

MEMBER ADVISORY: WORKER HEARING TEST REQUIREMENTS



18 April 2024

Work related hearing loss is an occupational health concern that affects workers worldwide. Despite the evolution of industries, persistent exposure to hazardous noise levels underscores the ongoing need for proactive measures to mitigate and or prevent the potential risk of hearing impairment.

Pursuant to workplace health and safety laws, employers have a duty to ensure related exposure risks to workers are minimised, or eliminated where possible, through using control measures. Legal requirements can vary across each state and territory jurisdiction, although most have now adopted the federal model rules and regulations.

In this advisory we aim to provide an overview and update across the jurisdictions on the current workplace audiometric testing requirements for workers who are exposed to noise levels that may have a detrimental impact on hearing.

BACKGROUND

In 2020 SafeWork Australia approved a model [Code of Practice: Managing noise and preventing hearing loss at work](#). An approved code of practice provides practical guidance on how to achieve the required standards of work health and safety on a particular issue.

For the purposes of this advisory, the relevant component of that Model Code of Practice and the Model Regulations, and where adopted by the particular state and territory, are the requirements that an employer provide audiometric testing for workers who are carrying out work where they are frequently required to use hearing related PPE as a control measure for noise that exceeds exposure standards (Regulation 58 of the [Model Regulations](#)).

Regulation 58 states:

- (1) This regulation applies in relation to a worker who is frequently required by the person conducting the business or undertaking to use personal protective equipment to protect the worker from the risk of hearing loss associated with noise that exceeds the exposure standard for noise.
- (2) The person conducting the business or undertaking who provides the personal protective equipment as a control measure must provide audiometric testing for the worker:
 - (a) within 3 months of the worker commencing the work; and
 - (b) in any event, at least every 2 years.
- (3) In this regulation, audiometric testing means the testing and measurement of the hearing threshold levels of each ear of a person by means of pure tone air conduction threshold tests.

The Code includes the potential for jurisdictions to include a penalty for an employer's failure to provide such testing.

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Over the past several years, most states and territories have adopted and implemented those model rules and regulations into their respective WHS Acts and Regulations. Other states, such as NSW have implemented those requirements from 1 January 2024.

Effectively, for those states that have adopted the model rules and regulations, there are employer obligations for audiometric testing of workers who are frequently required to use PPE to protect themselves from risks of hearing loss associated with noise that exceeds the exposure standards for noise.

Such testing aims to benefit employers, workers and workplaces alike, by facilitating related risk identification, implementing necessary adjustments, reducing productivity losses, and decreasing the likelihood of hearing impairment related workers compensation claims.

TESTING REQUIREMENTS IN DETAIL

Which states have adopted the requirement?

The relevant provisions were adopted and are reflected in all states and territories WHS laws, **except for Queensland** (see below for specific details) which has implemented its own code of practice and related requirements.

When and how often are the audiometric tests required?

Affected members that provide PPE as a control measure must provide and pay for audiometric testing for their relevant workers as follows:

1. For **new workers**, a *baseline* reference hearing test must be completed **within three (3) months** of commencing their employment. The worker must then get a follow-up *monitoring* hearing test at least every two years during their employment.
2. For **existing workers** the employer must ensure that hearing tests are conducted every two (2) years.

Which workers are required to undergo audiometric testing?

Only workers who are frequently required to wear hearing protection as a control measure where noise levels exceed the exposure standard for their shift of work are required to undertake testing.

What is the exposure standard?

Essentially, the exposure standard, as per the WHS Regulation 2017 (Clause 56), sets noise limits at an LAeq, 8 hours of 85dB(A), with a peak noise level at 140dB(C). Employers should make reasonable attempts to assess whether the exposure to a worker is indirect or intermittent which may exceed the exposure standards or alternatively may reduce exposure levels.

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What is an audiometric test?

Audiometric tests are hearing tests that are painless, non-invasive test that measures a person's ability to hear sound. The most common hearing test is *pure tone* audiometry which measures the softest sound a person can hear across a range of different frequencies. The worker responds to each frequency by pressing a button. The softest volume the worker hears across the range of frequencies determines the worker's hearing threshold.

As part of the testing, the audiologist should ask the worker about their personal and recreational activities that may expose workers to noise. The impact of external activities should be considered if a worker makes a later claim that hearing loss was caused by work related conditions only.

Who can perform the audiometric testing?

A hearing test must be performed by a competent person (e.g., audiologist) having acquired the necessary level of training and experience to perform the test, interpret the results and present them in a manner that enables persons at the workplace to make appropriate decisions. Many of these services can be provided via on-site mobile testing facilities.

To find a local audiology service, members can contact Audiology Australia [here](#) or by calling them on (03) 9940 3900. Audiology Australia are the peak professional member body for audiologists in Australia.

As the costs may vary, we suggest affected members obtain several quotes before determining which service provider will be engaged.

Consultation with workers

Under workplace health and safety laws in each jurisdiction there is a requirement that employers consult with their workers on health and safety matters. As a result, affected members should openly discuss this new requirement with affected workers. This could include seeking workers input to determine the most appropriate testing service, and if there are any identifiable risks and potential steps to manage those risks that are not already in place.

Do my workers have to attend the test?

WHS legislation in all states requires workers follow any reasonable WHS related direction or instruction. Subject to particular arrangements for undertaking the test, given the legislative requirement, such a direction would likely be viewed as reasonable.

Can I have a new worker undertake the audiometric test as part of a pre-employment medical screening?

Effectively yes. This would satisfy the requirement to have a new employee undertake an audiometric test within three (3) months of commencing work. It may also assist to identify if that candidate has pre-existing hearing issues.

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Should I undertake a noise assessment within my business?

For affected members that do not already know the current noise levels in their particular workplaces, they must make a reasonable attempt to assess the risk of noise at their workplace. Where a workplace is complicated members should consider having a formal noise assessment of their production and other affected areas and undertaken by a qualified occupational hygienist or similar qualified professional. Occupational hygienists and related professionals can also assist your business to potentially further reduce or eliminate dangerous noise levels if they are found to occur.

Confidentiality of test results

The employer must ensure all hearing test reports, including any updated baseline hearing tests, are treated confidentially as health record documents. Workers should get a copy of their hearing test reports.

Does this testing requirement affect my workers compensation premium?

Sending a worker for an audiometric test will not increase your workers compensation premiums. However, it may impact your premium if a worker makes a hearing impairment claim.

What happens if a permanent hearing loss is identified over a two year period?

Under those circumstances, it is incumbent on the employer to review the current control measures to ensure they are effective, make any reasonable adjustments, and ensure the hearing loss does not impact the workers ability to safely perform their work.

QUEENSLAND

Although Queensland has not fully adopted the federal model relating to the requirement for affected workers to undertake audiometric testing, the state has laws and regulations that require employers to manage risks to health and safety over possible hearing loss associated with noise in the workplace.

The Work Health and Safety Regulations 2011, and particularly Regulation 57, requires employers ensure the noise a worker is exposed to at the workplace does not exceed the exposure standard for noise (as outlined above).

Additionally, Queensland WorkSafe has implemented the approved “Managing noise and preventing hearing loss at work” Code of Practice (accessible [here](#)). Under section 26A of the WHS Act duty holders must comply with an approved code of practice. This particular Code, at clause 5.4, includes recommendations of monitoring the hearing of workers who are exposed to frequent high level noise in the workplace through audiometric testing.

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FURTHER INFORMATION

The following links provide access to further information to assist with this issue.

NSW

<https://www.safework.nsw.gov.au/hazards-a-z/noise-at-work>

Victoria

<https://www.worksafe.vic.gov.au/noise>

<https://www.worksafe.vic.gov.au/noise-safety-basics>

South Australia

<https://www.safework.sa.gov.au/workers/health-and-wellbeing/noise-vibration>

<https://www.safework.sa.gov.au/resources/online-activities/introduction-to-safety-tutorial/introduction-to-safety/safety-tutorial-noise>

Tasmania

<https://worksafe.tas.gov.au/topics/Health-and-Safety/hazards-and-solutions-a-z/hazards-and-solutions-a-z-pages/n/noise>

ACT

<https://www.worksafe.act.gov.au/health-and-safety-portal/safety-by-industry/building-and-construction/noise>

Western Australia

<https://www.commerce.wa.gov.au/worksafe/noise>

<https://www.commerce.wa.gov.au/publications/code-practice-managing-noise-and-preventing-hearing-loss-work>

Queensland

<https://www.worksafe.qld.gov.au/safety-and-prevention/hazards/hazardous-exposures/noise>

CONTACT

Any Industrial Relations Member who has a related query should contact the HR Hotline on 1800 835 167 or via email at hrhelp@visualmediassociation.org.au or contact Charles Watson, GM – IR, Policy and Governance via email: charles@visualmediassociation.org.au

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