

Section	Policy
40	44.20.50.20.01

Section Title: Benefits Administration – Occupational Disease  
Subject: Hearing Loss  
Effective: For claims arising from accidents on or after April 1, 2000 and a Date of Notification  
Prior to October 1, 2013

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## GENERAL INFORMATION

Permanent hearing loss can be caused either by acute acoustic trauma or prolonged exposure to excessive noise. This policy applies to claims arising from long-term exposure to occupational noise that causes hearing loss. Any permanent partial impairment arising from such exposure will be provided for in the Policy 44.90.10, *Permanent Impairment Rating Schedule*.

Claims arising from instantaneous noise-induced hearing loss resulting from a single exposure at close range are adjudicated in the same manner as other workplace accidents, and, if a permanent impairment results, an award is provided in accordance with the Permanent Impairment Rating Schedule.

The establishment of permanent hearing impairment is modeled on the most recent edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment*.

### A. POLICY

1. Noise induced hearing loss occurs gradually – often over several years – and most hearing-loss claims do not involve a loss of earnings. For these reasons, it can be difficult to determine when the impairment began. For the purposes of this policy, the date of accident will be:
  - a) The date a loss of earnings has occurred, or
  - b) The date of an audiogram which shows evidence of noise-induced hearing loss.

The decision on establishing the date of accident is separate from the decision on whether there is a degree of impairment that warrants a permanent impairment award. Evidence sufficient for determining the date of accident may be insufficient for determining the degree of impairment.

An audiogram used for rating purposes must be made by a certified audiologist. An audiogram used to determine the date of accident may be made at a work-site and need not be made by a certified audiologist.

2. Claims for long-term exposure to noxious noise may be considered and paid on the basis of a claimant's exposure with employers who are or had been registered in Manitoba.

3. Not all hearing loss is caused by exposure to noise at work. The WCB will be satisfied that hearing loss occurred at work when a worker is exposed to noxious noise at work for a minimum of two years, based generally upon an average of 85 decibels for 8 hours of exposure on a daily basis. For every increase in noise level of 3 decibels, the required exposure time will be reduced by half.
4. Tinnitus is a perception of sound in the absence of an acoustic stimulus. It may be of a buzzing, ringing, rushing, whistling or hissing quality. It may be intermittent or continuous.

Claims for tinnitus are rateable if the tinnitus is associated with the noise-induced hearing loss and there is a history of 2 or more years of continuous tinnitus.

5. **For Class E employers:** When the claimant has been exposed to noxious noise with more than one Manitoba employer, the claim costs will be charged on a pro-rata basis, according to the period of exposure, to the employer of record (i.e., the last employer in Manitoba where the worker was exposed to noxious noise). The balance of the claim costs are to be charged to the Cost Apportionment Fund.
6. Claimants who have had an established hearing loss prior to commencing employment in Manitoba will only be compensated for any increased impairment caused by exposure to Manitoba employment.

The Manitoba WCB supports the inclusion of hearing loss in the inter-jurisdictional agreement, and will accept responsibility for that portion of hearing-loss claims resulting from out-of-province exposure when and if the inter-jurisdictional agreement is amended to include out-of-province exposure to noise.

7. When a claim for hearing loss is accepted and a specialist recommends the use of a hearing aid(s), a worker shall be entitled to a suitable hearing aid(s) of a reasonable cost as approved by the Workers Compensation Board (see Policies 44.120 or 44.120.01, *Medical Aid*).

## **B. REFERENCES**

The *Workers Compensation Act*, Sections 1(1), 1(12), 4(1), 4(4), 4(9), 37, 38 and 60(2)

The *Workers Compensation Act*, Section 105 (**after January 1, 1992**)

WCB Policy 44.90.10, *Permanent Impairment Rating Schedule*

WCB Policy 44.120 and 44.120.01, *Medical Aid*

### **History:**

1. Noise-Induced Hearing Loss policy established on September 28, 1973.
2. Policy replaced by Board Order 81/85 on May 29, 1985, so that Manitoba employers would not bear the cost of non-Manitoba exposure to noxious noise.

3. Policy re-write approved for issue to the Policy Manual by Board Order 9/91 on June 19, 1991.
4. Policy amended by Board Order 38/92 effective January 1, 1992, to remove the provision for pro-rating claims costs according to the period of exposure with each employer. Cost allocation where exposure with more than one employer incorporated into Policy 31.05.10, *Cost Allocation*.
5. Policy re-written to re-incorporate policy statements as approved by Board Order 81/85 (formerly separated as guidelines), and to better reflect amendment by Board Order 38/92. Clarification approved by Board Order 04/96 on January 23, 1996.
6. Policy revised by Board Order 06/00 effective for all claims arising from accidents on after April 1, 2000, to define the date of accidents for hearing-loss claims, and lower the minimum threshold for impairment awards and recognize tinnitus as a compensable condition when associated with occupational hearing loss.
7. Policy revised by Board Order 46/08 effective November 27, 2008, to correct a wording error in the policy. The intent of the policy was to establish an impairment rating for tinnitus. Part A, Section 4 has been revised to indicate that “claims for tinnitus are rateable if the tinnitus is associated with the noise-induced hearing loss” rather than compensable as was previously indicated.
8. Minor formatting and grammatical changes were made to the policy June 27, 2012.
9. Policy reissued as 44.20.50.20.01. Policy was revised by Board Order 19/13 on October 3, 2013, effective for claims with a date of notification on or after October 1, 2013. The policy change removes the cost of noise-induced hearing loss claims from the cost records of Class E employers. Board Order 19/13 also modified the effective date of this policy to take into consideration the date the WCB was notified of the worker's compensation claim. Policy 44.20.50.20.01 *Hearing Loss* applies to claims arising from accidents on or after April 1, 2000 and a date of notification prior to October 1, 2013.