



## What is arbitration?

Arbitration is a service we offer which provides a final decision for workers compensation disputes that have not resolved through conciliation.

It is an alternative to going to court and aims to provide an informal, timely and inexpensive way to finalise a dispute.

At arbitration, an independent Arbitration Officer:

- Holds a hearing to consider the issues in dispute, hear the evidence and each parties' views, and then
- Makes a final decision that all parties must follow (called a 'determination').

Arbitration is separate from and different to conciliation.

## Who are the parties to a dispute at arbitration?

The parties are: the Worker, the WorkSafe Agent or Self-insurer and the Employer. We sometimes refer to Workers as 'Claimants'.

An Employer either has a WorkSafe Agent to conduct arbitration on their behalf or can conduct the arbitration themselves if they are a Self-insurer.

## Who requests arbitration?

The Worker is the only party who can choose whether to take their dispute to arbitration. If they choose arbitration, they may not take their dispute to court at the same time.

Arbitration is a process (other than the court process) in which parties to a workers compensation dispute present arguments and evidence to an Arbitration Officer, who then makes a binding determination.

Arbitration is available to eligible claimants to resolve disputes about compensation

entitlements that have not resolved through conciliation. Arbitration aims to be an informal process.

## What disputes can be arbitrated?

We can arbitrate disputes in relation to:

- Weekly payments
- Medical and like expenses, such as surgery, physiotherapy or home help
- Superannuation contributions
- Interest on an outstanding amount

## What disputes cannot be arbitrated?

We cannot arbitrate disputes about:

- Access to information requests
- Impairment benefits claims
- Provisional payments
- Return to work arrangements
- Agreements reached at conciliation or arbitration
- Medical Panel Opinions
- A decision not to accept an application for conciliation or a referral for arbitration
- An issue that was previously finalised by a court or has already been arbitrated
- Injuries that happened before 1 September 2022
- An injury outside the Victorian Workers Compensation scheme

For more information, see our *Referral for Arbitration Policy and Procedure* on our website [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

## How does an arbitration start?

We need to receive a *Referral for Arbitration Form* from the Injured Worker. We call this 'lodgement of the referral for arbitration'.



We must receive this form within 60 days of the Injured Worker receiving a Genuine Dispute Certificate from conciliation, unless we allow the Form to be lodged late, or allow a request for more time to lodge the form.

For more information, see our *Lodging a Referral for Arbitration Fact Sheet* on our website [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources)

## What happens after we receive a referral?

After we receive a referral for arbitration, we decide whether we can accept it.

If we can, we will advise the parties. We must then hold an initial hearing within 30 days, and finish any further hearings within 60 days after that. When the hearing process ends, we must make a final decision within 14 days.

## What types of decisions can we make?

We can:

- Decide that the WorkSafe Agent's or Self-insurer's decision is correct
- Change or cancel a WorkSafe Agent's or Self-insurer's decision
- Decide that the WorkSafe Agent or Self-insurer must pay up to 52 weeks of weekly payments and up to \$20,000 in medical and like expenses
- Decide that the WorkSafe Agent or Self-insurer must accept all or part of a claim
- Order the WorkSafe Agent or Self-insurer to calculate the amount of compensation to pay.

## Is there a fee to start arbitration?

No. There is no fee to lodge a referral for arbitration.

During arbitration, however, the parties must pay their own costs (such as for medical reports or legal fees).

If a Worker is successful at arbitration, the WorkSafe Agent or Self-insurer will have to pay their costs. If the Worker is not successful, they don't normally have to pay the WorkSafe Agent's or Self-insurer's costs.

For more information, see our *Costs Fact Sheet* on our website [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

## Can parties be represented?

A representative may assist a party at arbitration, such as by receiving documents from us, attending a hearing and putting their arguments in writing. A representative may or may not be a lawyer. If the representative is a lawyer, they need our permission to attend a hearing.

For more information, see our *Representation at Arbitration Fact Sheet* on our website [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

## What if a party disagrees with a final decision?

If any party disagrees with the final decision, they have 28 days to lodge an appeal to the Supreme Court. An appeal can only be made if a decision is legally wrong.

For more information, see our *Appealing an Arbitration Determination Fact Sheet* on our website [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

## 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 have trouble understanding any of the information outlined please contact 131 450 and ask for the interpreter to contact the Workplace Injury Commission on 1800 635 960 or 9940 1111 to explain further.

إذا كنت تواجه مشكلة في فهم أي من المعلومات الموضحة، فيرجى الاتصال بالرقم 131 450 واطلب من المترجم الاتصال بلجنة الإصابات في مكان العمل لمزيد من المعلومات اتصل على الرقم 1800 635 960 أو 9940 1111

如果您对上述信息有疑问，请拨打 131 450，通过口译员联系工伤赔偿委员会，电话 1800 635 960 或 9940 1111，进行进一步咨询。

Ako ne razumijete ove informacije, nazovite 131 450 i zamolite tumača da vam nazovu Workplace Injury Commission (Komisiju za ozljede na radu) na 1800 635 960 ili 9940 1111 za objašnjenja.

Εάν δυσκολεύεστε να κατανοήσετε οποιαδήποτε από τις πληροφορίες που περιγράφονται, επικοινωνήστε με τον αριθμό 131 450 και ζητήστε από τον διερμηνέα να επικοινωνήσει με την Επιτροπή Τραυματισμών στο Χώρο Εργασίας (Workplace Injury Commission) στον αριθμό 1800 635 960 ή 9940 1111 για περαιτέρω διευκρινίσεις.

Se hai difficoltà a comprendere queste informazioni chiama il 131 450 e chiedi all'interprete di contattare la Workplace Injury Commission al 1800 635 960 o al 9940 1111 per una spiegazione più approfondita.

Ако имате тешкотии да разберете која било од наведените информации, ве молиме јавете се на 131 450 и побарајте преведувач да контактира со Workplace Injury Commission (Комисија за повреди на работното место) на 1800 635 960 или 9940 1111 заради натамошни објаснувања.

'Jeśli masz problemy ze zrozumieniem którejkolwiek z podanych informacji, zadzwoń pod numer 131 450 i poproś o tłumacza, aby skontaktował się z Workplace Injury Commission pod numerem 1800 635 960 lub 9940 1111 pod dalsze wyjaśnienia'.

Ако не разумете ове информације, назовите 131 450 и замолиите преводиоца да вам назову Workplace Injury Commission (Комисију за повреде на раду) на 1800 635 960 или 9940 1111 да бисте добили објашњења.

"Si usted tiene dificultades para entender cualquier información expuesta, póngase en contacto con el 131 450 y pida que el intérprete contacte a la Workplace Injury Commission (Comision de Accidentes de Trabajo) llamando al 1800 635 960, a fin de obtener una explicación más detallada "