

Section	Policy
40	44.20.50.20.02

Section Title: Benefits Administration - *Occupational Disease*
 Subject: Hearing Loss
 Effective Date: For Claims arising from accidents between May 29, 1985 and March 31, 2000, inclusive, when the initial decision is made on or after October 1, 1995 and a Date of Notification prior to October 1, 2013.

A. GENERAL INFORMATION

This policy is not intended to apply to claims arising from instantaneous noise-induced hearing loss resulting from a single exposure at close range. Any permanent partial disability arising as a result of such exposure will be provided for in WCB policy 44.90.10, *Permanent Impairment Rating Schedule*.

Note: In accordance with Policy 21.60 - *Policy Application Date*, this policy applies to claims for which the date of accident is on or after May 29, 1985, where the initial decision regarding hearing loss is made on or after October 1, 1995.

B. POLICY

1. 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.
2. For a claim to be considered compensable, there must be exposure to noxious noise for a minimum of two years, based generally upon an average of 85 decibels for 8 hours of exposure on a daily basis, with a doubling factor of 3 decibels (i.e., for every increase of 3 decibels, the required time of exposure is reduced by half).
3. Effective from May 29, 1985, to December 31, 1991: When the claimant has been exposed to noxious noise with more than one Manitoba employer, the claim costs are to 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 Second Injury Fund. Effective January 1, 1992, refer to WCB policy 31.05.10.01, *Cost Allocation*.
4. Claimants who have had an established hearing loss prior to commencing employment in Manitoba will only be given consideration for any increased impairment caused by exposure to Manitoba employment.
5. When a claim for hearing loss is accepted and a specialist recommends the use of a hearing aid(s), a worker will be entitled to a suitable hearing aid(s) of a reasonable cost as approved by the Workers Compensation Board (WCB).
6. Compensation will be based on:
 - a) average earnings as of October 1, 1973, when a claim had been made on or before that date;
 - b) average earnings at the time of making the claim, if it is made after October 1, 1973; or
 - c) the last known average earnings before making the claim, if the claim was made after October 1, 1973, and the injured worker had no earnings at the time of making the claim.

C. 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 31.05.10.01, *Cost Allocation*

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 amended by Board Order 6/2000, effective April 1, 2000.
7. Minor formatting and wording changes were made to the policy and the history section was updated, June 27, 2012.
8. November, 2012 - The effective date of this policy was clarified to reflect that the policy applies to claims that have an accident date of on or after May 29, 1985 to March 31, 2000 where the initial decision was made on or after October 1, 1995.
9. Policy reissued as 44.20.50.20.02. New policy 44.20.50.20 Noise-Induced Hearing Loss as approved 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 44.20.50.20.02 *Hearing Loss* applies to claims arising from accidents between May 29, 1985 and March 31, 2000, inclusive, when the initial decision is made on or after October 1, 1995 and a date of notification prior to October 1, 2013.
10. Minor formatting and grammatical changes were made to the policy June 27, 2012.
11. Minor formatting changes were made to the policy, April 2021.