

# Noise Induced Hearing Loss claims – Apportionment of liability

Claims for noise induced hearing loss (NIHL) are paid as a lump sum. On application by the employer or insurer to WorkCover WA, the liability of the claim will be apportioned if more than one employer contributed to the worker's hearing loss.

## What is apportionment for NIHL claims?

- Workers compensation claims for NIHL are made against the worker's 'last employer'. Successful NIHL claims are paid as a lump sum payment and the last employer must deal with the claim and pay compensation as if they were wholly liable for the claim.
- The last employer is the most recent employer liable for NIHL. This is determined by the Ear Nose and Throat (ENT) specialist when making their NIHL assessment, and is identified in the NIHL Assessment Report.
- If a NIHL assessment conducted by an ENT specialist finds more than one employer has contributed to the worker's hearing loss, the last employer or their insurer can seek a contribution to the amount that is paid to the worker from the other liable employers.

## How does the last employer or insurer seek an apportionment determination?

- The last employer or their insurer may apply to WorkCover WA for an apportionment determination. WorkCover WA will then make a determination on either or both of the following:
  - a) the amount of the liability to pay NIHL compensation between each employer
  - b) if an employer is insured by more than one insurer during the period of liability, the amount of the liability to indemnify the employer between each insurer.
- An application for an apportionment determination must be made in writing to WorkCover WA.

**A claim for compensation must not be delayed to seek reimbursement prior to compensation being paid.**

**An apportionment determination and reimbursement occurs between employers and insurers after a worker has received compensation.**

## How is apportionment calculated?

- Workcover WA will make the apportionment determination on the basis that NIHL occurs on an equally culminative basis over the period of noise exposure between each liable employer.
- The amount of liability apportioned to each employer is relative to the worker's period of employment.
- WorkCover WA will provide a copy of the apportionment determination to the last employer (or their insurer) within seven days of the determination being made.
- An employer identified as being liable to reimburse the last employer is indemnified for that payment by their workers compensation insurer.
- An apportionment determination is final and binding on each employer who is apportioned an amount of the liability.
- Disputes between employers or insurers regarding apportionment of liability, as determined by WorkCover WA, cannot be referred to WorkCover WA's dispute resolution service.

## Need further assistance?



Call WorkCover WA's Advice and Assistance Service on  
**1300 794 744** (8:30am to 4:30pm, Monday to Friday)



Visit [workcover.wa.gov.au](http://workcover.wa.gov.au)

