

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 protect workers from exposure to hazardous noise levels. This may be achieved by reducing noise at the source, reducing the noise intensity to approved levels or isolating workers from the noise. Where this is not practical, workers must wear personal protective equipment selected in accordance with the CSA Standard for hearing protection devices to 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.

The two most common causes of occupational hearing loss are noise-induced hearing loss and traumatic 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.

Noise-induced Hearing Loss

Noise-induced hearing loss develops slowly over a long period of continuous or intermittent exposure to hazardous noise levels.

The following five conditions are all considered to determine entitlement to compensation for noise-induced hearing loss caused by exposure to hazardous noise in the workplace:

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

Sound measurements, where available, should be collected in accordance with the CSA Standard for measuring occupational noise exposure. Where sound measurements are not available, estimates may be considered based on actual measurements from similar workplaces.

2. Noise levels will be considered hazardous where there is evidence of:
 - a) 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

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

- 3. The occupational noise-induced hearing loss has been evaluated to be 25 dB or more in each ear by averaging the four speech frequencies, 500, 1000, 2000, and 3000 Hertz. 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 required before attributing the hearing loss to noise.
- 4. An audiological assessment performed by an audiologist, using the standard reporting requirements established by WorkplaceNL, that confirms the requirements outlined in 2(a) or (b) have been met.

For those workers who are no longer exposed to hazardous noise levels in the workplace, WorkplaceNL will consider:

- a) an audiological assessment performed within five years of the last exposure to hazardous noise; or
- b) an audiological assessment performed at the time of termination of the exposure.

Once a worker is no longer exposed to hazardous noise in the workplace, a significant further progression of the hearing loss is not expected as a result of that 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

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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.

Traumatic Hearing Loss

Traumatic hearing loss may be the result of occupational acoustic trauma from:

- exposure to a high decibel sound wave, such as an explosive blast; or
- a head injury that impacts the structures of the ear or the parts of the nervous system that transmit or interpret sound.

Claims for traumatic hearing loss will be considered under the guidelines of Policy EN-19 Arising Out of and In the Course of Employment.

Other Causes of Hearing Loss

Claims for other causes of occupational hearing loss, such as chemical and biological exposure, will be considered under the guidelines of Policy EN-19 Arising Out of and In the Course of Employment.

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 by an audiologist; and
- there is a history of two or more years of tinnitus.

Tinnitus related to other compensable injuries will be considered under the guidelines of Policy EN-19 Arising Out of and In the Course of Employment.

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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 arose 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. Workers are entitled to hearing aids when hearing loss is evaluated to be 25 dB. 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 dB or more in each ear.

Merits and Justice

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.

Reference:

Workplace Health, Safety and Compensation Act, 2022, Sections 82, 95 and 104
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

Procedure 21.00 Hearing Loss

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Amendment History

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