

Hearing Loss

10 things to know series



Workers compensation claims for hearing loss

Many companies and their workforce do not always fully appreciate the damage that can be caused by being exposed to regular noisy environments.

Consequently, many South Australians working in factories, within agriculture, within the construction or transport industry, the mining sector and other industries were provided with no or inadequate ear protection, and thousands of workers have suffered Noise Induced Hearing Loss (“NIHL”); many to the point of total deafness.

Noise exposure is an extremely common industrial hazard and the harm associated with noise exposure costs employers and the Government millions of dollars annually.

Permanent hearing damage can be caused by gradual exposure to noises or sudden exposure to an extremely loud noise.

If you believe you are suffering from NIHL, keep our “10 things to know” in mind.



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A worker who believes they are suffering from NIHL is eligible to make a claim for workers compensation under the South Australian Return to Work Act 2014 (or similar Commonwealth legislation if the employer is not covered by the state legislation).

Symptoms of NIHL include ringing/buzzing in one or both ears, difficulty hearing in groups, turning up the TV or radio to a high volume, not hearing people speak when there is background noise, regularly asking others to repeat what they are saying or talk louder.

With many workplace injuries, the worker generally bears the onus of proving that their employment caused or contributed to the injury. However NIHL is treated differently. A 'reverse onus' applies, which means that if a worker submits a claim for NIHL, it is deemed to be work related unless Return to Work SA or the employer prove that the hearing loss was not caused by work.

If a workers compensation claim for NIHL is accepted, a worker is entitled to income support of weekly payments for any time when the worker cannot attend work due to their hearing problems; for example, if they need time off to recover from an ear operation.

If a workers compensation claim for NIHL is accepted, a worker is entitled to be compensated for reasonable medical expenses, including the cost of hearing aids which can cost thousands of dollars and other therapies; for example tinnitus retraining therapy.

A worker who has suffered NIHL may also be eligible for lump sum permanent impairment compensation if their Whole Person Impairment is 5% or greater.

An impairment assessor will likely need to compare the worker's hearing before employment and their hearing at the time of the assessment, to work out the Whole Person Impairment contributed by work. In other words, it is tricky to assess one's Whole Person Impairment unless a hearing assessment was performed at commencement of employment.

A NIHL claim can often be pursued even after a worker ends his/her employment with the specific employer who caused the injury. For example, a worker who spent a decade working in a loud factory quits that job, and a year later experiences significant hearing loss; a claim can be submitted even though the worker is no longer employed in the loud environment.

Before formally pursuing a claim, Andersons can arrange an audiology test with Hearing Life. This is not a formal impairment assessment but will provide an indication of the level of hearing loss. This initial assessment can be provided to clients at no cost. Depending on the result of the Hearing Life assessment, a solicitor at Andersons can help you submit a workers compensation claim and arrange for you to be assessed by an accredited assessor to determine your eligibility for compensation.

Hearing loss claims with workers compensation can be more complex than many believe. If you believe you are suffering from NIHL, you should seek legal advice immediately. You should not be personally out of pocket for medical and other expenses relating to your NIHL if the hearing loss is work related.