and you've documented the accommodation.

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We would use our noise level tests to say yea or nay. In our production areas it would not be permissible to increase the noise in their ears by adding music.

After that, it becomes a workplace rule and/or an ADA accommodation.

We have not had this situation come up yet, so it will be interesting to see what others have to say.

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We do not permit the use of any electronic listening devices in the plant. I don't know or care what OSHA rules are (don't I wish that were really true), but more importantly common sense tells me that if someone got hit by a fork truck that they didn't hear I would both:

- a) not be able to live with myself for allowing such unsafe practices in my manufacturing environment; and
- b) could and perhaps should be held liable for negligence

If the individual truly had an issue which we believed, I would temper all of this tough talk with compassion and seek an agreeable solution provided we could find one that was safe. Assuming we could, my litmus test for anything that we would allow would be defined by my managers and my own willingness to tell all the other employees who say: "he does, so why can't I" in a convincing way, to go pound sand. If we can do that, then we can defend our position as we are making "reasonable accommodations".

If we don't sincerely "buy it", I would have a hard, and compassionate conversation and probably explain that we understand his requirements, but are not willing or able to accommodate this and offer to provide as good a reference as is warranted if he needs to move to another job. This will flush out how committed both parties are to the respective risk/accommodation.

I am glad that:

- a) we don't get all the government we pay for; and
  - b) I will be retired soon!
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We do not allow the use of personal headphones on the production floor because of safety and productivity. I do not think OSHA has any specific rules against headphones, except for what might fall under the general duty clause. Could this be an ADA issue? May need to initiate the interactive process with a physician included.

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There does not need to be an OSHA rule if you want to make it company policy. Personally I feel that I falls into the general duty clause because the employee may not hear possible hazards or warning hazards. It really comes down to what is written in the company safety manual and is evenly enforced then that is sufficient. For it to be considered a reasonable accommodation for stress then there needs to be medical justification from the employee that requires the use of headphones for the explicit reduction of stress. Although that creates a slippery slope, it is what it is.

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We generally allow a single earpiece to be used for listening to personal music while working, preferably non-corded. If corded, it must be worn under clothing to prevent snagging, etc.

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This link, <https://bizfluent.com/about-6366944-osha-regulations-concerning-headphones.html>, I feel explains it well regarding headset/listening to music in the workplace. I know at our facilities we require ear plugs/headsets (PPE) in some of our plant areas. The PPE is used to reduce noise while the equipment is being used. Without knowing what position/environment which the employee holds in their company. It is hard to be exact on the suggestion.

If their employee has health reasons, stress. I feel H.R. needs to be involved for the state & federal law/legal perspective on how to handle a medical condition at the workplace. As we know the policies must to be set up for each department requirements. Unless there is a medical reason exemption without creating a safety/heath risk.

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In addition to OSHA they might need to make a reasonable accommodation under the ADA if this employee pursues that it is necessary due to his anxiety. Just think they should be aware of it.

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I couldn't find anything in the OSHA rules, both Federal and Illinois, that prohibit the use of personal headphones in general industry. The requirements in Construction are associated with an employee being distracted by the use of personal headphones while driving or working around mobile equipment, which can also be relevant to general industry.

As the employer, you have a General Duty to "furnish a workplace which is free from recognized hazards which may cause or are likely to cause death or serious physical harm." I would think you have a basis for your comment that you don't think it's a good idea to allow the employee to use personal headphones. Why is that? Would the use of personal headphones distract the employee and possibly put them in harm's way due to mobile equipment in the work area (the employee may not be able to hear audible alarms or the sound of approaching forklifts or pallet jacks). If the employee is required to verbally communicate with other employees while doing their job, the use of personal headphones could interfere with that communication. Does the employee's fast paced job require the employee to react to audible signals from the production equipment? As the employer, you can establish a work rule or policy that prohibits the use of personal headphones on the shop floor and it must apply to everyone.

As far as accommodation for anxiety, does the employee have a diagnosis of anxiety from a medical professional? If so, what does the medical professional suggest as a reasonable accommodation? Perhaps you could allow the employee to have frequent breaks where they could listen to music in the breakroom. Or, you could tell the employee to let the supervisor know when they are feeling stressed and perhaps the supervisor can have another employee provide assistance. Or, you could reassign the employee to a job that's slower paced and less stressful.

There are other things to consider as well. If the employee likes to listen to loud music with their personal headphones and they ultimately suffer hearing loss, this could result in a worker's comp claim since the employer allowed the use of personal headphones. Also, if hearing protection is required for employees in your workplace, personal headphones are not a substitute for hearing protection.

*Jamie*

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I saw this question and wanted to offer my two cents in addition to Jamie's excellent advice.

With regard to the accommodation – Nearly every condition, including anxiety, qualifies for accommodation under the Americans with Disabilities Act. Even if the employee doesn't have a diagnosis, if the company asks him/her about a diagnosis, the employee will likely go get one in order to make a case to keep listening to headphones. All of the alternative accommodations Jamie suggested are preferred to continued listening to headphones. If the job, however, could be a position where headphones would be a reasonable accommodation, then barring other laws, the company would be required to allow it.

I have [xxxxx] a couple cell phone policies. Note that neither of these allows employees to listen to headphones on the production floor.

Please don't hesitate to reach out if you need assistance working through the accommodation process.

Best,

*Adriane*

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There seems to be two issues to address with this question. The first is ADA concern with accommodating an employee's potential disability and OSHA's regulations. As we know, employers are required to try and accommodate employees with a disability. A key issue is establishing in this case is establishing that there is a disability. Do we know if there is a diagnosis and demonstration that the employee has a disability?

The employee has to actually request a reasonable accommodation – which is generally accompanied by some sort of documentation. Once the request is made, then the company can explore their options for accommodation.

Nevertheless, measures taken under an ADA situation are limited by safety concerns. In other words, safety trumps ADA as the safety of the employee is paramount.

Wearing head phones to listen to music in a production environment presents a safety hazard and could also cause an OSHA violation of the Hearing Conservation Standard at 1910.95.

OSHA has a letter of interpretation from 1987 (<https://www.osha.gov/laws-regs/standardinterpretations/1987-04-14>) addressing the use of Walkman type of devices in the workplace. The letter is clear that if the noise level exceeds the limits established by OSHA in the regulation, it is a violation. Here is the appropriate section from the letter:

*In summary the following compliance direction can be put forward. Use of walkmen in noise environments in excess of Tables G-16 and D-1 is a violation. Use of Walkmen over required ear protection is a violation. Use of Walkmen in occupational noise less than Tables G-16 or D-1 is at managerial discretion unless its use causes a serious safety hazard to warrant issuance of a 5(a)(1). Management and employees must be made aware that Walkmen type devices do pose a hazard to hearing if they are played too loud for any significant length of time whether on or off the job: The energy, not the esthetics, of sound poses the threat to human hearing sensitivity.*

Regarding the exposure limits in the referenced table, the level of noise that the employee can be exposed to is based on the length of time the exposure occurs. The key exposure limits are 85 dBA and 90 dBA over an eight hour time weighted average. Noise exposures greater than 90 dBA have a shorter exposure limit.

OSHA's hearing conservation program or regulation (e.g., annual hearing tests, training, posting the standard) is triggered at 85dBA over an eight hour time weight average. The 8 hour time weighted exposure limit is 90 dBA. This means an employee cannot be exposed to noise greater than 90 dBA without the use of hearing protection.

If the device the employee is wearing results in noise exposure of less than 90 dBA, but greater than 85 dBA, then a hearing conservation program is required for that employee. Plus, it is required for any other employee exposed above that threshold.

The other issue is the noise exposure to all employees in the production area. Has the company performed an evaluation? If the employee works in an area where the noise level is greater than 90 dBA on an eight hour time weighted average, then they cannot wear headphones.

If the exposure is less than 85 dBA, then OSHA would look to see if a violation would be present under the General Duty Clause, which is found in Section 5 of the OSH Act–5(a)(1). This is the overall requirement that an employee must provide a safe and healthy workplace for their employees. When OSHA does not have a specific regulation addressing a situation that is unsafe, OSHA will cite an employer under the General Duty Clause. They are using this to cite companies for ergonomics and combustible dust hazards.

Wearing headphones in a production area presents a significant safety hazard for two reasons. The first is the inability to hear commands from coworkers, especially if another worker wants to tell the worker to be aware of a hazard or to move out of way to avoid an injury. There are numerous instances where this could happen many times through the course of a day. The employee could also not hear any emergency evacuation alarms if such a situation were to be pre

The other is performing their job. When thought is required for a particular task, music from headphones will distract the worker. There's no such thing as multitasking—the human brain is not capable of performing more than one function at a time. Music with lyrics requires the brain to process and focus on the words, tying up vital cognitive space and distracting the worker from their train of thought or the task at hand. This is especially critical if the employee is operating equipment.

If you need any additional information or want to discuss your situation, please contact me.

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