

Client Services Policy Manual

Policy Number: **EN-12**
Subject: **Hearing Loss**
Chapter: **Entitlement**

Policy Statement

Employers have a responsibility under the Occupational Health and Safety Regulations, 2012 to take appropriate measures to reduce the noise intensity to approved levels, or isolate workers from the noise. Where this is not practical, workers must wear personal protective equipment which will effectively protect hearing.

There is entitlement to compensation benefits where a worker develops permanent hearing impairment which arises out of and in the course of the employment.

Although the Workplace Health, Safety and Compensation Act (the Act) refers to the term "industrial disease", WorkplaceNL may also use the term "occupational disease" in this policy to refer to a disease that arises out of and in the course of the employment and covered by the Act.

General

The two most common causes of occupational hearing loss are traumatic hearing loss and noise-induced hearing loss. Other causes of occupational hearing loss, such as chemical and biological exposure, may also be considered where they arise out of and in the course of the worker's employment.

Traumatic Hearing Loss

Traumatic hearing loss may be the result of occupational acoustic trauma from a single exposure to a sudden burst of sound, such as an explosive blast. It may also result from a head injury that impacts the hearing sensors.

Noise-induced Hearing Loss

Hearing loss that develops slowly over a long period of exposure to continuous or intermittent hazardous noise levels is referred to as noise-induced hearing loss. The following conditions will be considered to determine entitlement to compensation for noise-induced hearing loss caused by hazardous noise in the workplace:

1. A full work history is provided and actual or estimated noise level readings from one or more of the employments indicate that the worker has been exposed to hazardous noise levels.

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2. Noise levels will be considered hazardous where there is evidence of:
 - continuous noise exposure for two years or more at eight hours per day at 85 dB(A), or a threshold limit value with a 3 dB(A) exchange rate for levels other than 85 dB(A); or
 - intermittent noise exposure for a five year period at eight hours per day at 85 dB(A), or a threshold limit value with a 3 dB(A) exchange rate for levels other than 85 dB(A).

The threshold limit value is a guideline for noise exposure which incorporates sound pressure levels in dB and duration of exposure to determine the hazard. Occupational Health and Safety Regulation, 2012 states that permissible noise levels in this province will be based on the standards issued by American Conference of Government Industrial Hygienists (ACGIH). A threshold limit value of 8 hours at 85 dB(A) is hazardous and uses the 3 dB exchange rate. Therefore, 88 dB(A) is hazardous at 4 hours of exposure and 82 dB(A) would be hazardous after 16 hours of exposure.

3. Hearing loss caused by exposure to occupational noise has been evaluated, by averaging the four speech frequencies, 500, 1000, 2000, and 3000 Hertz, in each ear separately, and the loss is 25 decibels or more in each ear. While noise induced hearing loss is typically bilateral, asymmetric sources of noise, such as sirens or gunshots, can produce asymmetric loss. When evaluating cases of asymmetric loss, a referral to rule out retro-cochlear lesion is first warranted before attributing the loss to noise.
4. Hearing loss entitlement decisions will be based on:
 - An audiological assessment performed by an audiologist, using the standard reporting requirements established by WorkplaceNL, and the requirements outlined in 2(a) or (b) have been met; or

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- For those workers who are no longer exposed to hazardous noise levels in the workplace because they have either changed workplace locations or have left their employment, WorkplaceNL will consider an audiogram performed at the time of termination of exposure to hazardous noise levels or an audiological assessment performed within five (5) years of the last exposure to hazardous noise. Once exposure to occupational noise is discontinued, a significant further progression of the hearing loss is not expected as a result of that occupational noise exposure. Therefore, an audiogram completed while employed or within five years of the most recent occupational noise exposure provides an accurate representation of noise induced hearing loss related to occupational noise exposure. If no audiogram is available within that timeframe, WorkplaceNL will investigate further and review the audiogram closest in date to the last occupational exposure to hazardous noise levels. WorkplaceNL will consider noise exposure history, along with the audiometric characteristics of noise induced hearing loss. However, the claim will not qualify if it is determined by WorkplaceNL that the hearing loss recorded on the audiogram is predominantly age-related (presbycusis).

5. Allowance for presbycusis is 0.5 dB(A) reduction for each year over the age of 75.

Tinnitus

Tinnitus is a subjective experience defined as the perception of sound (such as ringing or hissing) in the absence of an acoustic stimulus. Claims for tinnitus will be considered where:

- a claim has been accepted for compensable noise induced hearing loss;
- the tinnitus has been confirmed based on testing by an audiologist; and
- a clear and adequate history of two or more years of persistent and severe tinnitus has been shown.

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Tinnitus related to other compensable injuries will be covered under Policy EN-19, Arising Out of and in the Course of Employment.

Hearing Loss Reassessments

Reassessments for further hearing loss will only be considered where there has been continued employment exposure to hazardous noise levels. Reassessments may be considered in the absence of further noise exposure for the purpose of hearing aid adjustments or replacement where compensable hearing loss has already been established.

Benefits and Devices for Hearing Loss

Where WorkplaceNL has established that the hearing loss did arise out of and in the course of the worker's employment, WorkplaceNL will cover necessary health care services and pay permanent functional impairment benefits that the worker is entitled to receive. Permanent functional impairment awards for hearing loss will be based on the standards contained in WorkplaceNL's Rating Schedule (refer to Policy EN-01, Permanent Functional Impairment). Generally, permanent functional impairment awards are given when hearing loss is evaluated to be 35 decibels or more in each ear.

Merits and Justice

In cases where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or unintended result, WorkplaceNL will decide the case based on its individual merits and justice as outlined by Policy EN-22, Merits and Justice. Such a decision will be considered for that specific case only and will not be precedent setting.

Implementation

Where the hazardous noise exposure ended prior to January 1, 2000 without an audiogram obtained at that time, WorkplaceNL will continue to consider such cases on an individual basis. This will apply for a period of five (5) years from the effective date of this policy.

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Reference: Workplace Health, Safety and Compensation Act (the Act), Sections 73, 84 and 90
Occupational Health and Safety Regulations, 2012, Section 68
Policies: EN-01, Permanent Functional Impairment
EN-19, Arising Out of and in the Course of Employment
EN-22, Merits and Justice

Amendment History

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