

Lodging a Referral for Arbitration



Workplace Injury Commission

What disputes can be dealt with at arbitration?

Where the date of injury is between 1 September 2022 and 31 March 2024, we can arbitrate disputes about:

- Weekly payments
- Medical and like expenses, such as surgery, physiotherapy and home help
- Superannuation contributions
- Interest on an outstanding amount
- Calculation of Pre-injury Average Weekly Earnings (PIAWE)
- The workers' capacity for work

A dispute can be dealt with at arbitration if:

- The Worker lodges a referral for arbitration
- We have issued a Genuine Dispute Certificate after conciliation, and
- The Worker has not taken the same dispute to court.

How does arbitration start?

The first step in arbitration is for the Worker to fill out a *Referral for Arbitration Form* and send it to us. We call this lodging a referral for arbitration. We will then confirm if we can accept the referral.

You will find the form on our website www.wic.vic.gov.au/resources.

Can someone else lodge a Referral for Arbitration Form for a Worker?

Yes. A person other than the Worker can send in a Referral for Arbitration Form, but first:

- The Worker must have agreed to that person lodging the Referral for Arbitration Form for them, and
- The person must have the right information from the Worker so the questions in the form can be answered accurately.

When should a Referral for Arbitration Form be lodged?

We should receive a Referral for Arbitration Form within 60 days of the Worker receiving a Genuine Dispute Certificate from conciliation. The Worker needs to allow enough time for us to receive it within the 60 days.

If a Worker thinks they need more than 60 days to complete the Referral for Arbitration Form, they can apply for an extension of time during the 60 days by sending us a *Request to Extend Time to Lodge a Referral for Arbitration Form* found on our website www.wic.vic.gov.au/resources. On this form, the Worker will need to tell us why they are requesting more time.

What if it is more than 60 days since the Genuine Dispute Certificate was received by the Worker?

If 60 days have already passed, the Worker can still send us their Referral for Arbitration Form and tell us why they are applying late.

Will the WorkSafe Agent or Self-insurer be asked for their views if there is a request to extend time or the Referral for Arbitration Form is sent in after 60 days?

Yes. If the Worker requests an extension of time or sends us the Referral for Arbitration Form late, we will ask the WorkSafe Agent or Self-insurer for their views about the extension or late lodgement. We will then decide whether to extend the time or accept the referral for arbitration late.



What if the Worker has requested the Workers Compensation Independent Review Service (WCIRS) to review the same dispute?

We can still accept the referral for arbitration but can adjourn the arbitration until WCIRS finishes its review. Otherwise, a Worker can request an extension of time, or lodge the referral after 60 days and let us know that this is the reason for the delay when completing the Referral for Arbitration Form.

How is a Referral for Arbitration Form lodged?

A Referral for Arbitration Form can be:

- sent via email to arbferral@wic.vic.gov.au
- posted to GPO Box 251, Melbourne VIC 3001
- delivered in person to Level 1, 215 Spring Street, Melbourne

What happens once the referral for arbitration is lodged?

If we accept the referral for arbitration, we will inform the Worker, the Employer and the WorkSafe Agent or Self-insurer within two business days. We will advise the parties of:

- The arbitration reference number
- The date of the initial arbitration hearing
- Any request for further information
- The Hearing Support Officer's contact information

We will also provide information to help each party prepare for the hearing.

What happens if we reject the referral?

If we reject the referral, we will explain why in writing. If the Worker disagrees with our decision, they may choose to seek legal advice.

Where do I get more information?

For more information, see our *Referral for Arbitration Policy and Procedure* on our website www.wic.vic.gov.au/resources.

Need help?

For more information or assistance:

- 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 ask for the interpreter to contact the Workplace Injury Commission on 1800 635 960 or and 9940 1111 to explain further.

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

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 διευκρινήσεις.

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 информации, назовите 131 450 и замолите 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 "

Nếu quý vị có bất kỳ khó khăn trong việc hiểu thông tin được nêu, xin vui lòng liên hệ 131 450 và nhờ thông dịch viên liên hệ với Ủy Ban về Thương Tích tại Nơi Làm Việc qua số 1800 635 960 hoặc 9940 1111 để được giải thích thêm.