

Noise Induced Hearing Loss – Insurers & Self-Insurers

A specific claims process exists for claims made by workers who are eligible to obtain compensation for noise induced hearing loss (NIHL).

Key Points

Act ref: Part 2 Division 8, Reg ref: Part 4 Division 7

- A worker makes a claim by completing the approved form published on the WorkCover WA website as *CF2 NIHL compensation claim form* along with other documents and serving the claim on the last liable employer (determined in the NIHL assessment).
- Where a worker works (or has worked) for two or more noisy employers concurrently, the claim must be served on the employer the worker has worked for the longest.
- Regardless of how many employers may be partially liable for the claim, the last employer must deal with the claim and pay compensation as if that employer were wholly liable. Costs of the claim may be apportioned to other liable employers after compensation has been paid (see Information Sheet 19 for more details).
- The last employer must give the completed claim form to their insurer within seven days of the worker making the claim. The insurer then has 14 days to:
 - a) Make a liability decision; and
 - b) Give a copy of the claim to WorkCover WA.
- When making a liability decision, the insurer must provide notice in the approved form accepting or not accepting the claim or issuing a deferred decision notice
- Payment of compensation must be made within 14 days of liability being accepted (or the determination of an arbitrator) or within seven days if another law prevents payment within 14 days.

Key Points

- Where a deferred decision notice is given, the insurer has 120 days, beginning on the day the insurer receives the claim to issue a liability decision notice. Failure to do so means the insurer is taken to accept liability and must pay compensation.
- There are limited reasons an insurer may dispute a claim. These are:
 - a) The individual is not a worker
 - b) NIHL percentage is below the threshold for a claim
 - c) The insured employer is not the 'last employer' liable for the claim.
- A claim may also be disputed for a 'hearing loss matter' (i.e. the results of the assessment, the extent of hearing loss suffered, and whether the hearing loss suffered is NIHL) but only on the evidence of a second NIHL assessment paid for by the insurer.

Questions & Answers

Q. How are disputes dealt with in respect of a NIHL claim?

A. Where the insurer does not accept a claim for a 'hearing loss matter' (as specified above), it is the insurer's obligation to make an application for dispute resolution in the Conciliation and Arbitration Services (CAS).

Where the insurer does not accept the claim for another reason, if the worker disagrees with the decision the worker may make an application to CAS for resolution of the dispute.