

Noise Induced Hearing Loss – Apportionment

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

Key Points

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

- 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 to pay compensation for NIHL (identified by the ENT specialist 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.
- 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 noise induced hearing loss compensation between each liable 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.
- An apportionment determination is final and binding on each employer who is apportioned an amount of the liability.

Questions & Answers

Q. How does WorkCover WA calculate apportionment?

A. 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 employer.

The amount of liability apportioned to each employer is relative to the worker’s period of employment. For example, an employer who employed the worker for 50% of the exposure period would be liable for 50% of the costs of the claim.

There is no approved form to request apportionment.

Q. What happens once WorkCover WA makes an apportionment determination?

A. WorkCover WA will provide a copy of the apportionment determination to the last employer (or their insurer) within 7 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.

There is no access to dispute resolution as to a dispute between employers or insurers with respect to the amount apportioned as determined by WorkCover WA.