

 Yukon Workers' Compensation Health and Safety Board	Part:	Entitlement	
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HEARING LOSS

GENERAL INFORMATION

The *Workers' Compensation Act* S.Y. 2008 (the "Act") states that those who experience a work-related injury are entitled to compensation. Hearing loss may be compensable if it arises out of and in the course of employment.

PURPOSE

This policy provides direction to the Yukon Workers' Compensation Health and Safety Board on the adjudication of claims that may involve hearing loss.

DEFINITIONS

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

PREVENTION

To prevent work-related injuries, employers must ensure that workplaces, procedures and equipment are safe and appropriate and that workers are thoroughly trained to perform their work safely. Workers must take all necessary safety precautions, such as wearing appropriate hearing protection, comply with health and safety instructions and promptly report hazards and injuries to supervisors.

POLICY STATEMENT

Entitlement to Compensation

Hearing loss shall be compensable if it arises out of and in the course of Yukon employment.

A compensable hearing loss shall be proportionally attributed to the present employer's experience account and the Compensation Fund. For example, if a worker has 20 years of noise exposure in Yukon workplaces, but only two years with the current employer, the current employer's experience account would be charged with 10 per cent (10%) of the cost of the hearing loss claim. The remaining 90 per cent (90%) would be shared by all industries through the collective liability principles applied in the assessment rate setting process (in a manner similar to how other system-wide costs, such as the cost of the Workers' Compensation Appeal Tribunal, are distributed amongst Yukon industries).

1. Noise Induced Hearing Loss

Noise induced hearing loss is sensorineural in nature and can be attributed to exposure to excess levels of noise. It occurs over a period of time and exposure is cumulative. Noise induced hearing loss is preventable and does not worsen once noise exposure ends. It has a characteristic pattern, first affecting hearing thresholds in the 3000Hz-6000Hz range with some recovery at 8000Hz. This notched pattern can spread over time with continued exposed to hazardous levels of sound.

Hearing loss entitlement decisions will be based on:

- a) the noise exposure meeting compensable levels – a verified work history must be provided. Actual or estimated noise level readings from one or more of the workplaces must indicate that the worker has been exposed to hazardous noise levels. Noise levels will be considered hazardous where there is evidence of:
 - i) continuous noise exposure in Yukon for two years or more, at eight hours per day at 85dB(A), or a threshold limit value with a 3dB(A) exchange rate for levels above 85dB(A); or

- ii) intermittent noise exposure in Yukon for a five year period at eight hours per day at 85 dB(A), or a threshold limit value with a 3dB(A) exchange rate for levels above 85dB(A).
- b) the presence of a hearing loss – as indicated by an audiometric assessment that has been performed by a licensed/certified Audiologist or Hearing Instrument Practitioner under the supervision of an audiologist, using reporting requirements established by the YWCHSB. Hearing loss is considered to be present when hearing thresholds averaged at 1,000, 2,000, 3,000 and 4,000Hz, in each ear separately are 25dB HL or more in each ear, and the pattern of hearing loss is characteristic of ‘Noise Induced Hearing Loss’.
- c) the length of time since employment exposure to hazardous noise – noise induced hearing loss stops progressing once exposure to hazardous noise ends. Claims for compensation will not be considered if more than two years have passed since Yukon employment exposure to hazardous noise - unless:
 - i) a screening audiogram was performed at the time of termination of exposure and is now available, or
 - ii) a full audiological assessment was performed within two years of the employment with exposure to hazardous noise and is now available.

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 which occurred during employment in Yukon. The nature of the hearing loss can be sensorineural or conductive, or a combination of both.

Hearing loss entitlement decisions will be based on:

- a) a documented report of the incident; and
- b) the presence of a hearing loss - an audiometric assessment that has been performed by a licensed/certified Audiologist or hearing instrument practitioner under the supervision of an audiologist (using reporting requirements established by the YWCHSB). Hearing loss must be evaluated by averaging the four speech frequencies, in each ear separately, and the loss must be 25dB HL or more in either ear.

3. Other

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

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 toxic effects will be adjudicated based on individual merits.

Permanent Impairment Award

1. Hearing Loss

The minimum average hearing loss required for a permanent impairment award shall be 25 decibels total hearing loss in either ear calculated using the average of four test frequency levels of 1,000, 2,000, 3,000 and 4,000 H. Permanent impairment awards shall be assessed according to the current edition of the “Guides to the Evaluation of Permanent Impairment” set by the American Medical Association (except that the average will be based on the frequencies mentioned above instead of the stated 500, 1000, 2000, 3000 Hz.). There shall be no correction for presbycusis. If there is documentation of a pre-existing hearing loss, then only Yukon work-related hearing loss will be compensable. Permanent impairment awards from other jurisdictions for hearing loss will be taken into account when determining entitlement.

Noise induced hearing loss does not progress when noise exposure ends. Permanent impairment award adjustments will only be made in the event the hearing loss progresses due to the worker continuing to be exposed to hazardous levels of occupational noise.

2. Tinnitus

A worker may receive an additional permanent impairment award if they are suffering from tinnitus resulting from a compensable hearing loss. Claims for tinnitus will be considered where:

- a) claim has been accepted for occupational hearing loss;
- b) the tinnitus was reported by the audiologist, hearing instrument practitioner or physician;
- c) is persistent; and
- d) has been present constantly for two or more years.

Hearing Aids and Assistive Listening Devices

Where the YWCHSB has established that the hearing loss results from a work-related injury, the YWCHSB will pay the cost of necessary health care services and hearing devices.

Hearing aids and assistive listening devices will be provided when recommended by a certified/licensed audiologist or hearing instrument practitioner under the supervision of an audiologist. The cost of hearing aids and assistive listening devices will be paid to a maximum amount as determined by the Board of Directors. Fees for service will be paid according to the Fee Structure as determined by the Board of Directors.

Replacement of hearing aids will be approved when necessary but shall not be provided more than once every four years. Hearing aid replacement is considered based on electro-acoustic, medical, or occupational needs. Reasons for replacement must be provided by the health care provider to the YWCHSB in order to obtain approval for replacement.

IMPLEMENTATION

Where the hazardous noise exposure ended prior to January 1, 2006 without an audiogram obtained at that time, the YWCHSB will continue to consider such cases on an individual basis. This will apply until December 31, 2008.

ROLES AND RESPONSIBILITIES

Employers have a responsibility under the *Occupational Health and Safety Regulations* to take appropriate measures to reduce noise intensity to approved levels, or to isolate their workers from the noise. In situations where this is not possible, workers must wear personal hearing protection which will effectively protect hearing. It is an employer's responsibility to initiate and maintain hearing conservation measures; it is a worker's obligation to participate in hearing conservation measures.

APPLICATION

This policy applies to all workers who apply for workers' compensation benefits related to hearing loss, who have a work-related hearing loss and are either requesting hearing instruments, a re-calculation of their permanent impairment award or a determination of a future hearing loss compensation claim.

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, the YWCHSB will decide the case in accordance with YWCHSB policy, "Merits and Justice of the Case." Such a decision will be considered for that specific case only and will not be precedent setting.

Chair

APPEALS

Decisions made by the YWCHSB under this policy can be appealed directly in writing to the hearing officer of the YWCHSB 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 the YWCHSB, in accordance with section 52.

ACT REFERENCES

Sections 4, 20, 36, 39, 52 and 53

POLICY REFERENCE

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

HISTORY

CL-26, "Hearing Loss", effective January 1, 2007, revoked July 1, 2008.
CL-26, "Hearing Loss", effective June 15, 1994, revoked January 1, 2007.