

A GUIDE TO NOISE INDUCED HEARING LOSS LEGISLATION



Noise Induced Hearing Loss

This brochure provides general information only and not legal advice. You should not act or omit to act on the basis of anything contained herein. In relation to a particular matter you should seek appropriate legal/professional advice.

The Workers' Compensation and Rehabilitation Act 1981 (the Act) makes it compulsory for employers to arrange **baseline hearing tests** for all workers in **prescribed noisy workplaces**. It is the employer's responsibility under the Act to arrange and pay for all WorkCover WA audiometric tests.

Who Will Be Tested?

All workers employed in a prescribed noisy workplace for the first time **must** have a baseline hearing test within twelve months of commencing employment. It is important to note that a worker only requires a baseline hearing test once in his/her lifetime. Workers may request, in writing, a subsequent test annually from their employer. If you want to know if a worker has been tested, you can contact the WorkCover WA Scheme Information Section on 9388 5555.

What Is A Prescribed Noisy Workplace?

A prescribed noisy workplace is one where workers receive a personal noise dose of 90dB(A) or above during an 8 hour day, or its equivalent, and where such a day is representative of the worker's typical work practices. 90dB(A) is approximately equal to the noise from an idling heavy truck motor at a distance of 1 metre.

Also, any workers who receive noise above the peak exposure of 140dB(lin) on one or more occasions, for however short a period of time, during their employment will also require testing. 140dB(lin) is approximately equal to the peak noise level from a mid to high calibre

firearm at the user's ear. Some power tools, machinery or plant may also reach this peak level. Testing is required of all workers employed in prescribed noisy workplaces, even if they are wearing hearing protection.

A list of service providers who can determine whether the workplace is a "prescribed noisy workplace" or not may be obtained from the WorkSafe Division of the Department of Consumer and Employment Protection.

What Is A Baseline Hearing Test?

A baseline hearing test is the initial audiometric testing conducted to establish the worker's baseline (reference) or overall Percentage Loss of Hearing (PLH). The PLH of all subsequent tests will then be compared to the baseline PLH. As part of the baseline hearing test, a worker may be required to undergo a baseline full audiological assessment. This more comprehensive test is only required by a relatively small percentage of the population. The assessment, if required, is paid for by the employer. After the completion of the baseline hearing test/s, the worker is entitled to a subsequent test every twelve months should they request it.

It is the employer's responsibility to arrange and pay for baseline and subsequent tests. Workers **must** be notified of the time and date of the test on the prescribed form (Form 18). It is the responsibility of both the employer and worker to ensure that the worker is not exposed to more than 80 dB(A) for **16 hours** immediately preceding the test. 80 dB(A) is approximately equal to the noise of a domestic vacuum cleaner at a distance of 1 metre. Should a worker be required to undergo a hearing test, the employer is obliged to reimburse the worker for all reasonable fares and expenses involved in attending this test.

Who Can Provide Audiometric Tests?

Only testers approved by WorkCover may conduct the tests. Such people are located throughout the State. A directory of approved audiometric service providers is available from WorkCover. The testing environment and equipment must also meet stringent standards. Any tests not conducted in the approved manner **will not** be accepted for the purposes of the Act. Audiometric tests conducted in conjunction with pre-employment medical assessments, where the worker was not subsequently employed, will not be accepted for the purposes of the Act.

What Happens To The Test Results?

All test results are sent to WorkCover and the tester must give a copy to the worker within one month of the test taking place. The test results are strictly confidential and no access can be given to any person without the worker's written consent.

Compensation For Noise Induced Hearing Loss.

If a subsequent audiometric test shows an increase in overall hearing loss of at least 10% from the baseline PLH, WorkCover will advise both the worker and the employer of the requirement for further testing to determine if there is a compensable loss. A subsequent full audiological assessment and examination by an ear, nose and throat specialist (if required) will be arranged to determine the nature and extent of the hearing loss. WorkCover will advise you of the steps in this process. Compensation cannot be claimed for Noise Induced Hearing Loss which occurred before proclamation of the legislation which was 1st March 1991, or after a worker turns 65.



Where Can I Go For More Information?

WorkCover Publications

The following publications are available by contacting the Infoline or accessing our website: www.workcover.wa.gov.au

- ◆ Workers' Compensation and Injury Management in Western Australia – A Guide for Employers
- ◆ Workers' Compensation and Injury Management in Western Australia – A Guide for Workers
- ◆ A Guide to Resolving Disputes – Important Information About the Conciliation and Review Directorate
- ◆ Guidelines for Injury Management in the Workplace.

WorkCover Education Services

A free information seminar about workers' compensation and injury management, which includes noise induced hearing loss, is available for employers. To register please telephone 1300 794 744.

MORE INFORMATION

More information about workers' compensation can be obtained by telephone or in person from:

WorkCover WA

2 Bedbrook Place

Shenton Park WA 6008

Telephone: 1300 794 744

Facsimile: (08) 9388 5550

Hearing Impaired: TTY (08) 9388 5537

Website: www.workcover.wa.gov.au

Infoline is a telephone information service which provides general information on workers' compensation and injury management.

Information is available in **alternative formats** for people with disabilities including an audio loop which is available on 48 hours notice for the hearing impaired.

Interpreter services, paid for by WorkCover, can be made available subject to prior notice.

Other Resources

For information regarding dispute resolution procedures contact the **Conciliation and Review Directorate**, **telephone (08) 9324 6666**.

For enquiries about work safety and health issues, contact the **WorkSafe Information Line**, **telephone 1300 307 877**.

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