

NOISE-INDUCED HEARING LOSS

(on or after January 2, 1990)

What Are the Entitlement Criteria for Noise Induced Hearing Loss (NIHL)?

The Workplace Safety and Insurance Board (WSIB) will accept entitlement for NIHL if:

- You have continuous exposure to 90 decibels (dB) of noise on the “A” scale for 8 hours per day for a minimum of 5 years, or the equivalent. For example, exposure to 92 dB for 6 hours a day for 5 years, or to 92 dB for 8 hours per day for 2.5 years would both be considered equivalent to exposure to 90 dB for 8 hours a day for 5 years.

AND

- You have a pattern of hearing loss consistent with noise-induced hearing loss (see below, “What is an Audiogram?”).

If you have a noise-induced hearing loss averaging at least 22.5 dB in each ear in the 4 speech frequencies, you will be entitled to health care and rehabilitation benefits.

If you have an average hearing loss of 26.25 dB in both ears, or an average hearing loss of 25 dB in your better ear and 32.5 dB in your worse ear, you will be referred for a non-economic loss (NEL) assessment.

What Kind of Benefits Can You Get for NIHL?

- Once the disability is recognized, you will have a right to health care benefits, including the cost of hearing aids and batteries. These can be very expensive, costing up to several hundred dollars a year.
- If your date of injury is after January 2, 1990, you may be entitled to a non-economic loss (NEL) award. This is an award that recognizes the permanent effects of your injury on your life outside of work. However, when it comes to hearing loss, NEL awards are quite low.
- If your noise exposure is so severe that you must be removed from the workplace, then you may be eligible for loss of earnings (LOE) benefits and labour market re-entry (LMR) services to help you return to work..

What Is an Audiogram?

An audiogram is the test that is performed to measure hearing loss. For the test to be valid, you must have been away from the noise exposure for at least 48 hours before testing. It assesses your hearing at the 4 speech frequency levels which are measured at 500, 1000, 2000 and 3000 Hertz (Hz). The audiogram shows a particular pattern when the hearing loss is a result of noise exposure.

A typical audiogram in a case of NIHL will show:

- hearing that is normal, or close to it, at the low frequencies (500-1000 Hz)
- hearing loss in the range of 3000 to 6000 Hz
- a classic dip or “notch” at 4000 Hz with recovery in the higher frequencies

Also, noise-induced hearing loss usually affects both ears at about the same rate.

What If You Have Age-related Hearing Loss?

Hearing loss due to aging is not compensable. An aging (presbycusis) factor of 0.5 dB is deducted from the measured hearing for each year a worker's age exceeds 60 years at the time of the audiogram. The amount of hearing loss that remains after this deduction is used to decide entitlement to benefits.

What If You Were Exposed to Noise Outside of Ontario?

NIHL that is due to exposure that happened outside of Ontario is not covered by WSIB. When there is out-of-province exposure, WSIB decides the total impairment, determines the percentage of the duration of exposure in Ontario and then multiplies the extent of the total impairment by the percent of the exposure in Ontario. For example, if you have an 8% total impairment, but only 50% of the exposure was in Ontario you would only be awarded a 4% NEL. However, you can approach the other jurisdiction for compensation for out-of-province exposure.

Are There Exceptions to the WSIB Policies?

WSIB recognizes that individual susceptibility to noise varies. If the evidence of noise exposure does not meet the above exposure criteria, then WSIB should consider the nature of your occupation, the extent of your exposure and any other factors peculiar to your individual case to decide if you should be granted entitlement.

What is Tinnitus?

Tinnitus is a constant ringing or hissing in the ear that can be caused by noise exposure. WSIB will allow entitlement for tinnitus if all the following conditions are met:

- there is an accepted claim for occupational noise-induced hearing loss
- there is a clear and adequate history of two or more years of continuous and severe tinnitus
- the condition has been confirmed by a specialist with facilities for testing tinnitus

Tinnitus is not measurable, so the WSIB policy is to rate it at a 2% NEL award.

Can You Appeal a WSIB Decision on NIHL?

Yes. If you disagree then you have **six months** to appeal. If your accident date is before January 2, 1990, then different policies apply and you should consult a qualified representative about an appeal. The accident date for NIHL is the date you make your claim or the date of documented evidence for the hearing loss, whichever is earlier.

IMPORTANT INFORMATION

There are time limits for appealing WSIB decisions. If you wish to appeal a decision, contact a qualified representative as soon as possible. For more information on time limits, see OWA Fact Sheets 24 and 25 called "Appealing to WSIB" and "Appealing to WSIAT".

This Fact Sheet contains general information only. It is not a legal document. To see what the law says, you should look at the Workplace Safety and Insurance Act and WSIB policies. If you require help and do not have a union to assist you, contact the Office of the Worker Adviser:

- Our toll free telephone number is 1-800-435-8980 (English) or 1-800-661-6365 (French)
- or visit our website at: <http://www.owa.gov.on.ca>

Cette feuille-info est aussi disponible en français

