

Qualitative research: Experience of workers with hearing loss in the NSW Workers Compensation System

February 2020



Social
Research
Centre

Report prepared for:

Health Policy, Prevention and Supervision
State Insurance Regulatory Authority

Report prepared by:

The Qualitative Research Unit
The Social Research Centre
Level 9, 277 William Street
MELBOURNE VIC. 3000

Tel: (613) 9236 8500

Fax: (613) 9602 5422

Email: ros.lording@srcentre.com.au

www.srcentre.com.au

Final Version: 20th February 2020

Date	Version no.	Description	Organisation	Author
03.02.2020	1.0	Document created – draft circulated	SRC	RL
19.02.2020	1.0	Feedback on draft report provided	SIRA	DG
20.02.2020	2.0	Report revised – final report circulated	SRC	RL



Contents

- Executive Summary1**
- 1. Introduction and research design3**
 - 1.1. Background.....3
 - 1.2. Research aims and scope3
 - 1.3. Research design3
 - 1.4. Sample selection and recruitment3
- 2. Overall claims experience5**
 - 2.1. Overall satisfaction with claims process5
 - 2.2. Positive aspects of process5
 - 2.3. Challenges associated with process.....6
- 3. Awareness and response to hearing loss8**
 - 3.1. Hearing loss exposure and impacts.....8
 - 3.2. Awareness of hearing loss.....9
 - 3.3. Trigger for seeking help9
 - 3.4. Awareness of industrial hearing loss as a compensable injury 10
- 4. Experience of claims process..... 12**
 - 4.1. Expectations of claims process 12
 - 4.2. Pathways to claim lodgement 12
 - 4.3. Claim outcome and timeliness of response 18
 - 4.4. Interactions with insurer 19
- 5. Hearing aids 20**
 - 5.1. Hearing aid selection and acquisition 20
 - 5.2. Hearing aid use..... 20
 - 5.3. Accessing replacement aids and batteries 21
 - 5.4. Satisfaction with hearing aid 22
- 6. Conclusion and suggestions for improvement 23**
- Appendix 1: Detailed methodology 25**
- Appendix 2: Participant information sheet 28**
- Appendix 3: Consent form..... 30**
- Appendix 4: Discussion guide 31**

List of figures

Figure 1: Pathways to claims lodgement..... 13

List of tables

Table 1: Call outcomes for workers 26
Table 2: Characteristics of workers 26

Executive Summary

Introduction and research design

SIRA commissioned the Social Research Centre to conduct qualitative research with people who had made a claim for industrial hearing loss in the NSW workers compensation scheme. The aim of the research was to understand the pathways to making a claim for work-related hearing loss and to explore workers' experiences of the claims process.

In November 2019, face-to-face in-depth interviews were conducted with 16 workers from Sydney, and the Central Coast, Newcastle and Wollongong areas. To be eligible for participation, all workers had to have an active claim in the financial year 2017/18, with the injury code 771 (industrial deafness) as their primary injury. All participants were male, aged from 46 to 71 years.

Overall claims experience

Workers generally expressed high levels of satisfaction with the claims process as it enabled them to obtain an effective hearing aid. Satisfaction was enhanced due to their low expectations that their claims would be successful.

Positive aspects of the process identified by workers included the support they were provided with during the process, the ease of the process and the timeliness of the process.

Whilst few reported encountering any challenges as such during this process, a few minor issues were raised, including the inconvenience associated with attending appointments, accessing information about the process and communication from parties involved in their claim.

Awareness and response to hearing loss

Most workers became aware that their hearing had deteriorated when they had trouble hearing the TV or radio and when spouses/partners alerted them that their hearing had deteriorated. Several triggers for seeking a hearing assessment were identified; these included:

- encouragement from a family member;
- proximity to a hearing testing centre;
- routine employer medical examinations;
- responding to an invitation from a lawyer; and
- responding to general advertising.

Although all workers understood that workers compensation covered workplace accidents and injuries (such as trips and falls), none were aware that industrial hearing loss was potentially a compensable injury.

Experience of claims process

Workers had low expectations that their claim would be successful due to the length of time that had passed between exposure and injury and an assumption that their employer (or insurer) would contest the claim.

There were four broad pathways to claims lodgement reported by workers. These were:

- Legal pathway (initiated by an audiologist)
- Legal pathway (initiated by a legal firm)

- Employer pathway (with the worker's HR department initiating the claim)
- Union pathway (which may involve referral to a union lawyer to initiate the claim).

All pathways involved a hearing test conducted by an audiologist. Pathways involving lawyers were the most common, while the employer and union pathways were the least common.

Under the legal pathways, workers would undergo a hearing assessment and then be referred by their audiologist to a lawyer (the "audiologist-initiated pathway") or enter the system through a lawyer who then referred them to an audiologist (the "legal firm-initiated pathway"). They were not provided with a choice of audiologist or legal firm, and nor were they provided with any transparent information about any commercial relationship between these two parties. They were generally satisfied with this pathway due to the support provided by their lawyer, communication received during the process and the ease of process.

Workers accessing compensation through the employer pathway expressed concern that their current employer was required to bear liability for the actions of previous employers who did not provide them with a safe working environment. Despite this unease, all reported having positive claims experiences which they attributed to the support of their employer, the ease of process and the fast turnaround times to approval.

The union pathway commenced with informal discussions with a union representative about their hearing difficulties, with their claim being managed by the union official or a union lawyer. Workers accessing this pathway also reported having positive experiences, in part due to the support they received from their union.

Whilst all claims were approved, there were stark differences in the timelines for claims approval. Claims initiated by employers were approved within a few weeks to months while legal pathway claims took around 12-18 months to be approved.

Hearing aids

All workers reported that their chosen hearing aid was recommended by their audiologist, and felt that the process for acquiring their hearing aid was straightforward. Hearing aid usage varied among workers, with most tending to only wear their aids for part of the day. None reported having any difficulties accessing replacement aids (for aids that were lost) or batteries.

Most workers were satisfied with their hearing aid as it was easy to use and enabled them to participate more fully in social and community activities. However, some noted that their hearing aid did cause them discomfort due to the build-up of pressure in the ear and soreness from hearing sounds amplified for extended periods.

Conclusion and suggestions for improvement

Qualitative research with current and former workers who have made workers compensation claims for industrial hearing loss has found overall high levels of satisfaction with the process.

Based on the findings from this exploratory research, two broad suggestions have emerged. Of note, both concern the workers' need for clear and accessible information about the claims process. These suggestions are to:

- Develop and promote information resources outlining key aspects of the claims process
- Encourage disclosure of commercial arrangements involving audiologists and legal firms.

1. Introduction and research design

1.1. Background

In the 2017/2018 financial year, there were about 10,000 active hearing loss claims in the NSW workers compensation system, with just over 20% being new claims (2,278).

The State Insurance Regulatory Authority (SIRA) regulates the workers compensation insurance scheme in NSW. The SIRA Chief Executive approved a review into work-related hearing loss in the workers compensation system in NSW. As part of this review, SIRA commissioned the Social Research Centre (SRC) to conduct qualitative research with people who had made a workers compensation claim for industrial hearing loss. These interviews, along with a public consultation of stakeholder groups, will inform the SIRA review.

1.2. Research aims and scope

The aim of the research was to understand the pathways to making a claim for work-related hearing loss and to explore workers' experiences of the claims process.

The research explored the following areas:

- awareness of hearing loss;
- claim awareness;
- hearing loss assessment process;
- hearing aids and support;
- return to work (if applicable); and
- overall claims experience.

1.3. Research design

Between 18-29 November 2019, face-to-face in-depth interviews were conducted with 16 workers from the following 4 locations:

- Western Sydney
- Central Coast
- Newcastle
- Wollongong.

Qualitative research is not designed to be representative, in any statistical sense, of the wider population from which participants are drawn, but purposive sampling of the cohort ensured a wide variety of workers were consulted.

1.4. Sample selection and recruitment

The worker sample was provided to the SRC by SIRA, with the sample purposively selected to ensure a mix of:

- new claims vs existing claims that have received a replacement hearing aid in the last two years;
- claims managed by Self and Specialised Insurers (SSI), and the Nominal Insurer (NI), including TMF;
- metro, regional and rural locations; and
- work status (working vs not working).

To be eligible for participation, all workers had to have an active claim in the financial year 2017/18, with the injury code 771 (industrial deafness) as their primary injury. Almost all eligible participants were males aged in their 40s and over.

All participants were male, with ages ranging from 46 to 71 years. (Despite efforts to include female workers in the sample, none were available to participate in the research.)

Detailed information about the methodology is presented in Appendix 1.

2. Overall claims experience

This section provides a high-level overview of workers' overall satisfaction with the hearing loss claims process, the positive aspects of the process and challenges encountered during the process.

2.1. Overall satisfaction with claims process

Workers generally expressed high levels of satisfaction with the claims process as they ultimately achieved the outcome they had sought: obtaining an effective hearing aid.

Satisfaction was enhanced in part because workers had low expectations that their claims would be successful. There were two key reasons driving their low expectations of success:

- The length of time that elapsed from their exposure to industrial hearing loss and them submitting the claim. Workers were unsure how liability could be accepted as most reported that their employers at the time of their exposure were no longer in business.
- The claims process itself, which they assumed would be adversarial and that their claims would be rejected or otherwise disputed.

Consequently, the success of their claims was often somewhat unexpected. They were grateful that their claims had been successful as for most, getting a hearing aid resulted in tangible improvements in their quality of life.

[The process was] just so satisfying in every regard, it was quick, it was easy, it was a very positive result, and I love my hearing aids ... I cannot recall anything that I felt would be negative or was made to feel that I was a drain in the system. (Worker - New claim)

2.2. Positive aspects of process

There were several key aspects of the claims process that workers found positive. These are outlined below.

Support provided

All workers reported that they were supported throughout the claims process by another party with professional knowledge of the workers compensation system. For most, this was a lawyer, however, some also reported that their employer managed their claim.

This involvement by another party was a source of relief to workers. Not only did it mean that they did not need to take responsibility for preparing, lodging and managing their claim, it also relieved them of some of the stress and uncertainty that they had otherwise expected to experience.

This whole process has been quite simple and probably because I've been shielded from all the hard work and all the battles and such. If there were any battles, I don't know how easy it was for them to get through (Worker - New claim)

Workers generally reported having positive experiences with the party managing their claim. They appreciated that they had a key point of contact who could guide them through the process and respond to any queries that arose during this process.

[The process was] painless ... I don't mind someone else handling it. I've got what I want. I've got really what they offered. (Worker - New claim)

From my point of view anyway, it was handled very well ... Everyone seemed to know what they were doing, and it didn't take that long to get it all done, really, so I had no issues with it, really. (Worker - Old claim)

Ease of process

The claims process generally involved undergoing a small number of hearing tests and discussions with the party responsible for lodging and managing the claim. For most, these discussions took place in an office or at the worker's workplace, with follow up via email and/or telephone, however a few reported that the process had been conducted exclusively by telephone and email.

Workers tended to describe the claims process as "straightforward", "uncomplicated" and "painless". All felt that the process had been smooth for them with no surprises.

I didn't have to do anything except sign papers and turn up to the test (Worker - Old claim)

Once their claims had been approved, workers also reported that the process for obtaining replacement batteries was straightforward and did not inconvenience them in any way.

Well the bit that works well is just the ongoing service. It's working seamlessly. (Worker - Old claim)

Timeliness of process

Workers whose claims had been lodged and managed by their employer generally reported that their claims had been approved within weeks and were satisfied with the timeliness of this process.

I do recall being very surprised with just how quickly things came together, I expected it was going to be a long drawn out process, we were dealing with [name of NSW Government employer], after all, not noted for their speed ... But yeah, everything just flowed amazingly quickly. (Worker - New claim)

2.3. Challenges associated with process

Few workers reported encountering any major challenges throughout the claims process beyond some inconvenience and/or uncertainty. Of note, workers emphasised that these challenges were relatively minor and caused them no lasting distress. These challenges included:

Attending appointments

Some workers reported that the requirement for them to attend an appointment with the insurer's audiologist caused them some inconvenience. They noted that attending appointments involved time and effort and costs on their part, although a few reported receiving reimbursements for train tickets and use of their own vehicle.

This concern was mainly raised by workers living in regional areas who were required to travel to central Sydney or regional centres for these appointments. Some of them reported that they disliked driving in Sydney due to the volume of traffic and/or that they found it difficult to find a car park close to the audiologist's office.

It's a bummer of a place to park in Wollongong, but that's not your fault or their fault. You've got to walk two miles every time you go there ... over the period of time there was

*probably six or seven visits there I suppose all up. So over 12 months, six or seven visits.
And hour off here, an hour off there (Worker - New claim)*

Some workers who were employed at the time of their claim also reported that they needed to take a full day off work to enable them to travel to and from their appointments.

I suppose the only hassle was having to take the time off work ... I had to have the whole day off. (Worker - New claim)

Access to information

A few workers reported that they had searched for but been unable to find clear information about the claims process. Specifically, they had sought information about:

- the expected timelines to claims approval;
- the number of independent medical examinations they would be required to attend; and
- the threshold for approving hearing loss claims (that is, the level of impairment identified).

It's been long and dragged out, and again, I didn't know what was supposed to happen ... there's no information available, they don't want you to know. (Worker - Old claim)

These workers expressed some frustration that they had been unable to find this process information either via an online search or through the party assisting them with their claim.

Communication from parties involved in claim

It was also evident that some aspects of the process were not well communicated to workers, such as the requirement for them to undergo a hearing examination by an independent audiologist. A few workers expressed frustration about this requirement as they felt it constituted a duplication of resources. They did not appear to be aware of the rationale for an insurer to seek independent verification of an assessment process.

Timeliness of process

Workers who had engaged a lawyer to lodge and manage their claim generally reported that it took one to two years for their claims to be approved. Some stated that they were unsure why the process could not have been finalised more quickly, especially as the evidence provided by audiologists confirmed that their employment had contributed to their hearing loss.

It took some years, and there's no reason it couldn't have been done in a week. (Worker - Old claim)

If there was a setback to bring [my satisfaction] back to four from five, it would be the length of the claim. (Worker - Old claim)

3. Awareness and response to hearing loss

This section explores the context to hearing loss claims made including their exposure to industrial hearing loss, how they became aware of their hearing loss and the trigger for workers to have their hearing tested.

3.1. Hearing loss exposure and impacts

All workers acknowledged that they had been exposed to significant levels of noise during the early to middle stages of their employment histories, most commonly in the 1970s and 1980s.

Occupations of workers involved in the research included manufacturing, construction and agriculture/farming. Most had worked closely with, and around, noisy machinery. They also noted that over time, they became desensitised to the high noise levels (and associated issues such as vibrations).

Back in the shearing sheds I'd be standing next to a diesel motor and it would be thumping away eight hours a day. (Worker - New claim)

Most workers reported that their workplaces only began to provide personal and protective equipment (PPE) such as earmuffs around the late 1980s. Several reported that the wearing of PPE was optional when it was first introduced, which tended to inhibit take up by employees.

In the early days of the rail there was no ear protection, there was nothing ... We did have stuff, it wasn't mandatory to wear it when I was in my last few years with the rail. (Worker - Old claim)

Back in them days they had no mufflers or any kind of...it just accumulated over the years. We didn't know. It's like smoking, we all smoked, we didn't know what damage it was going to do to you. (Worker - New claim)

Throughout this time, workers reported that they were unaware that their ongoing exposure to noise could cause their hearing to deteriorate – although with the benefit of hindsight they could now understand how this had occurred.

I've always worked in the power industry and been involved with boilers, turbines and noisy conditions ... working in that environment, I guess you'd have to expect to have a problem. (Worker - New claim)

Workers reported that their hearing loss impacted them in different ways; while most stated that their hearing was acceptable unless they were in noisier environments, some reported experiencing tinnitus most or all of the time. Without their hearing aids, most reported finding it difficult to participate fully in social activities such as family gatherings and meetings at their workplaces.

My son, he talks very softly. I'm like, "Mate, I'm deaf. Scream at me." (Worker - New claim)

At work and everything else, it was the other people that were getting upset when I was going, "Hey? What? Can you say that again, please or send me an email?" things like that. (Worker - New claim)

Several noted that their difficulties participating in conversations affected their social confidence as they disliked having to ask people to repeat themselves over and over.

3.2. Awareness of hearing loss

For all workers, the process by which they learned they had developed hearing loss was a gradual one.

Most workers reported that they first became aware that their hearing had deteriorated when they were watching TV or listening to the radio, as they noticed that they needed to turn the volume up more highly than others around them, and when spouses/partners alerted them that their hearing had deteriorated. Several others also reported that their first sign of hearing loss was having tinnitus, which became more pronounced over time.

I guess slowly over a period of time you do – I guess you turn the TV up more than anyone else. You start saying, “Beg your pardon,” or, “What did he say?” (Worker - New claim)

Initially, they reported attributing their hearing difficulties to external factors, for example, being in a noisy environment or talking to someone who was softly spoken. Over time, however, they became increasingly aware that others were able to hear things that they struggled to hear.

Overall, workers reported that their increasing awareness of hearing loss was clouded by an element of denial. They didn't want to acknowledge that they were having difficulty hearing and therefore tended to disregard evidence of hearing loss until it was hard to ignore.

I got that ringing in the ear first. That was the first thing that told me something was wrong. And then, I'm like every other bloke, 'nothing wrong with me, I'm tough tough tough'. (Worker - Old claim)

3.3. Trigger for seeking help

Workers identified several triggers for them seeking a hearing assessment. These triggers were:

- encouragement from a family member;
- proximity to a hearing testing centre;
- routine employer medical examinations;
- responding to an invitation from a lawyer; and
- responding to general advertising.

Overall, workers reported that they were encouraged to undergo a hearing test when they learned that the testing process was free. These triggers are outlined below.

Encouragement from a family member

Most workers reported that they sought a hearing test after tiring of family members (most commonly their partners) complaining that they weren't listening and/or were becoming hard of hearing.

Even my wife's saying, “you're not bloody listening” and I said, “I can hear you, but I don't quite understand you, especially on this side”. (Worker - Old claim)

For some, years had passed since their spouse first began complaining about their hearing and them undergoing testing.

Proximity to a hearing testing centre

Some workers reported that they had initiated a hearing test when near a testing centre. This was sometimes unplanned on their part. For example, one worker reported seeing a mobile testing centre outside a community centre while another decided to get his hearing tested when he took his elderly father to see an audiologist. In these cases, the trigger was the accessibility of the testing centre.

One day [my father] asked me to take him down to the Leagues Club where there's some hearing seminar meeting thing going on and then blow me down, we came outside and there was a caravan thing parked outside doing free hearing tests. I said, "I might grab one while I'm here." And it just went on from there. (Worker - New claim)

Routine employer medical examinations

Some workers who were currently in paid employment reported that their employers offered routine medical examinations to all employees. Hearing tests were generally in scope for these examinations, although one worker reported that his employer tested employees' sight but not their hearing.

A few workers reported that although they had suspected that their hearing had deteriorated over time, they did not become aware that they had hearing loss until participating in a medical assessment through their employer.

At [name of employer] they used to do regular hearing tests, probably once or twice a year from memory and that's where they picked it up. (Worker - New claim)

As a rail employee we got tested ... I think it was supposed to be done every 12 months, but it was every few years, every couple of years. (Worker - Old claim)

Responding to an invitation from a lawyer

Some workers reported that they had been contacted by a lawyer (letter and/or phone) and told they may be eligible to receive a free hearing aid. Although these workers were unclear how lawyers had received their personal information, they stated that they "didn't ask any questions" due to the appeal of receiving a free aid.

I was retired by that point and they sent me a letter, these people [lawyers] here sent me a letter ... They must have got my name and condition from somewhere and contacted me and said, "Because of your work history, you're possibly entitled to compensation for loss of hearing. We can make a claim on your behalf." (Worker - New claim)

Responding to general advertising

One worker reported seeking a hearing test in response to advertising from a hearing testing company.

[Name of] hearing organisations sent me a leaflet in the mail, you know, free hearing test. And I thought 'Well it's free, I'll go and get it'. (Worker - Old claim)

3.4. Awareness of industrial hearing loss as a compensable injury

All workers reported that they understood workers compensation covered workplace accidents and injuries. A few reported that they had first-hand experience of the workers compensation system, having previously made claims for common ailments including back and hand injuries, while others

stated that they had worked in management positions and had previously had some responsibility for injury prevention and management.

Despite their previous knowledge of the workers compensation system, no workers reported being aware that industrial hearing loss was potentially a compensable injury. Instead, they assumed that the scheme would exclude chronic conditions which stemmed from long-term exposure, due to the likely difficulty of determining liability. Furthermore, some recognised that there could be difficulties seeking compensation from employers who were no longer in business.

I knew if you, kind of, fell off the scaffolding and broke your leg, yes there's was workers comp, didn't know it applied to hearing aids. (Worker - Old claim)

I didn't really realise that you could make a claim. Because once you're retired, I just thought it was all over and done with, you know. (Worker - New claim)

The main information source that hearing loss claims could be compensable thus came from audiologists, lawyers and employers.

4. Experience of claims process

This section examines workers' expectations of the claims process, the pathways used to make claims, the outcome of claims and workers' interactions with their insurer.

4.1. Expectations of claims process

Once workers were aware that they could make a workers compensation claim for hearing loss, all reported having low expectations that the claim would be successful. As previously noted, they assumed that the length of time that had passed between exposure and injury would make it harder for them to establish a connection between their employment and hearing loss. They further expected that their employers (or the insurer) would "fight" their claim, prioritising the employer's profits over their wellbeing, in turn leading to a long drawn out and adversarial process.

I was quite concerned because I thought, well that coal mine's closed and that company doesn't own it anymore. And [the lawyers] said it doesn't matter. That they'd all contributed to a fund. And it was industry. It was covered. (Worker - New claim)

I just assumed once you stopped work for a company and – well like I said, I'm looking at retirement anyway, in a year or so. Then it'll be my responsibility. (Worker - New claim)

Despite their low perceived chances of success, most reported that they decided to pursue their claims as they had "nothing to lose". They understood that they would not incur any costs when making a claim; workers who had engaged lawyers further understood that they were doing so under a "no win no fee" basis.

I wasn't holding any hope even, I thought they're doing it, if it happens it happens, if it doesn't it doesn't. (#6)

I really didn't expect anything. I really didn't. I thought if you're going to give me money it's a bonus but I didn't really expect it ... Well, I didn't even expect to get hearing aids. I thought it was all a load of rubbish to tell you the truth. (Worker - New claim)

On balance, workers reported that they were willing to initiate the process as the prospect of receiving a free hearing aid outweighed any risks to themselves.

4.2. Pathways to claim lodgement

There were four broad pathways to claims lodgement reported by workers. Pathways involving lawyers were the most common, while the employer and union pathways were the least common.

Common to all pathways were the following features:

- hearing test assessment undertaken by an audiologist; and
- involvement of another third party in preparing and lodging claim; these parties included lawyers, employers and union representatives (including lawyers engaged on behalf of unions).

The main differences between these pathways concerned:

- the professional background of the third party; and
- the order in which the hearing assessment or discussions with third party took place.

These pathways are shown in Figure 1.

Figure 1: Pathways to claims lodgement



As the hearing test assessment was a central part of the process regardless of pathway, workers’ experiences with this part of the process is presented separately below. Experiences with the pathways are then explored, although due to the similarities between the two legal pathways, these are presented together.

4.2.1. Hearing test assessment

No workers reported experiencing any difficulties or issues during the audiologist assessment process. None reported having any trouble finding a hearing testing centre (including those living in regional locations) or scheduling a hearing test. They found the testing process itself straightforward and did not find it painful or uncomfortable. They also commended the audiologists undertaking the testing for their professionalism and helpfulness.

I think [name of hearing test company] seem to be doing a fair job with how they go about their business. They don’t rush you or anything. They give you a chance to ask all your questions and they actually gave me a bit of a serve about not using the hearing aid enough, which I thought was good. (Worker - New claim)

The only issue for workers occurred when they were required to have more than one assessment. The rationale for a second (or subsequent) assessment was not always communicated clearly to workers. These workers often felt that the second test was a waste of time and resources.

A couple of workers reported that there were substantial anomalies between the results of their initial test and the test ordered by the insurer. This discrepancy caused them some distress as they were concerned that the results showing a lesser level of impairment would be used by their insurer to reject their claims. Indeed, one worker reported that this difference was used by his insurer to reject his claim for financial compensation.

I got another letter to say I had to go to ... [have] another hearing test. And the woman [audiologist] ... said ... that their last test had been doctored” She said, “That hearing test is not right.” She said, “I’ve been doing it for 50 years,” ... and the next thing ... I got to have another one at [name of place] ... and this fella [audiologist] over there, he’s

turned around and put it back to the solicitors or the lawyers or whoever they are, that I've only lost 2%. But prior to that they'd give me hearing aids. (Worker - New claim)

4.2.2. Legal pathways

Most workers reported that they had engaged a legal firm to make their claim. Their rationale for engaging a legal firm was generally as follows:

- They were informed by someone with knowledge of the workers compensation system, i.e. audiologists and lawyers, that they needed a lawyer, and trusted their professional judgment.
- This advice left them feeling that the process of getting a claim approved would be challenging and fraught; the assurances given by lawyers provided them with peace of mind.

In some cases, workers also independently formed the view that engaging a lawyer was a necessary part of the process. This perception stemmed from workers expecting, and thus pre-empting, the need to obtain legal advice when their claims were rejected. In other words, they expected the claims process to be adversarial and that their claims would not be accepted.

You need a lawyer; you can't take on an insurance company without a lawyer. Because if they have an objection, they get a lawyer and then that's garbage. (Worker - New claim)

In most of these cases, workers reported undergoing a hearing assessment and then being referred by their audiologist to a lawyer (the "audiologist-initiated pathway"). In some cases, however, workers entered the system through a lawyer who then referred them to an audiologist (the "legal firm-initiated pathway").

Audiologist-initiated pathway

Under this pathway, workers reported that they were referred to a specific legal firm (or individual lawyer). They were neither provided with any choice of law firm nor encouraged to do their own research and find a lawyer this way.

The hearing aid company ... just sent paperwork out, "You need to talk with these lawyers, blah, blah, blah, and [have an] appointment with this specialist," and it was quite surprising how well it went. (Worker - Old claim)

In some instances, audiologists and lawyers were co-located in the hearing test company's offices. In these situations, workers were instructed by the audiologist to "go to the next office" so they could speak to a lawyer about their claim. It was unclear to participants whether the lawyer was an employee of the audiologist (or vice versa).

I came out of this booth; they give me a hearing test there and I walked out and they went into this office and there was a [name of hearing test company] solicitor there or lawyer or whatever you like to call them. (Worker - New claim)

Then the hearing test was there. Then the lawyer was there. But on certain days they'd [audiologists] say, our lawyer is here. (Worker - New claim)

Of note, none reported thinking these practices were unusual at the time, nor did it cause them to feel any concern about the nature of any commercial arrangements between these audiologists and lawyers.

Legal-initiated pathway

Under this pathway, workers reported that they received a letter or phone call from a legal firm informing them that they may be eligible for a free hearing aid. These approaches generally came from legal firms specialising in industrial hearing loss cases. Workers tended to mention the same legal firms during the interviews.

For some, these approaches from legal firms were unexpected, and none could establish a relationship between any interactions they had previously had with professionals, which could have explained how they came to be contacted.

A couple of years ago I had a phone call – I got a letter in the mail from someone, reckons I might be a candidate for an industrial hearing loss claim ... [It was] from a lawyer. So, I entered that, and they [lawyers] made an appointment to go out and having a hearing test and also speak to a lawyer out in here in the area. (#6)

I was retired by that point and they [the lawyers] sent me a letter ... They must have got my name and condition from somewhere and contacted me and said, "Because of your work history, you're possibly entitled to compensation for loss of hearing. We can make a claim on your behalf." (Worker - New claim)

However, several others reported that these contacts followed them recently undergoing a hearing test. None recalled consenting to having their contact details passed onto a legal firm. However, when contacted by a legal firm with which they had no previous relationship, rather than feeling concerned about possible breaches to their privacy, they were more likely to report feeling cautiously optimistic that the lawyer would help get them a free hearing aid.

Worker: I didn't get in touch with them [the lawyers]

Moderator: How did they contact you?

Worker: Well probably via the people that I applied for hearing aids for at [name of company]

Moderator: So you don't remember agreeing to that?

Worker: No. Whether they've been looking for someone to make some money off – we can get some freebies off them or what have you. (#4)

Moderator: How would these lawyers have got your contact details?

Worker: I've got no idea. I got a letter, it just said, "You could have industrial deafness, contact us" or something, which I ignored. Then at some stage, I got another letter and I thought oh well, I will go and follow that up. (Worker - New claim)

One worker who had lodged an unsuccessful claim against his employer in the 1980s reported that he was contacted by a legal firm specialising in hearing loss compensation claims. He was uncertain how this firm had acquired knowledge of his previous attempt to make a workers compensation claim.

About 2010 I was about eight years out of work already or had retired. A solicitor company in Sydney, they would write to me and they were suggesting to open that case ... I don't know where they got [my contact details] from. But they are specialist solicitors and they're still looking for people who missed out on worker's compensation claims ... Somebody rang up and they asked for my address and they said "We'll get back to you" and then they did. They sent me a letter ... [explaining] if I agree to them to open my case, they would also - no charges to me, regardless if they win or lose. (#5)

A few described these lawyers as “ambulance chasers” but nonetheless were grateful that they had been contacted by these lawyers, as they believed that without their intervention they would not have been able to access an effective hearing aid.

Satisfaction with process

Overall, workers were generally satisfied with this pathway, describing the process as “painless”, and “seamless”. Factors influencing their satisfaction with this pathway included:

Support from lawyer

Workers appreciated that their lawyer assumed responsibility for the claims process from start to finish as it spared them the need to have any direct dealings with their insurer. Having someone with knowledge take control of their claim also provided them with assurances that “everything would be taken care of” and that they didn’t need to “worry”.

I can't say to you any problems that I had because I really had none. (Worker - New claim)

Timely and regular communication

Workers generally spoke positively of their lawyer’s communication skills and felt that efforts were always made to keep them informed of the progress of their claim.

I didn't even have to go see the solicitor. The solicitor did everything for me ... [We communicated] via email and telephone. That was it. (Worker - New claim)

Ease of process

Workers did not consider the process to be difficult in any way as they felt that the number of interactions they had with lawyers and audiologists met their expectations for a reasonable number of contacts.

Well it was pretty seamless. I had to go in. He asked me about the work history and all that sort of stuff. And then they made the claim and they sent me a letter to say the claim has been successful. (Worker - New claim)

4.2.3. Employer pathway

Some workers made claims for hearing loss through their current employer. The first step involved them undertaking a hearing assessment. A few reported that their hearing loss had been identified through a routine employment medical check while others had initiated hearing tests themselves. Once their hearing loss had been confirmed, workers would then meet with their employer to provide them with information needed for the employer to prepare and lodge the claim.

Although workers reported that they were grateful for the support provided by their employer, they also noted that this pathway caused them some level of unease for the following reasons:

- their current employer provided them with PPE for any activities that could pose risks for their hearing (even tasks such as lawn mowing)
- their current employers’ contribution to their hearing loss was therefore minimal to non-existent; and

- the employer(s) who they considered responsible to causing their hearing loss were either no longer in business or not their current employer, which removed the option of them making a claim against their former employer.

I was annoyed that the company that I'm working for had to foot the bill ... [They accepted the claim], no questions asked, just went along with it (Worker - New claim)

I said to [my current employer], ... "I already had [hearing loss] before I came to you guys, why should you guys [be liable]?" And the safety officer, he was pretty good. He just said, "Listen, at the end of the day that's not an issue, this is how it works." I accepted it but I thought it was a bit unfair. (Worker - New claim)

Satisfaction with process

All workers reported positive claims experiences. Factors contributing to their satisfaction with this process included:

Employer support

Workers generally reported having supportive employers who, crucially, did not make them feel that they were to blame for their hearing loss. None reported feeling that their employer treated them differently (or less favourably) after they had made a claim.

[The audiologist] gave me the results and I took it to the HR. I suppose they did prompt me, they prodded me a bit to go and do it because they said "This is the results, you can see if you can claim it under worker's comp" and ... that sort of started the ball rolling (Worker - Old claim)

[My employer's] Occupational, Health and Safety Department were upfront and helped me with anything that I needed ... I was pleased that they accepted [the claim] ... Even though I wasn't myself happy with it because it proves the company was the one that caused it. But I was very happy that they went along with it all the way. I might have thought they might have said, "Oh listen, why are you claiming now" or being nasty, but they weren't, they were fantastic. (Worker - New claim)

Ease of process

Similar to workers who had engaged lawyers, workers also considered the process to be straightforward and not onerous on their part.

Timeliness of claim approval

Workers reported satisfaction with the timelines for approval, with most recalling that their claims were approved in a matter of weeks.

4.2.4. Union pathway

A few workers reported that their union had supported them with their claim. These workers reported that they had not specifically set out to make a claim for their hearing loss. Instead, this pathway had commenced with them having an informal discussion about their hearing difficulties with either a union delegate from their workplace or an industrial officer from their union. The union representative advised them to undergo a hearing assessment. When the results confirmed that the worker had hearing loss, the union representative would either refer them to a union lawyer who would manage their claim or prepare and lodge their claim on their behalf.

It just so happened the union delegate was up in the office when I walked past and I knew him from before I left. And he asked how I was going, I said, "Just a bit a problem with the hearing", and he more or less convinced the company [to accept the claim].
(Worker - Old claim)

I approached the union ... and one of the union solicitors took over and put the claim.
(Worker - New claim)

In cases involving referral to a lawyer, the difference between the union pathway and the other legal pathways was that the referral was instigated by the union and not the audiologist.

Satisfaction with process

These workers also reported having positive experiences of this pathway for similar reasons as those reported by workers accessing the legal and employer pathways. They credited their union with referring them to the union's lawyer and providing them with support in their workplaces while their claims were pending.

4.3. Claim outcome and timeliness of response

Almost all workers reported that their claims were accepted outright; only one appeared to be approved following a conciliation process.

The time taken for workers to learn the outcome of their claim differed according to the pathway taken:

- Legal pathway claims generally took around 12-18 months to be approved

It probably took all over a year and a half. (Worker - New claim)

It took 12 months from start to actually getting it. [the hearing aid] (Worker - New claim)

- Employer pathway claims took a few weeks to a few months to be approved.

From start to go it didn't take all that long ... [it took] maybe six weeks. It was a very short period of time ... I do recall being very surprised with just how quickly things came together, I expected it was going to be a long drawn out process. (Worker - New claim)

Satisfaction with the timeliness of their claim was notably higher among workers who had used the employer pathway than those using the legal pathway. However, although the processing of claims made via the legal pathway was considerably slower, workers did not appear concerned for the following reasons:

- they expected that the process of collating supporting evidence, such as previous employment records, would take a considerable length of time; and
- they had lived with hearing loss for years (in some cases, decades), did not think that their need for a hearing aid was urgent and were therefore willing to wait.

it did take a while and I thought it was something like a year, but it's from the start of this to getting to the end – because there was so much involved in supplying information (#4)

I wasn't in a rush for it ... it wasn't as though I've got really bad hearing, I couldn't hear a thing and I was desperate for something. (Worker - New claim)

4.4. Interactions with insurer

Most workers reported that they had not had any interactions with their insurer, largely because their lawyer or employer was the key point of contact for their claim. Indeed, several workers reported that they did not know who their insurer was and had never thought to ask for this information.

When they had queries about their claim's progress or other aspects related to their claim, they also reported that they would direct any queries to their lawyer and employer, not their insurer. Several workers expressed gratitude that their lawyer or employer had responsibility for liaising with the insurer.

I had to go to the HR all the time to find out where it was up to. She'd ... approach the insurance company on my behalf. I never had direct contact with them, which probably made it less frustrating because the HR woman did most of the [liaising with the insurer].
(Worker - Old claim)

Some workers stated that they had some interaction with their insurer, however this was mainly limited to written correspondence confirming receipt and/or approval of their claim. One worker reported receiving an unsolicited phone call from his insurer to check his satisfaction with the process.

They rang me once, just to make sure everything's okay and the process and I said, "Yeah, I had no issues." And it was only a short conversation because there's nothing to say as such ... They said, "Well, if you do have any issues, or you just want to talk about the claim please ring this number again." (Worker - New claim)

5. Hearing aids

This section explores the process by which hearing aids were selected and acquired, how aids are used, how replacement aids and batteries are accessed and workers' satisfaction with their aids.

5.1. Hearing aid selection and acquisition

All workers reported that their chosen hearing aid was recommended by their audiologist. Although not presented with options to choose from by their audiologist, none felt that being given choice was important as they trusted their audiologist's professional judgment.

You don't get to choose, [the audiologist] said that's what you get. But he said they're worth about \$5,000. And they give you free batteries for the rest of your life. (Worker - New claim)

Workers also reported that the process of selection and acquiring their hearing aid was straightforward. They noted that the waiting time for the collection of the hearing aid was no more than a few weeks, which they considered to be an acceptable length of time.

Some reported that the selection process involved more than one visit, with their audiologist encouraging them to make a follow up visit to ensure that they felt comfortable and confident using their new aid.

I went in, got fitted up for them when they came in, and they said, "Go home ... and trial them, get used to them, and then come back, I think it was a couple of weeks later, to just get them adjusted and make sure you've got the right volume and things like that. Yeah, that again was a fairly simple process. (Worker - Old claim)

Whilst several workers were aware that their hearing aids cost several thousand dollars, a few were under the impression that there was a limit to how much the insurer would cover. This meant that workers would be out of pocket if they selected (or were recommended) a hearing aid above this threshold. None reported selecting a model which cost more than what the insurer covered.

I think they just say that, yeah, "We're allowed to give you" – I think I can go for a higher one, but there'd probably be an arrangement to pay the difference and probably paperwork involved. (Worker - Old claim)

All workers reported that they undergo regular 12 monthly hearing check-ups with their audiologists.

5.2. Hearing aid use

Hearing aid use varied among workers; whilst some reported needing to wear them all the time, most reported that they would only wear them at specific times.

Always

Some reported that they needed to wear their aid all day, including when they were at home and noise levels were still low.

I put them on in the morning and take them off at night. (Worker - Old claim)

Most days

Most workers stated that they did not need to wear hearing aids all the time, instead using them only when in noisy environments (such as shopping centres) or performing activities where they needed to be aware of cues in the wider environment (such as traffic noises when driving). At other times, they would take their aids out because their level of hearing was adequate for them to manage without them.

When they're hot or when there's background noises, they can be a bit of a pain. So, I have persisted ... trying to wear them more often, maybe two, three, four hours a day, or whatever ... But more often, I can operate without hearing aids better than I can with hearing aids, depending on the circumstances. (Worker - New claim)

Despite their variable level of use, most reported wearing their aids for a few hours each day.

Rarely

A few reported that despite their level of impairment, they rarely wore their aids unless it was absolutely necessary, for example, when attending medical appointments. Their reasons for not wearing their aids for longer periods included:

- They found the aids uncomfortable to wear. One worker reported that aids irritated his ears and contributed to build-up of wax which required regular drainage treatments.

Still find them very uncomfortable and everything else. The work I do, I probably like to do without it because you're on the phone a lot, and I just find it very irritating. (Worker - Old claim)

- They had some difficulty remembering when to take their aids in and out.

They're good when I've got them in, but there's just so many times when you can't wear them, like if you go out to mow the lawn you take the bloody things out, if you go and get in the pool or spa, or anything you've got to take them out and you forget to put them back in. I like to build things and do things outside, so when you're using power tools and stuff like that take them out because you don't want all that extra loud noise, because you can't put earmuffs over them because they squeal ... remembering to put them [in] is the hardest part. (Worker - Old claim)

5.3. Accessing replacement aids and batteries

Workers generally understood that hearing aids were built to last for around five years, and that unless they had any problems with their aid, they would be eligible for new aids around this time.

They [the audiologist] told me I'll have these for five years and they'll give me another hearing test, if I need to upgrade them again they will. (Worker - New claim)

Some workers, however, reported that they had needed a replacement aid within a shorter timeframe due to loss or damage to the aid. For example, one worker reported that his aid had fallen out when he was in his garden, and another placed his aid on his car bonnet, forgot it was there and drove off without the aid. Although workers who had lost aids felt somewhat embarrassed and annoyed, none reported having any difficulties getting a replacement aid, nor did they feel blamed for their loss by their audiologist.

Back to the audiologist I go, and very sheepishly explained what happened [the loss of the aid] ... I think they were only four or five months old, and she says, "I don't know

because – you know, thousands of dollars and whatever ... And, she goes, “We’ll try,” and about a week or so later, two weeks maybe, she rings me up and says, “Right, they’ve arrived. Do you want to come in?” (Worker - New claim)

All workers reported that they were in regular contact with their audiologist regarding batteries. Some preferred to call into their audiologist to collect new batteries while others preferred to have theirs mailed to them. None reported ever running out of batteries while waiting for new batteries to be delivered to them.

[The process is] quite easy. I just ring [name of hearing test company] and they’ll post them out. Or if I’m in the area and I know that I need batteries, I just call in and say, “Look I need some batteries.” And they go “Oh yes, no problem.” And they’ll give you a couple of packets. (Worker - New claim)

A few workers were aware that some of the newer models of hearing aids could be charged through a USB port, and were looking forward to receiving aids with this feature in the future as it would mean they no longer needed to source replacement batteries on a regular basis.

he said they’re getting better because the next lot – if we get another lot – they’ll be rechargeable. There’ll be no batteries. (Worker - New claim)

5.4. Satisfaction with hearing aid

In general, most workers reported that they were satisfied with their hearing aid for the following reasons:

- the aid was inconspicuous and easy to use;
- the aid enabled them to participate more fully in social and community activities, including employment; and
- the aid also helped to enhance their wellbeing and quality of life.

Oh...you could not believe [what it was like wearing the aid for the first time]. I put them on, I stood on the patio there and I could hear birds across the river... After work, the first day that I brought them to work, I just stood beneath the trees at work and I could hear the wind in the trees, just the leaves blowing. (Worker - New claim)

[They’re] brilliant ... I can actually hear things. (Worker - New claim)

Some also liked their aid’s high-tech features, such as being able to control the volume and select between quieter and noisier environments using a mobile phone app.

However, some workers noted that their hearing aid did cause them discomfort, which detracted from their overall level of satisfaction. They attributed this discomfort to the build-up of pressure in the ear and soreness due to sounds being amplified for extended periods.

When you’ve got your hearing aids in, it’s like a plane landing. It’s sort of [vocalisation]. It’s a little bit overwhelming sometimes. (Worker - Old claim)

During the day and I keep it for about six to eight hours, and they said that too, “Don’t leave it in longer than that.” Because by the end of the day it’s starting to hurt because I know it’s convenient into the ear passage, but it’s still putting pressure on your ear. (Worker - New claim)

6. Conclusion and suggestions for improvement

Qualitative research with current and former workers from Sydney, the Central Coast, Newcastle and the Wollongong area who have made workers compensation claims for industrial hearing loss has found overall high levels of satisfaction with the process.

At the commencement of the process, workers lacked knowledge that industrial hearing loss could be a compensable injury. They also had low expectations that their claims would be successful due to the length of time between their exposure to noise and development of their hearing impairment and as many of their former employers were no longer in business.

The most common pathway to making a claim involved a legal firm. Workers were typically referred to a legal firm by an audiologist following a routine hearing assessment or contacted by a legal firm who referred them to an audiologist. Less commonly used pathways involved the worker's current employer (who was not the employer responsible for exposing them to unsafe noise levels) or their union (who in some cases would refer them to a lawyer of the union's choosing).

Workers considered the process to be simple and straightforward, as common to all pathways undertaken was a knowledgeable professional driving this process. This dynamic relieved workers of considerable stress and uncertainty as they trusted this professional to guide them through the process. They also felt that the process involved minimal inconvenience to them as it was generally limited to attending a small number of appointments.

Ultimately all workers' claims were successful, and workers were genuinely grateful that not only did they receive a free hearing aid, they would not be required to cover any ongoing costs including batteries. Many workers considered the aid to be instrumental in enabling them to participate more fully in social and community activities and enhance their quality of life.

Based on the findings from this exploratory research, two broad suggestions have emerged. Of note, both concern workers' need for clear and accessible information about the claims process. These suggestions are presented below.

Develop and promote information resources outlining key aspects of the claims process

Although workers did not find the process itself difficult to navigate, they found it hard to obtain clear information about the hearing loss process. Regardless of the pathway undertaken, no workers reported being provided with simple written information by the party supporting them through the claims process, that is, their lawyer, employer or union representative.

Information they felt would have been useful for them to know at the outset included:

- The number of assessments they would need to undertake (and rationale if required to attend an independent provider appointment)
- Expected timeframes for a decision
- Options (or pathways) for submitting a claim.

Furthermore, there was also evidence that legal firms and some audiologists were not providing workers with accurate and impartial information at the outset of the claims process:

- Very few audiologists appeared to advise workers that they could initiate a claim through their employer.

- None of the workers who used the legal pathway were informed of alternative pathways.
- Several workers who had used the legal pathway recalled being advised that engaging a lawyer was a requirement for making a hearing loss claim.

Being provided with this information would help workers to manage their expectations of the process (for example, around the eligibility for their claim to be approved and the timeframes to a decision being made) and make informed decisions around the pathways available to them to make a claim.

Encourage disclosure of commercial arrangements involving audiologists and legal firms

This research has identified evidence of tight referral pathways between audiologists and legal firms. At no point did workers report that these relationships were made transparent to them. They lacked knowledge of:

- Any commercial arrangements between the two parties, including whether one business operated as a subsidiary of the other.
- How legal firms had accessed their personal information (including information about their previous employment history) in situations in which workers were approached directly by a legal firm.

Clear and transparent information about the nature of the relationship between audiologists and legal firms would enable workers to understand which party had ultimate responsibility for their claim and would enable them to also make informed decisions about pathways towards making a claim.

Appendix 1: Detailed methodology

Sampling and target audience

Qualitative research sampling strategies use non-probability methods for selecting participants – that is, not all of the target ‘population’ will have an equal chance of selection. Rather, characteristics of the ‘population’ of interest are used for the basis of selection, and quotas are then established. Thus, a qualitative sample will not, and does not need to, represent (in any statistical sense) the population but will include people with a range of characteristics, backgrounds and experiences to provide a comprehensive source of in-depth evidence on a particular topic or issue.

The approach for sample selection, recruitment and fieldwork conducted for this research is described below.

Sample selection and recruitment of workers

One-on-one face-to-face interviews were held with workers in the following locations:

- one metro location – western Sydney
- three regional locations – Central Coast, Newcastle and Wollongong

To be eligible for participation, all workers had an active claim in financial year 2017/18, with the injury code of 771 (industrial deafness) as their primary injury. Claims were categorised as either “old” or “new”:

- old claims were those occurring on 31 December 2016 and earlier
- new claims were those occurring from the 1 January 2017 or later.

An anonymised sample file was provided by SIRA to select possible locations for interviews (based on identifying areas where there was sufficient clustering of workers).

Based on a review of the anonymised sample, three regional areas were selected by the Social Research Centre (each of which was deemed to contain a sufficient ‘pool’ of eligible workers from which to recruit from). It was not possible to extend the locations to any rural locations due to the paucity of workers clustered in these areas.

Primary approach letters (PAL) were posted to 122 potential participants across the four selected locations (see Table 1) prior to telephone recruitment beginning. The PAL advised potential participants of the research being conducted and provided an opportunity for them to ‘opt-out’ if they did not want to be considered for the research.

Telephone recruitment then followed a week after the PAL was sent, with potential participants receiving a telephone call to enquire if they would like to participate in the research. Of note, approximately a third of the sample that was sent the PAL could not be contacted due to their records being incorrect or missing key information such as a contact telephone number. These omissions reduced the proportion of the sample that could be contacted by telephone after the PAL stage.

On being contacted by phone, workers were mostly agreeable to participating in an interview – those who declined to participate tended to cite a lack of interest in the research or lack of available time as their reason for not participating.

Table 1: Call outcomes for workers

Worker location	PAL	Calls made	Refused	Incorrect info supplied	No contact number supplied	Participated
Sydney (metro)	24	20	6	3	4	3
Central Coast (regional)	24	15	1	4	9	4
Newcastle (regional)	51	38	9	10	13	5
Wollongong (regional)	23	23	8	1	-	3

Table 2: Characteristics of workers

Worker location	Old claim	New claim	Age range	Total
Sydney (metro)	2	1	56 - 62	3
Central Coast (regional)	-	4	61 - 68	4
Newcastle (regional)	3	2	43 - 67	5
Wollongong (regional)	1	3	46 - 63	3
Total	6	10	-	16

Fieldwork conducted

All interviews were conducted by a qualitative researcher from the Social Research Centre. Workers were provided with an information sheet to explain the research prior to the research (see Appendix 2). Workers were asked to provide written consent at the commencement of the interview (see Appendix 3). All discussions were audio recorded (with consent) for analysis purposes. The researcher used a discussion guide in the interviews to cover key themes, whilst also allowing for the discussion to flow in a conversational manner (see Appendix 4). Interviews lasted for approximately 60 minutes, and workers received a reimbursement of \$80 for their participation.

Analysis and reporting approach

The audio recordings were transcribed by an external specialist transcription agency. A single analytical framework, which organised data into 'themes', was formulated from both the employer and worker discussion guides and an initial review of the qualitative data. Using this analytical framework, each transcript was 'coded' using NVivo to enable a thematic analysis of the data. The use of this thematic coding technique ensures that findings are directly traceable back to the raw data.

Verbatim quotes from across the research have been included in this report to illustrate the findings. To protect workers' anonymity, quotes have instead been attributed to participants using the following convention: *Worker – Old claim* or *Worker – New claim*.

Qualitative research is not designed to be representative, in any statistical sense, of the wider population from which participants are drawn, but purposive sampling of the cohort ensured a wide variety of workers were consulted. The approach to qualitative sampling means that caution should always be exercised expanding the findings of qualitative research to the wider population. However, the reader can be confident that the research coverage allows for a relatively comprehensive range of views and experiences to be presented.

Ethical conduct of the research

All research was undertaken in compliance with the International Standard of ISO 20252 Market, opinion and social research, AMSRS code of practice, standards and the Market and Social Research Privacy Principles.

Appendix 2: Participant information sheet

Information sheet for workers

SIRA hearing loss claims experience research

General overview of the research

The State Insurance Regulatory Authority (SIRA) regulates the workers' compensation insurance scheme in NSW. SIRA is conducting a review into services that support people with work-related hearing loss arising in the NSW workers' compensation system.

SIRA has engaged the Social Research Centre to conduct research with workers who have experienced work-related hearing loss. This research will help SIRA better understand the needs and experiences of NSW workers, like yourself, who have made a hearing loss claim.

Who is the Social Research Centre?

The Social Research Centre is an independent research company based in Melbourne, owned by the Australian National University (ANU) and specialising in undertaking social policy research. For further information please visit our website at www.srcentre.com.au

What's in it for me?

This is an opportunity for you to provide SIRA with feedback on your claim experience in a safe and confidential environment.

We value your involvement, and to thank you for participating, you will be given \$85 cash at the end of the discussion. This is to cover your time and contribution to the discussion.

What is involved in an interview?

Participation will involve taking part in a confidential, one-on-one interview with a senior researcher. The discussion is very informal. We want to hear your honest opinions about your hearing loss claims experience - there are no right or wrong answers.

With your consent, we will audio-record the discussions so that we have an accurate record of what is said, which is then used for analysis purposes.

The discussion will take up to 60 minutes and will be held at a convenient time and location, such as your home, workplace or a local café. You can find more information about taking part in research here: <http://www.srcentre.com.au/research-participants/focus-group-and-interview-participants>

Are there any risks?

Participation in this research is voluntary. You can withdraw from participating in the discussion at any time and you do not need to provide us with a reason.

We don't anticipate any risks for you if you decide to participate, however if you do feel anxious or uncomfortable please let us know. We can then provide you with a list of support services that can help.

How will the findings be used?

The Social Research Centre will summarise all the data into a report, which will cover the themes raised during the research. You will not be identified in the report.

The findings of this research will be used by SIRA to understand how well the claims process is working and to identify opportunities to improve workers' experiences and outcomes.

What about my privacy?

Your personal information is protected by the *Privacy Act 1988*. All information you provide is confidential and used for research purposes only. All data will be de-identified in the research report so that no names or other identifying information can be attached to it. The Social Research Centre's Privacy Policy can be found at <http://www.srcentre.com.au/taking-part-in-research/survey-participants/RIPP>

How will my information be stored?

The information you provide will be handled with care. All information collected will be stored under secure password protected conditions at the Social Research Centre and destroyed after five years.

Questions?

If you have any questions, please feel free to contact:

Ros Lording at the Social Research Centre

Tel: 1800 265 648 (free call from landline)

Email: qualitative@srcentre.com.au

Should you wish to discuss any issues with someone not directly involved in the project, in particular, anything concerning the conduct of the research, your rights as a participant, or you wish to make a confidential complaint, you may contact SIRA by phone [13 10 50](tel:131050) (Monday to Friday, 8:30 am till 5:00 pm) or by email contact@sira.nsw.gov.au.

Appendix 3: Consent form



Participant consent form SIRA hearing loss claimant experience research

Thank you for agreeing to participate in this research. Please read the following and indicate whether you agree or disagree with each statement by ticking the box that applies to you and signing your name below:

- I have read and understood the Participant Information Sheet, have had an opportunity to ask questions and am satisfied with the answers I have received. Yes No
- I understand that the discussion is private and confidential and all information I provide will be used for research purposes only. Yes No
- I give my permission for the discussion to be audio-recorded for the purposes of analysis. Yes No
- I understand that I am free to withdraw from the research at any time, without providing any reason for doing so. Yes No
- I have received \$85 cash as a thank you for taking part in the research (tick upon receipt of payment). Yes No
- I agree to participate in this research. Yes No

Participant name: _____

Participant signature: _____

Date:

Appendix 4: Discussion guide

2325 SIRA hearing loss worker research

Discussion Guide V2 15/11/2019

NOTE: The guide should be viewed as an aide-memoire for the researcher to ensure exploration of the key topics, rather than a list of set questions that need to be answered sequentially. The questions included here and their sequence are indicative only. Key areas are:

- Awareness of hearing loss
- Claim lodgement and acceptance
- Hearing loss assessment process
- Hearing aids and supports
- Return to work
- Overall claims experience

Key research questions

Part 2 - awareness of hearing loss	<ul style="list-style-type: none"> • we want to know how they became aware of their hearing loss • what was the driver to seek help? (Someone at home, work, union, provider, advertisement?)
Part 3 - claim awareness	<ul style="list-style-type: none"> • we want to know how the worker knew they could make a claim with WC (was it driven by self, hearing provider, legal, union etc)
Part 4 - hearing loss assessment process	<ul style="list-style-type: none"> • we want to know the pathway of the claim and what providers are involved (hearing provider to legal to Independent Medical Examiner)
Part 5 -hearing aids and support	<ul style="list-style-type: none"> • how did they chose the aid? • were there any barriers in this? • do they use the aid? • are they happy with it? • if they got a replacement aid what triggered that? • how easy was this process?
Part 6 - RTW	<ul style="list-style-type: none"> • we don't expect much here, as most hearing loss claims have no lost time and are not involved in RTW plans. • where relevant, does the aid help at work?
Part 7 - overall claims experience	<ul style="list-style-type: none"> • key to this research • not just what needs to be improved, but also what worked well, • how happy were they with their insurer/health professionals/employer/hearing providers etc

Explanation to participants (2 mins)

- Introduce researcher conducting the discussion on behalf of the State Insurance and Regulatory Authority (SIRA)
 - SIRA is responsible for regulating workers compensation insurance, motor accidents compulsory third party (CTP) insurance and home building compensation insurance, in NSW - <https://www.sira.nsw.gov.au/corporate-information>
- Explain what the discussion is about – explore your experiences making a claim for work-related hearing loss through the NSW workers' compensation system
- Explain audio recording and confidentiality of respondent information, explain how data will be used and stored
- Seek informed consent
- Explain the importance of honest opinions, no right or wrong answers
- Housekeeping matters – discussion will last up to 60 minutes, participant will receive \$80 at completion of interview
- Any questions before starting?

1. Introductions (3 mins)

To begin, could you tell me a little bit about yourself:

- Your family and household circumstances, how long lives in the area, what it's like living around here
- Your current work status. *Probe: employed; graduated return to work; retired; ill-health retired, etc –*

Note: Confirm hearing loss and whether participant wears a hearing aid.

2. Awareness of Hearing Loss (5 mins)

Let's talk about the circumstances around your workers' compensation claim.

- How long ago did you lodge your claim for work-related hearing loss? *Confirm: first claim or previous claims submitted for hearing loss and/or other injuries*
- What type of work were you doing during this time? *Probe for industry type, length of time working in sector, etc*
- How could you tell that you had developed work-related hearing loss? *Note: Common symptoms include: tinnitus or ringing in the ears; bilateral or unilateral hearing loss; dizziness; uncoordination in movements; unsteadiness of gait; and/or oscillating or bouncing vision*
- What did you do when you first became aware that you had symptoms of hearing loss?
 - Did you discuss your concerns with your employer (and/or union)? How did they respond?

- At what point did you see a doctor and/or other health professional? What did they do?
- What drove you to seek help for your hearing loss? *Probe: someone at home, work, union, advertisement?*

3. Claim lodgement and awareness (5 minutes)

- Before we explore your claims experience, can you tell me the different people and organisations that you had contact with through your claim? *Probe: employer, colleagues, union, treating professionals, rehabilitation coordinator, insurer, legal representative, etc*
- How did you become aware that you could make a worker's compensation claim for your hearing loss? *Probe: previous experience of worker's compensation, informed by hearing provider, legal representative, union.*
- Who was responsible for lodging your claim? *Probe: employer, worker or legal representative, GP, hearing service provider, Ear Nose Throat specialist*
 - If worker: How well did the process of lodging the claim go? *Probe: any technical issues, issues with having the right paperwork*
 - If legal representative: Why did you engage a lawyer?
 - How did you choose a lawyer?
 - How did you expect having legal representation would help you?
- How long did it take before you learned the outcome of your claim? *Probe: accepted outright or accepted after conciliation*
 - If claim went to conciliation: What happened during the conciliation process? What was the outcome?

4. Hearing loss assessment process (5 mins)

- What did the hearing loss assessment process involve?
 - Which professionals were involved in your assessment?
 - How long did the assessment process take?
- How did you find this process? *Probe: straightforward, stressful, etc*
 - How well informed were you about what this process would involve?
 - What were the main things you needed to know during this process (or wish you had been told)?
 - Who (or what) were your main sources of support during this process?
- What was your level of hearing loss impairment?
 - To what extent did the assessment determine that your work had caused your hearing loss?
 - Did this assessment seem fair and reasonable to you?

- What hearing aids were you recommended? *Probe for: hearing aid, other assistive equipment/ supports, implants, surgery, etc.*

Note: assistive equipment includes doorbell or phone alerters, paging systems, FM systems (or personal listeners), hearing loops, streaming devices, Bluetooth neckloops and/or headphones.

5. Hearing aids and supports (5 mins)

If participant wears a hearing aid:

- What did you need to do to receive a hearing aid?
- How much funding were you eligible to receive for the purchase of a hearing aid?
 - Did this allow you to purchase the type of hearing aid you needed?
- How easy was it to get a hearing aid?
 - Did you need any assistance to get a hearing aid?
- How easy was it to select the most suitable hearing aid for you? *Probe for: choice of aids, ease of decision making*
 - Were there any barriers that made it difficult to select a hearing aid?
- How do you find your hearing aid?
 - How do you feel wearing a hearing aid?
 - How regularly do you use it?
 - What difference does wearing a hearing aid make to you (or your quality of life)?
- How satisfied are you with the hearing aid you use? *Probe: if dissatisfied which type of hearing aid would they prefer?*

If participant got a replacement aid:

- What caused you to get a replacement hearing aid?
- How easy was the process of getting a replacement aid?

If participant does not wear a hearing aid:

- Why do you not wear a hearing aid? *Probe for: perceived lack of need, lack of effectiveness, discomfort, embarrassment/ stigma, etc*
- How did it feel when you wore a hearing aid?
- Did wearing a hearing aid make a difference to you (or your quality of life)?

If participant raises using assistive equipment/ supports:

Note: equipment includes doorbell or phone alerters, paging systems, FM systems (or personal listeners), hearing loops, streaming devices, Bluetooth neckloops and/or headphones.

- If yes, which equipment do you use?
- How were you able to access this equipment? *Probe for: insurer, treator/health professional, self and whether cost covered by insurer*
- How useful/ helpful is this equipment?
 - What difference does this make to you (or your quality of life)?

6. Return to work (if applicable) (5 mins)

- Did your claim involve any lost time? If so, how long were you off work for?
- If time lost: Have you returned to work? If so, how did this process go?
 - Did your employer need to make any adjustments to enable you to return to work?
 - If yes, what were these adjustments?
 - How have these adjustments helped you to perform your role?
 - How easy was it for you to return to work?
 - (If applicable) to what extent does your hearing aid help you at work?
 - What (if anything) could have been done differently to help you to return to work?

7. Overall claims experience (20 mins)

- Overall, how would you describe your hearing loss claims experience?
 - How would you rate your experience on a 1 to 5 scale (1= very poor, 5=excellent)?
 - Which aspects of the process have worked well?
 - And which aspects have been the most challenging?
 - Have you encountered anything unexpected during this process?
- Since your claim was accepted, how much contact have you had with your insurer?
 - How accessible and responsive have you found your insurer?
 - How satisfied have you been with their level of customer service?
 - What (if anything) could they have done differently to better support you?
- To what extent have you felt supported by your employer?
 - Is there anything your employer could have done differently to better support you?
- What about your dealings with rehabilitation and health professionals?
 - What have they done well?
 - What (if anything) could they have done differently to better support you?
- If engaged a legal representative: Looking back, what difference did engaging a lawyer make?

- What has been your main learning throughout this process?
- What advice would you give to a worker about to make a claim for work-related hearing loss?

8. Wrap up (5 mins)

- What needs to change to ensure that other workers making claims for work-related hearing loss have a positive experience?
- In the context of this research, are there any other issues you would like to raise?

Thank and close