

Section	Policy
40	44.20.50.20

Section Title: Benefits Administration - *Occupational Disease*
Subject: Noise-Induced Hearing Loss
Effective Date: For Claims with a Date of Notification On or After October 1, 2013

A. GENERAL INFORMATION

Permanent hearing loss can be caused either by a workplace event (trauma or a single exposure to occupational noise) or prolonged exposure to excessive noise. This policy applies to claims arising from long-term exposure to occupational noise that causes hearing loss. These claims are called noise-induced hearing loss claims. If the Workers Compensation Board (WCB) determines that the worker has suffered a permanent impairment arising from such exposure it is provided for in Schedule B, Impairment of Hearing, of WCB policy 44.90.10, *Permanent Impairment Rating*.

Hearing-loss claims that are the result of trauma or a single exposure to occupational noise are adjudicated in the same manner as other workplace injuries, and, similarly, the determination of the worker's permanent impairment is provided for in Schedule B, Impairment of Hearing, of WCB policy 44.90.10, *Permanent Impairment Rating*. The allocation of costs that arise from previous employment(s), which are dealt with in this policy, do not apply.

Appendix A includes a glossary of commonly used terms.

B. POLICY

1. Noise induced hearing loss occurs gradually – often over many 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 to determine the degree of impairment must be made by a certified audiologist. An audiogram used to determine the date of accident may be performed at a workplace and need not be performed by a certified audiologist.

2. Claims for long-term exposure to hazardous noise may be considered and paid on the basis of a worker's exposure with employers who are or had been registered with the Manitoba WCB.
3. Not all hearing loss is caused by exposure to noise at work. A claim for noise-induced hearing loss is accepted by the WCB when a worker was exposed to hazardous 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.

Section 4 dealing with tinnitus only applies to accidents on or after April 1, 2000.

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.

The WCB may consider awarding an impairment award for tinnitus when secondary to noise-induced occupational hearing loss and there is a history of 2 or more years of continuous tinnitus.

An impairment rating is provided in accordance with Schedule B, Impairment of Hearing, of WCB policy 44.90.10.

Assigning of Claim Costs

5. When the Employer of Record is a Class-E Employer, all claim costs are assigned to the Cost Apportionment Fund, with the following exception:
 - When the worker had exposure to hazardous noise while previously employed with an Individually Assessed Employer, the Individually Assessed Employer is assigned its portion of the claim costs based upon the period of exposure.

When the Employer of Record is an Individually Assessed Employer, all claim costs are assigned to the Individually Assessed Employer, with the following exceptions:

- Those costs that result from exposure to hazardous noise while previously employed with a Class-E Employer are assigned to the Cost Apportionment Fund.
 - Those costs that result from exposure to hazardous noise while previously employed with another Individually Assessed Employer(s) are assigned to the other Individually Assessed Employer(s).
6. Workers 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 hazardous noise in Manitoba workplaces with WCB Coverage.

The Manitoba WCB supports the inclusion of noise-induced 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. WCB Policy 44.120.10, Medical Aid, provides guidance on funding for medical devices and appliances, such as hearing aids.
8. The application of cost relief or cost transfer involving other long-latency occupational diseases is set out in schedule E of policy 31.05.10, *Cost Relief/Cost Transfer - Class E Employers*, and in schedule A of WCB policy 31.05.15, *Cost Transfer - Individually Assessed Employers*.

C. REFERENCES

The Workers Compensation Act, Sections or subsections 1(1), 1(12), 4(1), 4(4), 4(9), 27, 37, 38, 60(2), 73(2) and 81(1)(c).

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

Related WCB Policies:

31.05.05, *Rate-Setting Model for Class E Employers*

31.05.10, *Cost Relief/Cost Transfer - Class E Employers*

31.05.15, *Cost Transfer - Individually Assessed Employers*

44.90.10, *Permanent Impairment Rating*

44.120.10, *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 or 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 44.90.10, Permanent Impairment Rating Schedule, was also amended by Board Order 6/2000 on February 22, 2000. Appendix A, Impairment of Hearing section of the policy applied to hearing loss claims arising from accidents on or after April 1, 2000. Former policy re-issued as 44.90.10.01.
8. Appendix A, Impairment of Hearing section of Policy 44.90.10, Impairment Rating Schedule was amended by Board Order 03/03, effective January 31, 2003 for hearing loss claims arising from accidents on or after April 1, 2000. Former policy re-issued as 44.90.10.01. Appendix A, Impairment of Hearing section of Policy 44.90.10.01 was repealed by Board Order 03/03 because the section provided incorrect impairment ratings for workers with significant hearing loss in one ear. Hearing loss claims adjudicated under Policy 44.90.10.10 were grandparented.
9. 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.
10. Minor formatting and grammatical changes were made to the policy June 27, 2012.
11. Policy 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.
12. Policy updated November 10, 2017 to reflect Schedule E of the new policy 31.05.10, *Cost Relief/Cost Transfer - Class E* and Schedule A of policy 31.05.15, *Cost Transfer - Self Insured*, which provide for the relief and transfer of claim costs involving long-latency occupational disease claims. Reference section and Appendix A also updated to reflect changes associated with the new rate model. Changes were also made to reflect there are two Impairment Rating Schedules with Schedule B relating to hearing loss.
13. Minor formatting changes were made to the policy, April 2021.
14. Policy revised by Board Order 08/22 on April 20, 2022. The policy revision clarifies that decisions on funding for medical devices and appliances, such as hearing aids, are based on policies 44.120.10, *Medical Aid*, and 44.120.10.01, *Medical Aid*. The effective date of the revised policy remained unchanged. The policy approved by Board Order 19/13 was repealed by Board Order 08/22 on April 20, 2022 and removed from the Policy Manual.
15. In September 2022, policy revisions respond to a change in terminology that was introduced by amendments to the Act by *The Minor Amendments and Corrections Act* (MACA) 2022. The term "self-insured employer" was replaced with "individually assessed employer" wherever it occurs. The policy was also changed to reflect the new title of policy 31.05.15, *Cost Transfer - Self Insured*,

which is now the *Cost Transfer - Individually Assessed Employers* policy. The name of policy 31.05.10 was also changed from *Cost Relief/Cost Transfer - Class E* to *Cost Relief/Cost Transfer - Class E Employers*.

16. Policy was updated to remove reference to policy 44.120.10.01, *Medical Aid*. This policy has been removed from the Policy Manual.

Appendix A - Glossary of Terms

Class: Section 73 of *The Workers Compensation Act (Act)* groups employers into four broad classes (Classes B to E).

Class-E Employers: Those employers who pay for the costs of the workers compensation system based on their payroll and claim costs experience. These employers are subject to the collective liability provisions of the *Act*.

Cost Apportionment Fund: The fund designated in paragraph 81(1)(c) of the *Act* to cover the claim costs that are not entirely or directly assigned to Class-E Employers.

Employer of Record: Under this policy, the Employer of Record is defined as the last employer in Manitoba with WCB coverage where the worker was exposed to hazardous noise.

Individually Assessed Employers: Employers in Classes B to D who are individually liable for the claim costs of their workers plus their share of administrative costs of the workers compensation system.