

Chapter: Claims for Compensation

Legislative authority: sections 86, 88, 97, 111, 112

Prevention statement

Preventing injuries is one of the most important responsibilities in the workplace. The Workers' Safety and Compensation Act (the 'Act') establishes the responsibilities of all workplace parties to work together to ensure the physical and psychological health and safety of workers. When injuries do occur, workers and employers must continue to work together to facilitate an injured worker's early and safe return to health and work.

Purpose

This policy provides information on adjudicating claims that may involve hearing loss.

Definitions

board means the Workers' Safety and Compensation Board

conductive hearing loss means problems in the "mechanical" part of the ear (external ear canal or middle ear), which blocks the conduction of sound

employer means every association, corporation, individual, partnership, person, society or unincorporated organization or other body having in their service one or more workers in an industry and as further defined in section 77 of the Act

hazardous noise means noise that exceeds permissible noise exposure levels as set out in the Act and regulations

noise-induced hearing loss means sensorineural hearing loss, which arises from exposure to excessive levels of sound over a long period of time

presbycusis means hearing loss associated with the aging process. It is a gradual process that results in a sensorineural hearing loss over time

sensorineural hearing loss means damage to the cochlea (organ of hearing) or the auditory nerve

tinnitus means a subjective experience where the perception of sound (such as ringing, buzzing or hissing) occurs in the absence of acoustic stimuli

traumatic hearing loss means hearing loss that can be attributed to a specific event, such as an explosion or blast, blow to the head, head/skull injury or chemical or other materials entering the ear

worker means a person who performs work or services for an employer under a contract of service or apprenticeship, written or oral, express or implied and as further defined in section 77 of the Act

Policy statement

1. General

Hearing loss may be considered work-related if it arises out of and in the course of employment.

The Act and regulations provide that employers must establish and maintain an audiometric test program for workers exposed to hazardous noise. This includes annual audiometric examinations, record keeping, and the requirement to provide the results of audiometric testing to the board.

2. Application for compensation

An application for compensation must be made in a form required by the board, within 12 months after the date of the work-related injury.

The board may, in exceptional circumstances, waive the 12 month time limit.

If a worker suffers from hearing loss, for the purposes of determining whether the application was made within the required time limit, the date of the work-related injury is deemed, as determined by the board, to be the earliest of the following dates:

- a. the date when the hearing loss results in a loss of earning capacity; and
- b. the date when the hearing loss disease is diagnosed.

3. Noise-induced hearing loss

Noise-induced hearing loss is sensorineural in nature and can be attributed to exposure to hazardous noise. It occurs over a period of time and exposure is cumulative. Noise-induced hearing loss is preventable and does not worsen once exposure to hazardous noise ends. When depicted on an audiometry report, noise-induced hearing loss has a characteristic pattern with a

notch at 4000Hz (see Appendix A). This notched pattern can spread over time with continued exposure to hazardous noise.

A worker may be eligible for compensation related to hearing loss if they meet the following criteria:

- a. They must have noise-induced hearing loss of at least 25 decibels in each ear, verified by an audiometric assessment performed by a licensed and certified audiologist or hearing instrument practitioner under the supervision of an audiologist. The hearing loss must be determined by averaging hearing thresholds measured at 500, 1000, 2000, and 3000 hertz.
- b. They must have a verified Yukon work history with two or more years of exposure to continuous hazardous noise, or five or more years of exposure to intermittent hazardous noise.

Evidence of noise exposure may come from actual readings at one or more of the worker's Yukon workplaces, or from estimated exposure levels published in reliable sources.

4. Traumatic hearing loss

Traumatic hearing loss can be attributed to a specific event, such as an explosion, head/skull injury, or chemicals or other foreign substances entering the ear canal. Traumatic hearing loss can be sensorineural or conductive or a combination of both.

A worker must meet the following criteria to be eligible for compensation related to traumatic hearing loss:

- a. They must have hearing loss of at least 25 decibels in either ear, verified by an audiometric assessment performed by a licensed and certified audiologist or hearing instrument practitioner under the supervision of an audiologist. The hearing loss must be determined by averaging hearing thresholds measured at 500, 1000, 2000, and 3000 hertz.
- b. The hearing loss must have arisen out of a specific, traumatic event in the course of Yukon employment.

5. Other causes of hearing loss

Some chemicals have a synergistic or ototoxic effect on hearing (meaning they cause or exacerbate damage to the organ of hearing). These chemicals are set out by the American

Conference of Governmental Industrial Hygienists. The pattern of hearing loss is most typically a high frequency hearing loss, but may not have the “notched” pattern described as characteristic of noise-induced hearing loss.

Exposure to chemicals known or suspected to have synergistic or ototoxic effects will be adjudicated based on individual merits.

6. Permanent impairment benefit

6.1 Hearing loss

The board will assess permanent impairment benefits related to work-related hearing loss in accordance with policy 3.5 Permanent Impairment.

Permanent impairment benefits for hearing loss that occurred in jurisdictions other than Yukon will be subtracted from permanent impairment benefits for hearing loss arising from Yukon employment.

Noise-induced hearing loss does not progress when noise exposure ends. If a worker continues to be exposed to hazardous noise in the workplace after being evaluated for a permanent impairment benefit, they may be eligible for re- assessment and adjustment of the benefit in accordance with policy 3.5 Permanent Impairment.

6.2 Tinnitus

A worker may receive an additional permanent impairment benefit if they are diagnosed with tinnitus resulting from work-related hearing loss. Partial permanent impairment benefits for tinnitus will be considered where:

- a. the claim has been accepted for work-related hearing loss;
- b. the tinnitus was reported by a licensed and certified audiologist or other health care provider qualified to make such an assessment;
- c. the tinnitus has been persistent; and
- d. the tinnitus has been present constantly for two or more years.

7. Hearing aids and assistive listening devices

When a worker's claim has been accepted for work-related hearing loss, the board will determine the worker's eligibility for, and provide, necessary hearing-related health care services and hearing devices as recommended by a licensed and certified audiologist or hearing instrument practitioner under the supervision of an audiologist.

Requests for replacement of hearing aids will only be considered once every four years, unless required earlier based on electro-acoustic, medical, or occupational needs, or other acceptable reasons. Requests for early replacement must be made by the worker and be accompanied by objective evidence supporting replacement. There will be no approval for early replacement if hearing aids are lost or stolen.

The amounts the board will pay for approved services, hearing aids and assistive listening devices are subject to a fee structure established by the board.

History

EN-06 Hearing Loss, effective July 1, 2017, revoked July 1, 2022

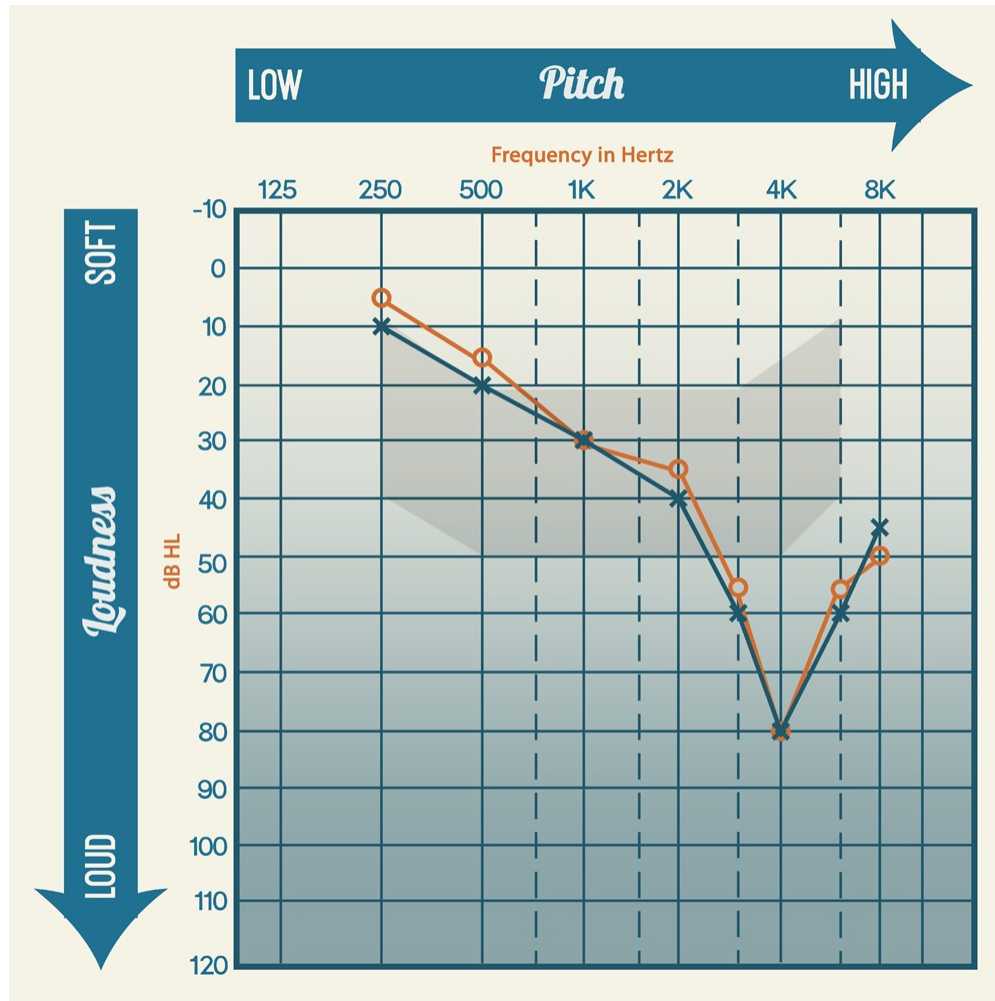
EN-06 Hearing Loss, effective July 1, 2008, revoked July 1, 2017

CL-26 Hearing Loss, effective January 1, 2007, revoked July 1, 2008

CL-26 Hearing Loss, effective June 15, 1994, revoked January 1, 2007

APPENDIX A

Audiogram depicting characteristic “notch pattern” of noise-induced hearing loss



Noise-induced hearing loss has a distinctive pattern when shown on an audiogram. The notch appears at 4000 Hertz, the intensity consistent with hazardous noise and occurs in both ears.

*red line with “o” represents right ear hearing levels

*blue line with “x” represents left ear hearing levels