

**OCCUPATIONAL NOISE INDUCED HEARING LOSS
INTERJURISDICTIONAL SURVEY RESULTS 2008**

Jurisdiction	What is the process used to determine/adjudicate occupational noise induced hearing loss claims?	Is the worker required to sign a waiver if a claim is accepted?
Alberta	If the worker has sufficient exposure with an Alberta employer, we accept the claim and will pay for medical aid and, if applicable, any time loss. If there was out-of -province exposure contributing to the hearing loss and there is assessable permanent clinical impairment, we will adjust the Non-Economic Loss Payment (NELP) accordingly, based on the out-of-province exposure. However, this does not affect medical aid or, if applicable, wage loss benefits.	Alberta does not require workers to sign a waiver from claiming in another province when they claim with us for noise-induced hearing loss.
British Columbia	<p>In order for a claim to be considered by WorkSafeBC the worker needs:</p> <p>At least 2 years of continuous hazardous noise exposure in British Columbia At least 5% of entire hazardous noise exposure in British Columbia Hearing loss</p> <p>1) With their initial application the client is required to fill out a detailed work history</p> <p>2) From the work history and Audiologist creates a Noise Exposure Analysis (NEA), which applies a scientifically-supported Damage Risk Criteria as a method of assessing the potential risk (hearing loss) resulting from a specific hazardous agent (noise) for each of the client's jobs throughout their working career.</p> <p>This NEA is the result of a thorough review of all information currently on the claim file, including the client's reported work history, information from the employer(s), and occupational noise exposure data for the reported work activities. The sources for the noise exposure data include the WorkSafeBC Noise Database, industry/employer provided data, and reports in the scientific literature.</p> <p>3) If the worker has a significant work history outside BC then the completion of a Noise Exposure Record may be needed if the percentage of exposure within B.C. as a worker under the Act needs to be determined for entitlement purposes.</p> <p>The Noise Exposure Record (NER) is a document based on the Noise Exposure Analysis and is compiled by the Noise Clerk. In addition to the information in the Noise Exposure Analysis, the NER gives a Hazard Rating or H/R (number of years or time period at a particular job or exposure multiplied by the Noise Factor assigned). Based on the Hazard Rating, the NER provides a calculation of percentage of hazardous occupational noise exposure within BC versus outside BC. A NER is not usually on file for workers who did not have any out of province exposure.</p> <p>4) Audiologists then provide an expert opinion regarding the hearing loss and the relationship to the workers occupational noise exposure history.</p> <p>5) The Hearing Loss Officer then reviews the audiologist's opinion and calculates the claimants permanent partial disability award (if eligible).</p>	<p>On their initial application, clients are asked if they have ever filed a claim in another province. Many of our client's have claims in other provinces. WorkSafeBC does not ask workers to sign a waiver preventing them from filing a claim in another province. If the worker has hearing aid coverage from another province and then files with WorkSafeBC, we will not cover them for hearing aids if they have received new aids within the past 5 years; however if they are eligible, they can still receive a pension. If they have received hearing aids from another jurisdiction within less than 5 years and they request new aids, the hearing aids are reviewed to see if they require replacement and if this is the case, aids are provided at the earlier of 5 years or upon requirement for replacement.</p>

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British Columbia continued	<p>When between 5-90% of the workers noise exposure was in British Columbia, the claim is allowed for hearing aids and the permanent partial disability award is adjusted to reflect only the percentage of the hearing loss which is attributable to occupational noise exposure in British Columbia</p> <p>When exposure in British Columbia is greater than 90%, the claim is allowed for the total hearing loss suffered by the worker</p> <p>If exposure is less than 5% in British Columbia, the claim is disallowed</p> <p>If the evidence suggests that a worker may have noise exposure in another Canadian jurisdiction, the BC officer provides a name and contact number of a representative from the other jurisdiction(s). If the worker grants permission to do so, documentation is forwarded to the other jurisdiction(s) to assist the worker in the process.</p>	
Manitoba	No response	
New Brunswick	<p>While WHSCC adjudicates NIHL claims solely on exposure in NB, we also ask for worker's entire work history.</p> <p>While worker may be able to file a claim in more than 1 jurisdiction, worker should not be able to receive full benefits in more than jurisdiction.</p> <p>Example: if worker claims in Ontario and they pay \$3000 PPI based on their exposure (they still prorate), and provide hearing aid , and worker then claims in NB. If we accept claim and worker entitled to \$5,000, then we should deduct \$3000 received in Ontario. We should not have to provide hearing aid if we come second, as 1st jurisdiction likely provided it.</p>	If we adjudicate the claim, then a copy of Form B is sent to other jurisdictions where exposure also occurred to advise them that worker has elected in New Brunswick.
Newfoundland	On the application for Hearing Loss (6ID), there is a question asked if they have applied in another province, if they have, we request a copy of the file from the other province. If the claim for industrial deafness has been approved in another province, we so not approve the claim for medical aid. The only additional award that may be processed is if a PFI was proportioned, we may issue the balance.	
Northwest Territories	No response	
Nova Scotia	<p>When a worker has exposure in more than one province depends on when he had the exposure and how long.</p> <p>le: Employer from 1967-2008 total. 1967-1977 in Alberta, 77-2008 NS. We would advise the worker his first 10 years of exposure were in Alberta and he should apply there first, then provide a copy of his decision to Nova Scotia and we will review from there. Upon receipt of the decision, apportionment of Permanent Medical Impairment based on Work History would be carried out. If he worked 1967-1977 in Nova Scotia and the remainder in Alberta, we would look at the first 10 years, and apportion on that basis. Nova Scotia would then expect Alberta to review the remainder. If the work time is only a year here and there and the bulk of his employment is in Nova Scotia, this would generally be overlooked, as it is a minimal time of external exposure, unless it adds up to a considerable period.</p>	A waiver is not used.
Nunavut	No response	
Ontario	No response	

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Prince Edward Island	<p>WCB PEI policy states that, for noise induced hearing loss to be compensable, there must be a clear history of occupational exposure to noise levels in excess of the acceptable noise exposure levels outlined in the Occupational Health and Safety Act General Regulations and that the worker should show a history of such exposure of two or more years. So, two years noise exposure related to employment in PEI is sufficient to have a claim accepted by the PEI Board. That said if we were adjudicating a claim in which the vast majority of employment associated with noise exposure was in a province other than PEI, we would likely advise the worker to file in that province.</p> <p>The worker is required to complete a questionnaire which includes detailed information related to employment and medical history such as; work area, equipment operated, hours/shifts etc., use of hearing protection, non-occupational exposure age, family history of hearing loss, previous ear infection or use of certain drugs (Lasix, ASA, Streptomycin).</p> <p>% of total exposure accepted if in more than one jurisdiction?</p> <p>If the worker has a history of occupational exposure to noise for more than 2 years, then the worker will be compensated as if all the exposure took place in PEI.</p> <p>Hearing aid coverage?</p> <p>A worker is entitled to medical aid benefits, including hearing aids, if, the average hearing loss at the four audio frequencies is 25 decibels (dB) or greater in an ear. To be eligible for medical aid benefits, including hearing aids, for bilateral hearing loss, the average hearing loss at the four audio frequencies must be 25 decibels (dB) or greater in both ears. Hearing aid replacement is limited to once every 4 years to a maximum of \$1600 per aid.</p>	PEI does not require the worker to sign a waiver.
Quebec	<p>Upon receipt of a claim for occupational disease (MP), the CSST examines in particular the following:</p> <ul style="list-style-type: none"> • Worker's address; • His employers (employment history). <p>If any of these elements is outside Quebec:</p> <ul style="list-style-type: none"> • contact is made with the worker regarding the Election Form (explanations and request to elect by signing the form and returning it to the CSST); • a copy of the Election form is then sent to the internal contact person designated to receive these forms for statistic purposes, interprovincial reimbursement (when applicable), and to forward them to other WCB's; • a copy of the Election Form is sent to the person designated for such subject in the IJA contact list (prepared by the AWCBC) of all concerned WCB (all those where there is an outside Quebec employer for which the worker has worked or the WCB where the worker lives) to advise that the CSST has received an OD claim. The CSST hopes that if another WCB who receives an Election Form has already accepted a claim for the same OD, the WCB will advise the CSST to avoid double compensation of the worker for the same OD. • If the claim can not be accepted by the CSST, the CSST notifies the other WCB to whom she forwarded a copy of the Election Form. The CSST also offers the worker to forward, with his written consent, a copy of the file to another WCB identified according to 	

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Quebec continued	<p>the criteria of Section 7.4 b) of the IJA. This service to the worker remains available even if the CSST does not participate to Section 7 of the IJA since February 8, 2005.</p> <p>ADDITIONAL INFORMATION IN OCCUPATIONAL DEAFNESS CASES(OD excluded from Section 7 of the IJA but not from Section 4, therefore the Election Form under that Section remains required)</p> <ul style="list-style-type: none"> • Normally, when a worker has already submitted a claim for an OD to another WCB and that the latter has accepted it, the worker can not submit one to the CSST for the same disease because it has already been compensated. • However, in occupational deafness cases, it seems to be different because some WCB would accept a claim for such OD, but in regards to the non-economic loss or permanent bodily injury, would apportion the benefits paid to the worker in proportion of the exposure in their territory compared to the total exposure. The worker would then be directed to other WCBs where he would also have been exposed in order to claim that WCB's portion of benefits. At the 2005 IJA Committee meeting, it would have been discussed and agreed that the first WCB which accepts a claim for deafness is responsible for medical assistance (fees for health professionals, hearing aids, etc.). • When a worker is in such a scenario, the CSST will proceed as outlined above (Election Form...)and will ask the worker if he has already submitted a claim for occupational deafness to another WCB and if so, which one(s). The CSST will require a copy of the decision (or, with worker's consent, ask the other WCB(s) for a copy of the file – decision, audiogram...) to take into account the amount he has already received for his occupational deafness. The Election Form regarding a deafness case is forwarded by the CSST to the concerned WCBs with a specific letter for such OD and asking to be notified if a claim for such OD (deafness) has already been accepted for this worker. So far the CSST has apparently never received such a notice although cases of such situation have occurred. <p>Finally, when a worker files a claim with a WCB in a territory where he could have been exposed, we understand that the WCB shall process the claim and make a decision before referring the worker to another WCB.</p>	
Saskatchewan	Alberta and Sask have an agreement to accept the others years of exposure.. otherwise we apportion the years of exposure for PFI purposes. For other jurisdictions exposures we advise of the apportionment and that there may be entitlement elsewhere.	We do not have any waiver signed regarding not claiming in other jurisdictions.
Yukon	<p>in order to initiate a claim for noise induced hearing loss the worker must fill out the following:</p> <ol style="list-style-type: none"> 1.Worker's Report of Injury/Illness 2.Worker Report: Employment Record 3.Worker Report: Background Information – the first question in this package states: <p><i>Have you had a claim with any other Board or Agency for hearing loss or any other hearing/ear problems?</i> Yes_ No_ <i>If yes, where:</i></p>	We currently do not have a worker sign a waiver from claiming in another province.

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<p>Yukon continued</p>	<p>In order to know how to apportion the claims appropriately, you first need to know how each board calculates the worker's level of impairment. For example, Worksafe BC does their calculations differently than the YWCHSB. In these cases, the Worksafe impairment rating is used (as they have accepted the greater responsibility) and adjusted based on the level of responsibility accepted by YWCHSB. See below for more details</p> <p>Interjurisdictional agreements 101 http://www.gov.yk.ca/legislation/acts/woco.pdf</p> <p>Despite section 93, the board may enter into agreements with other Workers' Compensation Boards in other provinces or Territories (a) for the exchange of information acquired by the board in the administration of this Act; or (b) for any other purpose necessary for the administration of this Act. RS.Y. 1992, c.16, s.87.</p> <p>Board Policy CL-26 (Hearing Loss) http://www.wcb.yk.ca/Media/documents/CL-26_HEARING_LOSS_POLICY.pdf</p> <p>In summary:</p> <p>Hearing loss entitlement decisions are based on the following:</p> <ul style="list-style-type: none"> • The noise exposure meeting compensable levels • Actual or estimated noise level readings from one of more workplaces (which must indicate the worker has been exposed to hazardous noise levels • A verified work history – i) continuous noise exposure in the Yukon for two years of more, at eight hours per day at 85dB(A); or ii) intermittent noise exposure in Yukon for a five year period at eight hours per day at 85dB(A) <p>The Yukon Workers' Compensation Health & Safety Board will occasionally receive claims where the worker has worked, and been exposed to occupational noise, in more than one province. As outlined above, if the worker meets the criteria for CL-26 the claim is accepted as the responsibility of the YWCHSB.</p> <p>However, we do deal with claims where the responsibility has been divided. In a recent example Worksafe BC accepted 70% responsibility for the worker's noise induced hearing loss and advised the worker that the other 30% appeared to be from noise exposure while employed in the Yukon. The letter provided to the worker from Worksafe BC clearly outlined this and included contact information for YWCHSB. In this particular case, the worker provided me with a copy of his BC claim file. Upon reviewing the file, and confirming Yukon employment, I was satisfied that the remaining 30% was the responsibility of the YWCHSB and the claim was accepted accordingly.</p> <p>The worker was provided with a decision letter which addressed the shared responsibility. See below for excerpts of that decision letter:</p>	

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<p>Yukon continued</p>	<p><i>Legislation</i> <i>Policy CL-26 Hearing Loss states “hearing loss shall be compensable if it arose out of and in the course of Yukon Employment.”</i></p> <p><i>Policy CL-26 also states: Permanent Impairment Awards from other jurisdictions for hearing loss will be taken into account when determining entitlement.</i></p> <p><i>Benefits</i> <i>Based on the example of a 70/30 split - 30% responsibility of an 18% total impairment is 5.4%.</i></p> <p><i>Based on the information in your Worksafe BC claim file for hearing loss, and on Dr. review of your file, I have determined that you are entitled to an award in the amount of \$. This award represents a 5.4% of total permanent partial impairment of function as a result of your occupational noise exposure in Yukon.</i></p> <p><i>The amount of the award for permanent impairment is based on the calculations outlined in your claim for hearing loss through Worksafe BC along with medical information provided by Dr. .</i></p> <p><i>As noted, Worksafe BC, in accepting your claim, will consider full payment of medical expenses which includes the cost and upkeep of your hearing aids according to their fee schedule. Please refer to the fee schedule provided to you by Worksafe BC when selecting your hearing devices.</i></p>	