

POLICY		21-112
Occupational Hearing Loss	Effective: <b>Month XX, 2025</b>	Release <b>5</b>

PROPOSED	CURRENT	REASON FOR REVISION
<b>Authority</b>	<b>Authority</b>	
<i>Workers' Compensation Act</i>	<i>Workers' Compensation Act (R.S.N.B. 1973, c. W-13)</i>	
7(1), 7(2), 7(2.1), 16(1), 16(2), 85(1), 85(1.1), 85(2)	<b>Sections:</b> 7(1), 7(2), 7(2.1), 16(1), 16(2), 85(1), 85(1.1), 85(2).	
<u>General Regulation 84-66</u>	Regulation 84-66 <del>under the Workers' Compensation Act, Section 13(u).</del>	
<b>Definitions</b>	<b>Definitions</b>	
<b>ACOEM</b> – the American College of Occupational and Environmental Medicine represents more than 4,500 physicians and other health care professionals specializing in the field of occupational and environmental medicine; dedicated to promoting the health of workers through preventive medicine, clinical care, research, and education.	<b>ACOEM</b> – the American College of Occupational and Environmental Medicine represents more than 4,500 physicians and other health care professionals specializing in the field of occupational and environmental medicine; dedicated to promoting the health of workers through preventive medicine, clinical care, research, and education.	
	<del><b>Attributable Risk Fraction</b> – is a figure derived from the overall strength of association and is a measure of the proportion of cases of the disease that are reasonably attributable to the exposure.</del>	Deleted this definition as this term has been removed from the policy statements.
<b>Decibel “dB”</b> – a unit for expressing the	<b>Decibel “dB”</b> – a unit for expressing the relative	

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relative intensity of sounds on a scale from zero for the average least perceptible sound to about 130 for the average pain level ( <i>Webster's Collegiate Dictionary</i> ).	intensity of sounds on a scale from zero for the average least perceptible sound to about 130 for the average pain level ( <i>Webster's Collegiate Dictionary</i> ).	
<b>Decibel(A) "dB(A)"</b> – levels of dBs weighted according to the weighting curves to approximate the way the human ear hears.	<b>Decibel(A) "dB(A)"</b> – levels of dBs weighted according to the weighting curves to approximate the way the human ear hears.	
<b>Noise-induced hearing loss (NIHL)</b> – a permanent decrement in hearing threshold levels (HTLs), with a characteristic reduction of hearing sensitivity at the frequencies of 3, 4, and/or 6 kHz, and relatively better hearing sensitivity in surrounding frequencies, i.e., 2 or 8 kHz ( <i>WHO</i> ).	<b>Noise-induced hearing loss (NIHL)</b> - a permanent decrement in hearing threshold levels (HTLs), with a characteristic reduction of hearing sensitivity at the frequencies of 3, 4, and/or 6 kHz, and relatively better hearing sensitivity in surrounding frequencies, i.e., 2 or 8 kHz ( <i>WHO</i> ).	
<b><u>Occupational disease – any disease, which by the regulations, is declared to be an occupational disease and includes any other disease peculiar to or characteristic of a particular industrial process, trade or occupation (<i>Workers' Compensation Act</i>)</u></b>		This definition was added for consistency as this term is in the policy statements.
<b>Sensorineural hearing loss</b> – hearing loss due to damage to the sensory structures (hair cells) of the inner ear, auditory nerve, or auditory nerve pathways in the brain ( <i>Merck Manual</i> ).	<b>Sensorineural hearing loss</b> – hearing loss due to damage to the sensory structures (hair cells) of the inner ear, auditory nerve, or auditory nerve pathways in the brain ( <i>Merck Manual</i> ).	
<b>Policy</b>	<b>Policy</b>	
<b><u>WorkSafeNB uses section 7 of the <i>Workers' Compensation Act (WC Act)</i> and</u></b>		

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<u>Policy 21-100 Conditions for Entitlement – General Principles to adjudicate all claims for compensation, including claims for hearing loss.</u>		
<u>Regulation 84-66 includes hearing loss caused by industrial trauma (acute) or noise-induced hearing loss due to excessive levels of noise in the workplace.</u>	<del>Hearing loss is an occupational disease under section 13(u) of Regulation 84-66 of the WC Act when it is caused by industrial trauma or noise induced due to excessive levels of noise in the workplace. Eligibility for compensation is based on whether the personal injury by accident (hearing loss) arose out of and in the course of employment.</del>	This paragraph was rephrased into the two proposed opening Policy statements, with additions to better reflect the content and application of the regulation as it relates to the adjudication of hearing loss claims.
<u>When WorkSafeNB receives claims for hearing loss, it considers the extent to which the worker's employment in New Brunswick may have contributed to the hearing loss. When WorkSafeNB determines that</u> the hearing loss was not caused by employment in New Brunswick, <u>the worker is not entitled to compensation.</u>	When WorkSafeNB <del>is satisfied</del> the hearing loss was not caused by employment in New Brunswick, <del>no compensation is paid. [ss 85(2) WC Act].</del>	To provide further guidance to staff and transparency to workers.
<u>Age-related hearing loss (presbycusis) does not arise out of and in the course of employment as required by the WC Act, and therefore no entitlement to compensation exists in these instances.</u>	<del>Hearing loss from aging is not work-related. It</del> does not arise out of and in the course of employment as required by law, and therefore <del>no benefits can be paid.</del>	Clarity and consistency with the previous paragraph.
<u>Interpretation</u>	<u>Interpretation</u>	
<u>Traumatic (acute) hearing loss</u>		

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<b><u>1. Traumatic (acute) hearing loss is the sudden loss of hearing due to an isolated incident of a sudden burst of sound (such as an explosion) or injury to hearing (acoustic trauma) due to events such as:</u></b> <ul style="list-style-type: none"> <li>• <u>Head or skull injury;</u></li> <li>• <u>Chemicals or other substances entering the ear canal; or</u></li> <li>• <u>Barometric pressure changes.</u></li> </ul>		This section was added to the policy to differentiate traumatic (acute) hearing loss.
<b><u>2. The date of accident/disablement for traumatic (acute) hearing loss claims is the date of the isolated event causing the hearing loss.</u></b>		
<b><u>Noise-induced hearing loss (NIHL)</u></b>		
<b><u>3.</u></b> Applications for compensation must be made within one year of the date of accident. For occupational diseases, this is one year from the date of disablement. According to the ACOEM, disablement from noise-induced hearing loss occurs during the period of exposure (increasing most rapidly in the first 10 to 15 years of exposure and then decelerates).	<b><u>4.</u></b> Applications for compensation must be made within one year of the date of accident. For occupational diseases, this is one year from the date of disablement. According to the ACOEM, disablement from noise-induced hearing loss occurs during the period of exposure (increasing most rapidly in the first 10 to 15 years of exposure and then decelerates).	
<b><u>4.</u></b> Therefore, the date of disablement (accident) is the earlier of: <ul style="list-style-type: none"> <li>• Date of an audiogram which shows evidence of noise-induced hearing loss; or</li> <li>• Last exposure to noise in the</li> </ul>	<b><u>2.</u></b> Therefore, the date of disablement (accident) is the earlier of: <ul style="list-style-type: none"> <li>• Date of an audiogram which shows evidence of noise-induced hearing loss; or</li> <li>• Last exposure to noise in the workplace</li> </ul>	

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workplace at a level and duration significant enough to have caused the hearing loss.	at a level and duration significant enough to have caused the hearing loss.	
<b><u>5. In the absence of evidence of last exposure to noise in the workplace as required in Section 4 of this policy:</u></b>		This section was added to provide clear guidance in these scenarios.
<ul style="list-style-type: none"> <li><b><u>For those workers still employed in a noise-exposed workplace, the date of last exposure is considered to be the date of application for benefits; and</u></b></li> </ul>		
<ul style="list-style-type: none"> <li><b><u>For those workers no longer working in a noise-exposed workplace, the date of last exposure will be considered to be the last date the worker worked in the noise-exposed workplace.</u></b></li> </ul>		
<b><u>6. The WC Act has specific time frames for reporting and applying for hearing loss. The WC Act also provides authority to WorkSafeNB to determine if a delay in doing such is justified. For more information, see Policy 21-106 Accident Reporting and Application for Benefits.</u></b>	<b><u>3. The WC Act provides authority to WorkSafeNB to extend application when it considers the delay is justified.</u></b>	Alignment with Policy 21-106 Accident Reporting and Application for Benefits.
Persuasive evidence of occupational NIHL	Persuasive Evidence of Occupational NIHL	
<b><u>7. WorkSafeNB determines eligibility for NIHL by using the preponderance of evidence, meaning that the NIHL is more likely than not to have been</u></b>		This section's bullet formatting was amended, and an opening statement was added for more clarity.

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<p><u>caused by employment, and considers persuasive evidence of NIHL including:</u></p> <ul style="list-style-type: none"> <li>Noise exposure averaging over 85 dB(A) for eight hours per day, for a minimum of two years, or the equivalent.</li> <li>Hearing loss greater than 25 dB for at least one test frequency within the 3000 Hz to 6000 Hz frequency range.</li> <li>A pattern of hearing loss consistent with the medical characteristics of noise-induced hearing loss as outlined in the ACOEM Guidance Statement, including: <ul style="list-style-type: none"> <li>It is sensorineural;</li> <li>Hearing loss is usually in both ears, unless there is evidence of unilateral exposure;</li> <li>Its first sign is a notching of the audiogram at high frequencies of 3000, 4000, or 6000 <b>Hertz (Hz)</b> with recovery at 8000 <b>Hz</b>. The hearing test must be performed at all frequencies from 250 to 8000 <b>Hz</b>.</li> <li>It almost never produces a loss greater than 75 decibels in high frequencies, and 40 decibels in lower frequencies.</li> </ul> </li> </ul>	<p><del>4.</del> Noise exposure averaging over 85 dB(A) for eight hours per day, for a minimum of two years, or the equivalent.</p> <p><del>5.</del> Hearing loss greater than 25 dB for at least one test frequency within the 3000 Hz to 6000 Hz frequency range.</p> <p><del>6.</del> A pattern of hearing loss consistent with the medical characteristics of noise-induced hearing loss as outlined in the ACOEM Guidance Statement, including:</p> <p><del>a.</del> It is sensorineural;</p> <p><del>b.</del> Hearing loss is usually in both ears, unless there is evidence of unilateral exposure;</p> <p><del>c.</del> Its first sign is a notching of the audiogram at high frequencies of 3000, 4000, or 6000 Hz with recovery at 8000. The hearing test must be performed at all frequencies from 250 to 8000 <b>hertz</b>.</p> <p><del>d.</del> It almost never produces a loss greater than 75 decibels in high frequencies, and 40 decibels in lower frequencies.</p>	
	<p><del>7. The Attributable Risk Fraction is greater than 50% and all other evidence weighs more heavily toward the hearing loss being caused by the employment.</del></p>	This paragraph was removed given that it does not align with current practice.

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<p><b>8.</b> In addition to the <u>persuasive evidence</u> above, WorkSafeNB weighs all available evidence including: the use of hearing protection, evidence of noise conservation programs in the workplace, and audiograms <u>or other testing or screening measures</u> conducted by employers and healthcare providers.</p>	<p><b>8.</b> <del>Exposure to hazardous noise levels must have occurred at work for a claim to be accepted.</del> In addition to the above, WorkSafeNB weighs all available evidence including: the use of hearing protection, evidence of noise conservation programs in the workplace, and audiograms conducted by employers and healthcare providers.</p>	<p>This was revised for consistency and to capture all potential preventative screening by employers.</p>
<b><u>NIHL-related tinnitus</u></b>		
<p><b>9.</b> <u>Tinnitus caused by NIHL may be accepted as a secondary injury if:</u></p> <ul style="list-style-type: none"> <li>• <u>The worker has an accepted NIHL claim; and</u></li> <li>• <u>There is clear and adequate medically documented history of two or more years of continuous tinnitus.</u></li> </ul>		<p>This section was added to the policy to provide guidance for decision-makers.</p>
<b><u>Medical aid</u></b>	<b>Medical Aid</b>	
<p><b>10.</b> For accepted NIHL claims, medical aid may be in the form of a hearing aid.</p>	<p><b>9.</b> For accepted NIHL claims, medical aid may be in the form of a hearing aid.</p>	
<p><b>11.</b> Workers are responsible for the day-<del>to</del>-day care and maintenance of the hearing aid.</p>	<p><b>10.</b> Workers are responsible for the day-to day care and maintenance of the hearing aid.</p>	
<p><b>12.</b> WorkSafeNB determines the need to replace a hearing aid based on evidence, however WorkSafeNB will not replace hearing aids more than once every five years, unless medically necessary as determined by WorkSafeNB.</p>	<p><b>11.</b> WorkSafeNB determines the need to replace a hearing aid based on evidence, however WorkSafeNB will not replace hearing aids more than once every five years, unless medically necessary as determined by WorkSafeNB.</p>	

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<b>Permanent physical impairment</b>	<b>Permanent Physical Impairment</b>	
<b>13.</b> WorkSafeNB evaluates injured workers for a permanent physical impairment (PPI) award resulting from hearing loss using Policy 21-250 Permanent Physical Impairment.	<b>12.</b> WorkSafeNB evaluates injured workers for a permanent physical impairment (PPI) award resulting from hearing loss using Policy 21-250 Permanent Physical Impairment.	
<b>14.</b> Reassessment for permanent physical impairment will only be considered where there has been continued exposure to hazardous noise levels at the place of employment <u>or, where tinnitus caused by NIHL has been accepted as part of the claim.</u>	<b>13.</b> Reassessment for permanent physical impairment will only be considered where there has been continued exposure to hazardous noise levels at the place of employment.	A reference to tinnitus was added to reflect the addition of the section for tinnitus caused by NIHL above.
<b>References</b>	<b>REFERENCES</b>	
" <i>The Merck Manual – 2nd Home Edition</i> ", Merck Research Laboratories, 2003.	" <i>The Merck Manual – 2nd Home Edition</i> ", Merck Research Laboratories, 2003.	
ISO 1999-1990. Acoustics - Determination of occupational noise exposure and estimation of noise-induced impairment. Internat. Standard ISO 1999. 2nd ed. Geneva, 1990.	ISO 1999-1990. Acoustics - Determination of occupational noise exposure and estimation of noise-induced impairment. Internat. Standard ISO 1999. 2nd ed. Geneva, 1990.	
American College Of Occupational And Environmental Medicine (ACOEM). "ACOEM Guidance Statement: Occupational noise-induced hearing loss." JOEM <b>60</b> , <b>9</b> ( <b>September 2018</b> ): <b>498-501</b> .	American College Of Occupational And Environmental Medicine (ACOEM). "ACOEM Guidance Statement: Occupational noise-induced hearing loss." JOEM <b>54</b> , <b>4</b> ( <b>January 2012</b> ): <b>106-108</b> .	The citation of this medical publication was updated to the latest version.
<b>Previous versions</b>	<b>AMENDMENT HISTORY</b>	This was updated to reflect current policy format.



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<ul style="list-style-type: none"> <li>• <u>Non-substantive change to release 4 made on June 6, 2025 to reflect repeal of Regulation 82-165 resulting from a legislative amendment to the WC Act;</u></li> <li>• <u>Occupational Hearing Loss release 4, effective September 26, 2018</u></li> <li>• <u>Occupational Hearing Loss release 3, effective September 29, 2016</u></li> </ul>	<ol style="list-style-type: none"> <li>1. <del>August 26, 2004. Original.</del></li> <li>2. <del>June 2, 2015. No substantive changes.</del></li> <li>3. <del>August 19, 2015. To comply with WCAT decisions, including 20167849 (PPI).</del></li> <li>4. <del>September 29, 2016. Added information on NIHL.</del></li> <li>5. <del>September 26, 2018. Added best evidence criteria.</del></li> </ol>	
Approval date	Approval date	
<u>Month XX, 2025</u>	<del>Board of Directors</del> 26/09/2018	This was updated to reflect current policy format.