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## Things To Improve Your Chances For A Successful Workplace Hearing Loss Claim





1

## Know the time limits

Knowing the time limits and bringing your claim in time is important.

The usual time limit to bring a claim for noise-induced hearing loss and noise-related tinnitus is three years. Whilst there are some exceptions, this three-year period will usually run from the date of your injury or, if later, three years from your date of knowledge. Your date of knowledge is the date by which you knew or ought to have known that you had suffered hearing loss or tinnitus due to potential negligent exposure to noise. This is known as the limitation period.

## What is my limitation period?

Identifying the limitation period can be straightforward in some circumstances. For example, if your hearing loss was noticed immediately following exposure to very loud noise, such as an explosion.

However, identifying the limitation period in other cases can be more difficult. Hearing loss is a condition that can occur gradually over a long period of time. Often, people do not notice they are experiencing hearing loss, and it may be others, such as family and friends, who notice it first. After all, you may not necessarily miss what you do not hear. In fact, people can sustain damage to their hearing, and it may not be noticeable to them for many years after.

This is because damage to hearing caused by noise can be compounded over time by hearing loss caused by the ageing process and may eventually get to the point where the loss becomes noticeable.

If you are experiencing symptoms of hearing loss or tinnitus, it is important that you look to investigate this as soon as possible to find out the cause of those symptoms. If you leave it too late or wait until the symptoms become too problematic, this can give rise to a technical time limit defence, meaning a Defendant can escape liability for negligence simply because the case was not brought in time.

Even if you think you may have been experiencing symptoms for over three years, this does not necessarily prevent you from bringing a claim, as the court has the discretionary power to allow a late claim to proceed. While each case is fact-specific and decided on its own

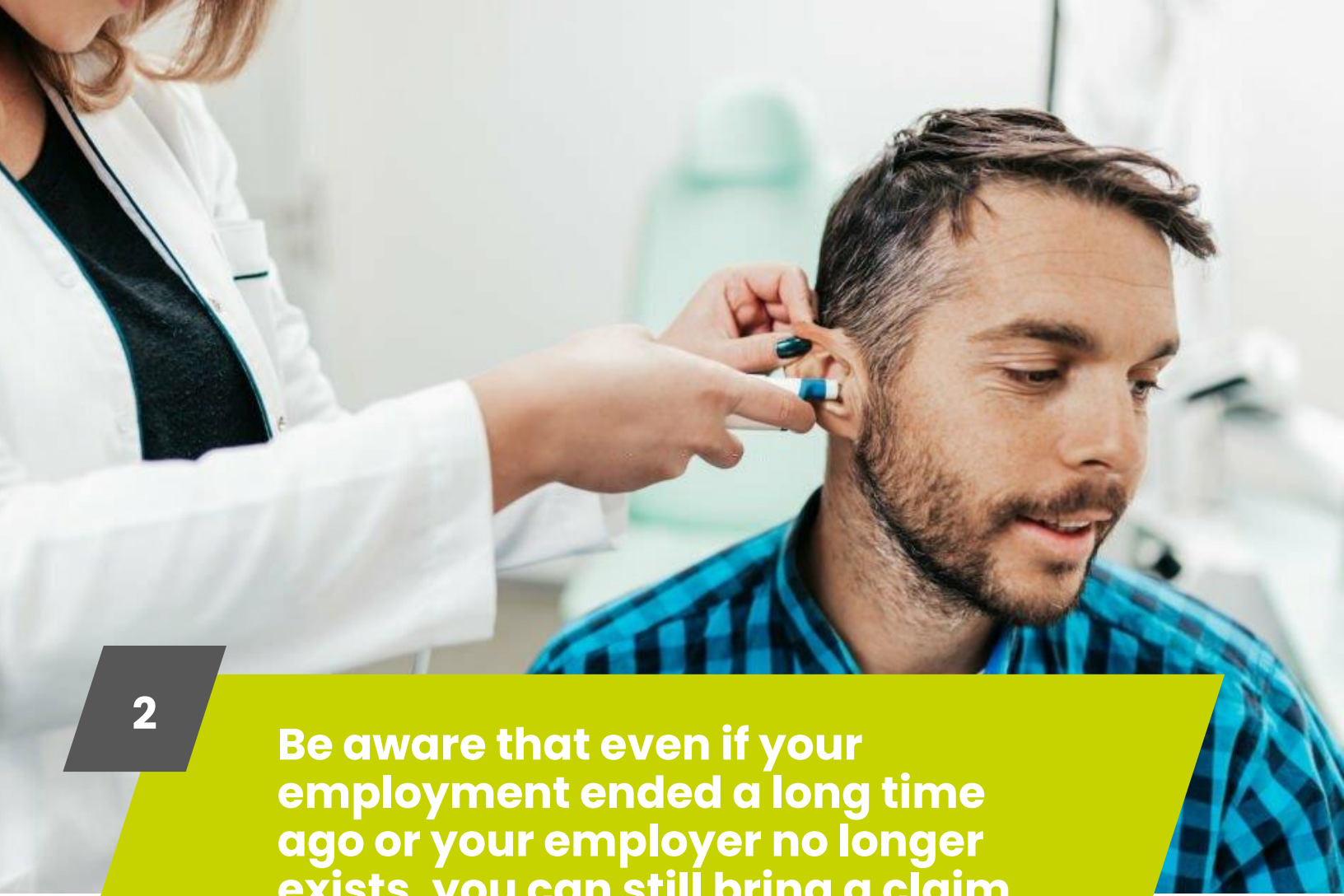
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merits, we have extensive experience in pursuing cases where the limitation period in a client's case has passed, and we have been able to obtain successful outcomes.

Nevertheless, the critical message is not to delay and investigate your symptoms as soon as you notice them.

Due to the complexities of limitation and the potentially significant consequences of not bringing a claim in time, we strongly recommend seeking specialist legal advice as soon as possible.



2

**Be aware that even if your employment ended a long time ago or your employer no longer exists, you can still bring a claim**

Noise-induced hearing loss cases can involve exposure to noise ending recently or many years ago.

Some people assume because their employment ended more than three years ago, they cannot bring a claim and, as a result, miss out on the opportunity to obtain justice for the damage caused by their employer's negligence.

As noted above, whilst damage to hearing caused by noise exposure can occur many years ago, symptoms of hearing loss may only become apparent much later on. In those circumstances, it is still possible to bring a claim.

## 5 Things To Improve Your Chances For A Successful Workplace Hearing Loss Claim

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Additionally, if your employment ended many years ago and even if your employer may no longer exist, it is still possible to bring a claim. It has been compulsory for employers to hold employer's liability insurance since 1969.

We can conduct searches to seek to locate the insurers who held cover during your employment and who would ultimately be responsible for compensating you for damage caused to your hearing.

If these factors have held you back from investigating a claim in the past, it is important not to delay any further in making enquiries, particularly in view of the limitation period.



### 3

## Document your case

It can be helpful to compile your own timeline of events, particularly if your exposure ended many years ago. Noting down details of your employment and examples of your exposure as the case progresses can act as useful reminders and important pieces of evidence to support your case. For example, writing down brief details of memorable jobs or projects you worked on with the Defendant can act as good reminders of your exposure.

If you have undergone hearing tests with your employer and have been provided with a copy of the results, it is essential to keep those records safe. Whilst your employer should keep copies of the records, there is a risk they may be lost.

## 5 Things To Improve Your Chances For A Successful Workplace Hearing Loss Claim

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It is also important to keep a record of any financial losses you have incurred, such as loss of earnings as a result of time off work caused by the negligence as well as money spent on items including hearing aids or tinnitus retraining therapy.

It can also be helpful, although not essential, to obtain statements from witnesses who could provide supporting evidence about your working conditions and exposure to noise.

As specialist solicitors, we ensure as much documentary evidence is obtained in support of your case as possible, including, where possible, interviewing witnesses to obtain corroborating evidence.





4

## Get legal representation

It is so important that claims are brought in time, properly framed and presented.

Claims against employers are usually defended by experienced specialist defendant law firms with substantial experience in defending cases. In our experience, they will often try to defend cases, put forward evasive or unpersuasive arguments, or, not uncommonly, try to avoid making any decisions on liability at all.

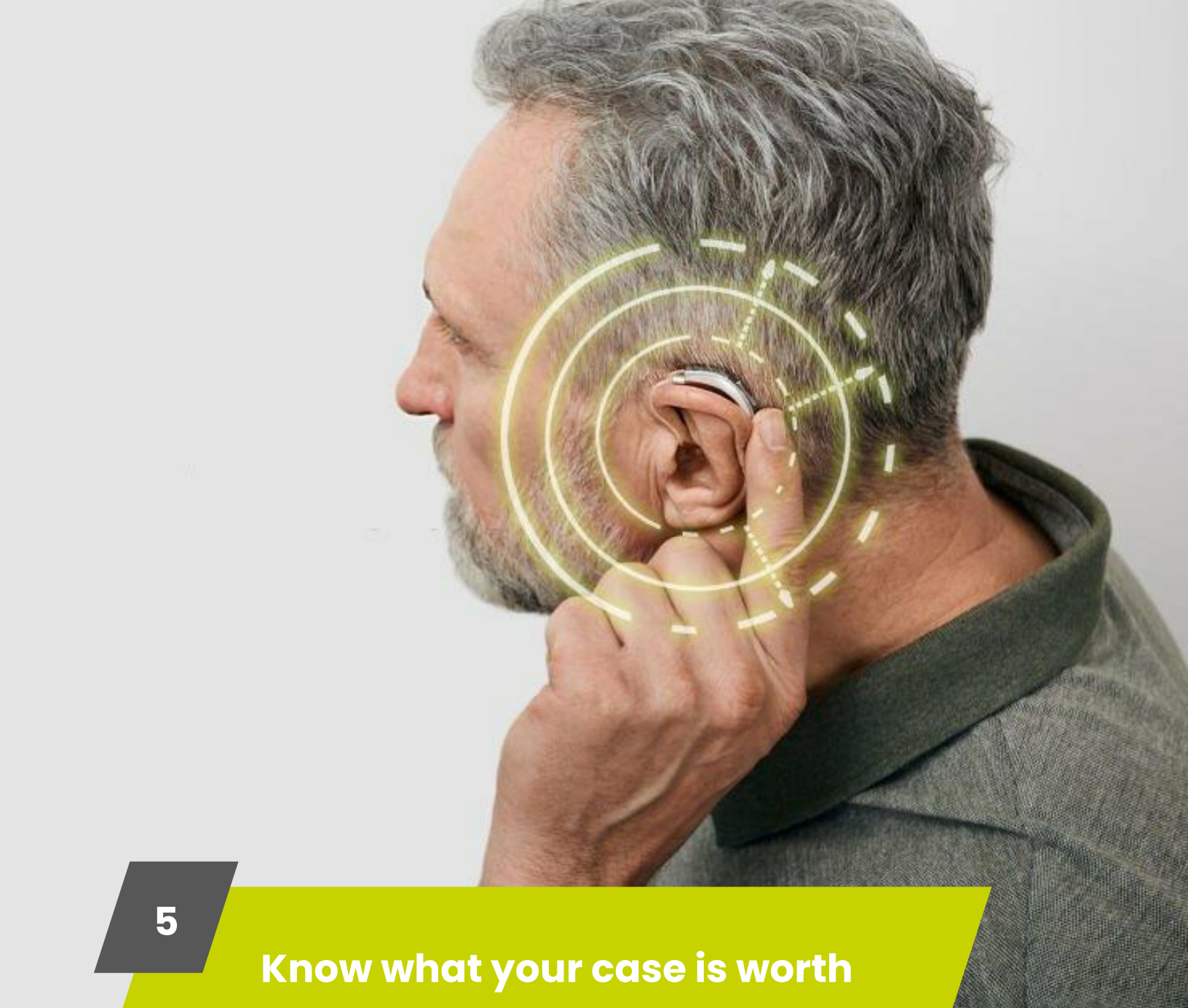
## 5 Things To Improve Your Chances For A Successful Workplace Hearing Loss Claim

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To prove your case, we will obtain full instructions and present your claim to the Defendant in a robust manner.

If on consideration of your claim it appears that your case has merit, we will arrange for you to be examined by a specialist medical expert who will prepare a comprehensive report detailing the extent of your hearing loss and tinnitus.

Our team of specialist lawyers have extensive experience in achieving successful outcomes in cases that involve many different types of exposure, complex medical issues, and cases where issues arise as to the limitation period.



5

## Know what your case is worth

Noise-induced hearing loss and tinnitus not only cause pain and suffering but can also result in financial losses. Ultimately, the personal cost to you from a financial perspective could be substantial.

In assessing the potential value of your case, it is crucial to bear in mind that it is not simply the damage caused to your hearing. Noise-induced hearing loss cases, particularly those involving intrusive tinnitus, can have additional effects, including psychological.

## 5 Things To Improve Your Chances For A Successful Workplace Hearing Loss Claim

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Additionally, the financial costs can also be substantial. Whilst hearing aids can be obtained from the NHS, they may not be suitable or sufficient for everyone. Purchasing hearing aids privately can be very expensive, particularly as they will usually only last several years before they need replacing. Additionally, in cases involving tinnitus, it may be necessary to consider tinnitus retraining therapy and tinnitus masking devices. It is imperative that all losses are fully identified and claimed.

As specialist solicitors, we will ensure that all relevant losses and costs are included and claimed to the fullest extent possible.



## NEXT STEPS

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Please do not hesitate to contact David Lee at Wixted & Co. Solicitors for a free consultation to see if we could act for you on our “no win, no fee” basis.

5 minutes of your time spent now could make a huge difference to your claim for compensation.

**ACT FAST, DO NOT DELAY. PROTECT YOUR FINANCIAL SECURITY FOR TOMORROW BY ACTING TODAY.**

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## ABOUT THE AUTHOR

David Lee is the Head of the Industrial Illness Department and is a solicitor with over 15 years post qualification experience who specialises in litigation. He has pursued cases for clients in the County Court, High Court and Court of Appeal. He has recovered substantial damages for clients who have suffered injury and loss. During his time with the firm, he has recovered millions of pounds in damages for clients who have been victims of negligence.

For a free initial discussion, please email [dlee@wixtedandco.co.uk](mailto:dlee@wixtedandco.co.uk) or call **0808 092 1443** and ask to speak to David Lee in relation to a noise-induced hearing loss claim.

