

 Yukon Workers' Compensation Health and Safety Board	Part:	Entitlement		
	Board Approval:	Original signed	Effective Date:	July 1, 2017
	Number:	EN-06	Last Revised:	
	Board Order:		Review Date:	

HEARING LOSS

GENERAL INFORMATION

The *Workers' Compensation Act*, S.Y. 2008, c.12 (the "*Act*") states a worker who experiences a work-related injury is entitled to compensation. Hearing loss may be considered work-related if it arises out of and in the course of employment.

Under section 6 of the *Occupational Health Regulations* (O.I.C. 1986/164D), established under the *Occupational Health and Safety Act*, R.S.Y. 2002, c. 159 (the *OHS Act*), 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 Yukon Workers' Compensation Health and Safety Board (YWCHSB).

PURPOSE

This policy provides information to workers and employers, and guides YWCHSB decision-makers on adjudicating claims that may involve hearing loss.

DEFINITIONS

1. **Conductive Hearing Loss:** problems in the "mechanical" part of the ear (external ear canal or middle ear), which blocks the conduction of sound.
2. **Hazardous Noise:** noise that exceeds permissible noise exposure levels as set out in the *Occupational Health Regulations*, established under the *OHS Act*.
3. **Noise-Induced Hearing Loss:** sensorineural hearing loss, which arises from exposure to excessive levels of sound over a long period of time.
4. **Presbycusis:** hearing loss associated with the aging process. It is a gradual process that results in a sensorineural hearing loss over time.
5. **Sensorineural Hearing Loss:** damage to the cochlea (organ of hearing) or the auditory nerve.
6. **Tinnitus:** a subjective experience where the perception of sound (such as ringing, buzzing or hissing) occurs in the absence of acoustic stimuli.

- 7. Traumatic Hearing Loss:** 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.

PREVENTION

All workplace parties are responsible for preventing injuries in the workplace. YWCHSB encourages employers, workers, health care providers and other parties to work together to prevent work-related injuries. When an injury occurs, workers and employers must co-operate with YWCHSB to return the worker to safe, suitable and available work as soon as functionally possible. This is proven to benefit injured workers and employers because it helps prevent disability and can ultimately lead to lower assessment rates.

YWCHSB is also responsible for administering and enforcing the *OHS Act and Regulations*. All workplace parties are legally obligated to know how this legislation applies to their work.

Employers have a responsibility under the *Occupational Health Regulations* to take appropriate measures to reduce noise exposure to permissible values. It is an employer's responsibility to protect workers from hearing loss; it is a worker's responsibility to protect their hearing by wearing appropriate protective equipment and participating in hearing loss prevention programs.

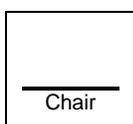
POLICY STATEMENT

1. 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.

Claims for compensation for hearing loss will not be considered if more than two years have passed since the worker's exposure to workplace hazardous noise ended, unless they can provide:

- a) a full audiometric assessment performed within two years of the end of exposure to workplace hazardous noise, or
- b) a screening audiogram performed at the time exposure to workplace hazardous noise ended.

2. 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.

3. Other Causes of Hearing Loss

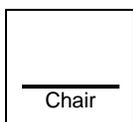
Some chemicals have a synergistic or ototoxic effect on hearing (meaning they cause or exacerbate damage to the organ of hearing). These chemicals are set out by the American Conference of Governmental Industrial Hygienists. The pattern of hearing loss is most typically a high frequency hearing loss, 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.

4. Permanent Impairment Award

a) Hearing Loss

YWCHSB will assess permanent impairment awards related to work-related hearing loss in accordance with YWCHSB policy EN-12, "Permanent Impairment".



Permanent impairment awards for hearing loss that occurred in jurisdictions other than Yukon will be subtracted from permanent impairment awards 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 award, they may be eligible for re-assessment and adjustment of the award in accordance with policy EN-12.

b) Tinnitus

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

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

5. Hearing Aids and Assistive Listening Devices

When a worker’s claim has been accepted for work-related hearing loss, YWCHSB 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.

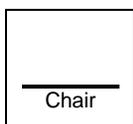
The amounts YWCHSB will pay for approved services, hearing aids and assistive listening devices are subject to a fee structure determined by YWCHSB.

APPLICATION

This policy applies to workers and employers covered by the *Act*, YWCHSB staff, and the Workers’ Compensation Appeal Tribunal.

EXCEPTIONAL CIRCUMSTANCES

In situations 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 an unintended



result, YWCHSB will decide the case based on its individual merits and justice in accordance with YWCHSB policy EN-02, "Merits and Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.

APPEALS

Decisions made by YWCHSB under this policy can be appealed directly in writing to the YWCHSB hearing officer in accordance with subsection 53(1) of the *Act*. Notice of the appeal must be filed within 24 months of the date of the decision by YWCHSB, in accordance with section 52.

ACT REFERENCES

Workers' Compensation Act, S.Y. 2008, c. 12, sections 52 and 53

Occupational Health and Safety Act, R.S.Y. 2002, c. 159

Occupational Health Regulations (O.I.C. 1986/164D), section 6

POLICY REFERENCES

EN-02, "Merits and Justice of the Case"

EN-12, "Permanent Impairment Awards"

HISTORY

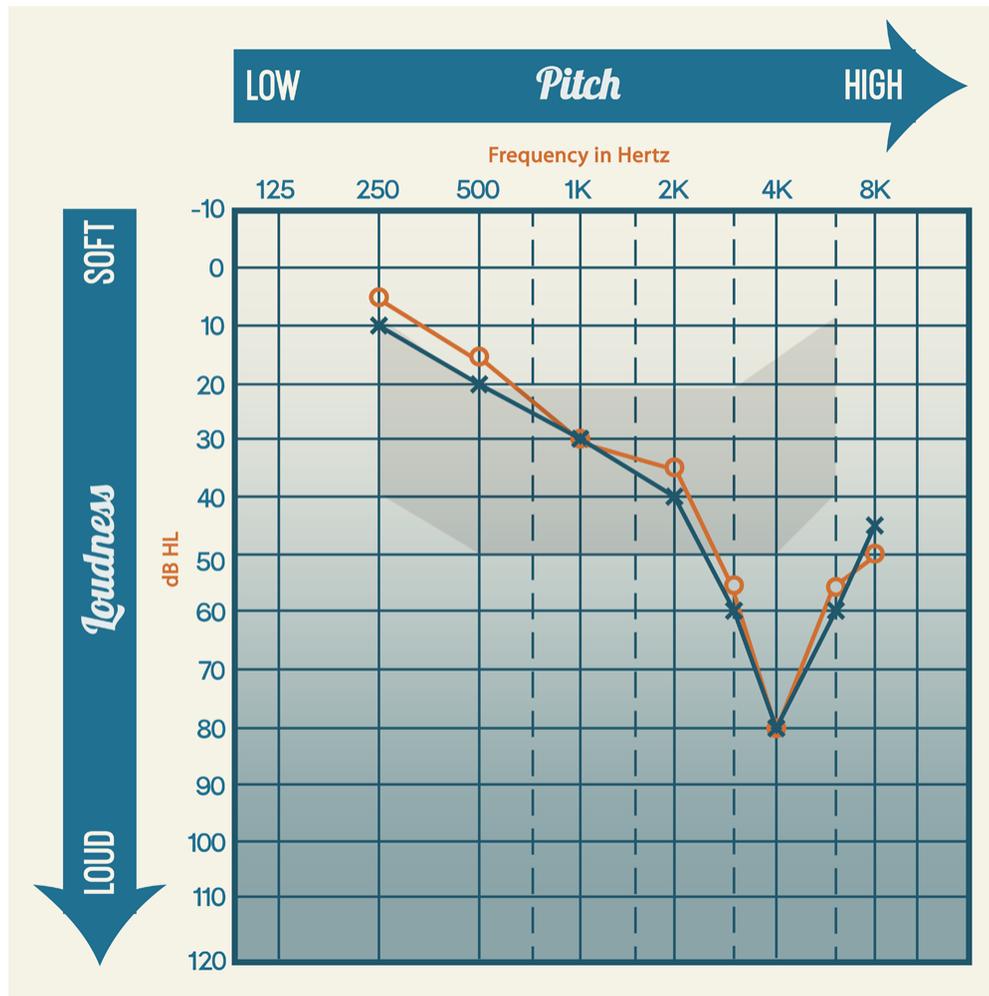
EN-06, "Hearing Loss", effective July 1, 2008, revoked July 1, 2017

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

