



What is an arbitration hearing?

An arbitration hearing is a meeting run by an Arbitration Officer who discusses the issues in the dispute with a Worker and a WorkSafe Agent or Self-insurer (or their representatives).

Do all parties have to attend the hearing?

The Worker, WorkSafe Agent or Self-insurer and any representatives and support persons should attend a hearing. However, if a person is giving evidence, all of those people *must* attend.

An Employer will be advised of hearing dates, but it is not compulsory for them to attend, unless they are the Self-insurer.

Employers that have a WorkSafe Agent managing the claim will have the WorkSafe Agent conduct the arbitration for them.

Parties must tell us in advance who is coming to the hearing.

If a party does not attend a hearing, we may hold the hearing without them and decide how to proceed.

How many hearings will there be?

There will usually be at least one, which we call an initial hearing. At the initial hearing, the Arbitration Officer decides whether there is a need for further hearings based on the issues in dispute and the information the parties have provided. It is likely that there will only be two hearings.

When will a hearing be held?

We must hold the initial hearing within 30 days from the date that we accept the *Referral for*

Arbitration Form. The hearings must have finished within 60 days of that initial hearing.

How long will a hearing take?

We schedule 90 minutes for the initial hearing, but the length of a hearing may vary. We will advise the parties of the expected length of the hearing by letter.

What happens at a hearing?

At a hearing, the Worker and the WorkSafe Agent or the Self-insurer present their cases to the Arbitration Officer. The Arbitration Officer considers all of the issues, arguments and evidence (including from witnesses), so they can make a final decision. At a hearing, they may also discuss:

- Any procedural matters (such as requests for legal representation or for a witness to give evidence)
- Setting a timetable to provide further information
- Whether a party or witness needs an interpreter or other assistance

If an agreement has been reached between the parties

What can happen after a hearing?

After a hearing, any of the following things may happen:

- A further hearing may be required
- Further documents may be exchanged
- The dispute may be referred for further conciliation (if the parties agree)
- The dispute may be dismissed
- The Arbitration Officer makes their final decision, which we call a determination



How should parties prepare for a hearing?

Before a hearing, the WorkSafe Agent or Self-insurer and the Worker should:

- Decide what they want to say to the Arbitration Officer about how they see the dispute
- Lodge the *Pre-hearing Information Form* (this should be done in the 14 days after we accept the *Referral for Arbitration Form*)
- Review the Arbitration Book
- Provide any further evidence
- Make any requests to us, such as having legal representation at a hearing
- Contact any witnesses regarding their attendance
- Be prepared to discuss the evidence and how they believe it supports their case

Employers that are not Self-insurers have their WorkSafe Agent conduct the arbitration for them, so they should contact their WorkSafe Agent for information on how to prepare for any hearing. Employers that aren't Self-insurers can observe the hearing and may be asked to give evidence.

Can a party have a lawyer at a hearing?

We must give permission for a Worker, WorkSafe Agent or Self-insurer to have a lawyer at a hearing. (We call this being legally represented). They should ask us for our permission as soon as possible.

For more information, see our *Representation at Arbitration Fact Sheet* and our *Employers at Arbitration Fact Sheet* on our website www.wic.vic.gov.au/resources.

What if a party is unavailable on the scheduled date of the hearing?

The hearing date will not be changed unless there are exceptional circumstances. If any party cannot attend their scheduled hearing, they must contact the Hearing Support Officer to discuss this as soon as possible.

Can a party request an urgent hearing?

Yes. If a party believes a hearing is urgently required, they should contact the Hearing Support Officer to discuss this. We can only schedule urgent hearings where parties have had enough time to prepare their documents and evidence.

What if the parties reach an agreement before a hearing?

Parties who have reached a final agreement to resolve the dispute should let us know as soon as possible. The dispute can then be finalised and the hearing cancelled.

You will find more information in these documents, found on our website

www.wic.vic.gov.au/resources:

- *Resolving a Dispute by Agreement After Arbitration has Started Fact Sheet*
- *Dismissing a Dispute from Arbitration Fact Sheet*
- *Referring a Dispute from Arbitration to Conciliation Fact Sheet*



What if a party or a witness requires an interpreter at a hearing?

If a party or their witness needs an interpreter, they should let us know and we will arrange a professional interpreter at no cost.

Are hearings held in private?

Yes. Members of the public are not permitted to attend hearings, and witnesses (who aren't parties) may only attend to give evidence.

Are hearings recorded?

Yes. We audio record all hearings. Attendees are not permitted to make their own recordings. Any party can ask for a copy of the recording free of charge.

Can parties request a written record of what has been said at a hearing?

Yes. A party may ask for a written record of the hearing, which we call a transcript. It has to be typed up by an approved transcription service. The transcript is not free (except in limited circumstances), and the party who asks for it will be charged for the cost by the transcription service.

Can a party speak to the Arbitration Officer before the hearing?

No. The Arbitration Officer must remain impartial and unbiased so they can only speak to the parties at a hearing. If a party needs to discuss the dispute before or after a hearing,

they should contact the Hearing Support Officer.

Need help?

For more information or assistance, please:

- call **03 9940 1111** or **1800 635 960**
- email **info@wic.vic.gov.au**
- visit **wic.vic.gov.au**



Do you need an interpreter?



If you cannot understand this form please contact 131 450. Ask the interpreter to contact the Workplace Injury Commission on 1800 635 960 or 03 9940 1111 to explain this form.

على الرقم 1800635960 WIC إذا لم تستطع فهم هذا النموذج، فيرجى الاتصال بـ 131450 . اطلب من المترجم الاتصال بـ أو 03 99401111 لشرح هذا النموذج.

如果您看不懂这份表格，请拨打 131 450，要求口译员帮忙联系 WIC 来解释此表格，电话 1800 635 960 或 03 9940 1111。

Ako ne razumijete ovaj obrazac, kontaktirajte 131 450. Zamolite tumača da vam nazovu WIC na 1800 635 960 ili 03 9940 1111 kako bi vam se objasnilo za što služi ovaj obrazac.

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Ако не го разбирате овој формулар, ве молиме јавете се на 131 450. Побарајте од преведувачот да се јави на WIC на 1800 635 960 или на 03 9940 1111 за да ви го објаснат овој формулар.

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Si no puede comprender este formulario, comuníquese con el 131 450. Pida que el intérprete se ponga en contacto con WIC llamando al 1800 635 960 o al 03 9940 1111 para explicar este formulario

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Nếu quý vị không hiểu mẫu này, xin gọi 131 450. Yêu cầu thông dịch viên liên lạc WIC qua số 1800 635 960 hoặc (03) 9940 1111 để giải thích về mẫu này.