

❖ NOTICE ❖



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ABN: 84 234 747 620

TO: ALL MEMBERS

RE: IPAD AUDIOMETRIC TESTING (HEARING TESTS)

Dear Members,

BACKGROUND

The Problem

In the latter part of 2024 moving into 2025, the ALAEA was made aware that numerous employers had started to conduct hearing tests using iPads as opposed to a customary booth test with which most members were probably accustomed. From this new testing format, concerns have arisen for the ALAEA.

Member Reports

During this period the ALAEA has received several reports from members that the new iPad hearing test, particularly the testing process and the participant experience, were causes for concern. At a base level members have reported that the results yielded by the new iPad hearing test have contradicted their results from a previous booth test. For some members the previous booth test reported hearing loss and yet a subsequent iPad test contradicted the booth test and recorded improved hearing.

Concerns are exacerbated by the revelation that iPad testing is being conducted in the vicinity of active runways or in hangars where maintenance is being performed and where this background noise was quite audible throughout a test. Further, members have also reported an absence of pre-screening inquiries about recent noise exposure and/or illness. This is also concern because audiometric testing of members potentially ignores identifying possible trends or the reliability of

results.

Notification of Concerns

Where member concerns have been communicated to the ALAEA we in turn have contacted the relevant employer to try and address the situation. In most instances our representations seem to disappointingly 'fall on deaf ears' (pun intended) and our concerns are consequently ignored or dismissed. The response the ALAEA generally receives from the employer with which it engages is that they (the employer) are compliant with the applicable regulatory legislation, Australian Standards, and codes of practice to which the employer is bound.

MOVING FORWARD

Legal Enforcement

With each affected workplace the ALAEA has performed an assessment of that workplace's current enterprise agreement (or Award) to determine if there is a provision that allows the ALAEA to seek assistance from the Fair Work Commission. To date we have yet to find a health and safety clause that permits us to invoke the Commission's assistance. Most WHS clauses are general and non-specific, an issue that will obviously need to be addressed in future bargaining. Instead, the ALAEA will be writing to the relevant regulators in each state or territory (e.g., Worksafe NSW), in which we will outline our concerns with the employers with whom the ALAEA has an issue, and why we hold a position that the auditory testing procedure (iPad Hearing Tests) of these employers do not meet the regulatory requirements of the applicable state or territory in which they conduct their aircraft maintenance operation.

Future iPad Testing

Members are advised not to refuse a direction from their employer to undertake an iPad hearing test. Importantly, on the basis of what follows, do not be concerned about the results of your iPad test having a future adverse impact on you potentially making a claim for workers compensation for hearing loss at a later date. **If or when this time arrives for you, what will matter is the result of any test you take at that later time.**

ALAEA Recommendation

Ultimately, the ALAEA recommends that members seek a hearing test when either of the following events apply:

1. You do not trust the iPad test result conducted by your employer and you want the comfort of a reliable 'record in time'; or

2. You are aware that you may have hearing loss, and you want to explore making a claim for workers compensation; or
3. You have decided to leave (or terminate) your employment with your current employer to take up new employment elsewhere.

Event 3 is significantly important (i.e., a new job) because the process of making a future workers compensation claim can become very problematic once a member has commenced new employment. In some states and territories, once you have commenced new employment, the new employer might become the last noisy employer and be responsible for the total claim (even though the exposure was to louder noise and for longer periods in the former employment). In other states, a problem may arise because the insurance company of the former employer and any new employer will argue over the apportionment of the % of any compensable hearing loss. In other words, it is always very difficult to work out when the loss occurred if there are no records of a hearing test. Having a reliable hearing test result will provide you with a 'record in time' and therefore it should prevent any legal issues arising if a member does wish to make a future claim for permanent hearing loss.

Previous Hearing Test Results

Members are also encouraged to contact their relevant Human Resources Manager/Department and request a record of their previous hearing test results that the employer has retained in your employee file. Hearing test results are 'health information' and each state or territory mandates a minimum period of time for the retention of 'health information' (e.g., in NSW it is 7 years). However, our experience suggests that the many employers retain inactive health information records indefinitely. Further, many employers will probably have your last hearing test result that was generated from a traditional 'booth test'. **To request your health information, we recommend that you use the example wording at the end of this notice and put the same in an email to the relevant HR person in your organisation.**

EXTERNAL HEARING TESTS

The ALAEA also recommends that all members have an external test performed by a reputable and qualified audiologist. For members in New South Wales, Queensland, South Australia, Western Australia or the ACT seeking a hearing test, can you please contact the ALAEA at alaea@alaea.asn.au so that a referral can be made on your behalf to **Turner Freeman Lawyers** the ALAEA's workers compensation solicitors in those states. Turner Freeman will then organise a FREE test for you.

For members in Victoria, Tasmania or the Northern Territory, the law firms with which the ALAEA is partnered for workers compensation unfortunately do not organise testing, therefore, members will be required to contact a provider themselves. The ALAEA recommends that members contact

AMPLIFON. This organisation is very reputable and has numerous hearing test centres. Importantly, AMPLIFON have informed the ALAEA that tests are presently FREE. The contact details for AMPLIFON are:

Victoria

Melbourne

Head Office
Level 7, 150 Lonsdale Street
(03) 8376 1074

Geelong

Market Square Shopping Centre
77 Malop Street
(03) 5222 6882

Note: please contact Head Office for other metropolitan and regional centres in Victoria.

Northern Territory

Darwin (Casuarina)

The Village Shopping Centre
Floor G, Shop 19/54, Bradshaw Terrace
(08) 8998 5001

Tasmania

Hobart (Rosny Park)

Eastlands Entertainment Shopping Centre
Shop 001A/7 Bligh Street
(03) 6244 2411

Launceston (Kings Meadow)

Shop 3, 139-143 Hobart Road
(03) 6343 0430

Note: Hobart has three other centres, and there are additional regional centres in Devonport and Burnie.

Once a test has been conducted, a referral can then be made to **Maurice Blackburn Lawyers** for members in the Victoria; to **Halfpenny's Lawyers** for members in the Northern Territory; and, to **Hall Payne Lawyers** for members in Tasmania. This can be arranged by contacting the ALAEA at alaea@alaea.asn.au.

Regards,

Sean Morgan

ALAEA Legal Officer

EXAMPLE EMAIL:

To: [INSERT ADDRESS OF YOUR HR DEPARTMENT]

Subject: Request for Audiometric (Hearing) Test Results/Records

Dear [INSERT NAME],

Could you please provide me with PDF copies of all my audiometric (hearing) tests results/records that are currently kept in my employee file.

I am making this request under Principle 12 of Australian Privacy Principles of the *Privacy Act 1988* (Cth).

Regards,

[INSERT YOUR NAME]