



# Workplace Injury Commission services

## Table of contents

### The conciliation process

#### Stage 1

Applying for conciliation 5

#### Stage 2

Before your conciliation conference 7

#### Stage 3

During your conciliation conference 9

#### Stage 3

After your conciliation conference 11

### The arbitration process

#### Stage 1

Applying for arbitration 15

#### Stage 2

Before your arbitration hearing 17

#### Stage 3

At your arbitration hearings 19

#### Stage 3

After your arbitration hearing 21

## How the Workplace Injury Commission can help

If you've been injured at work it can have a devastating impact on you, your family, and your workplace. To help you recover and, if it's possible, return to the workforce, you can claim compensation and receive support under the Victorian WorkCover scheme.

If you want to dispute a decision about your compensation, the Workplace Injury Commission (WIC) is here to help. We are a Victorian Government authority that provides injured workers and their employer with easy access to independent and impartial services to resolve their dispute.

We understand that when a dispute like this occurs it can be a difficult, stressful time and reaching a resolution matters to everyone. We have a skilled and supportive team who are there to provide an efficient, fair and affordable conciliation and arbitration service that can help you to move forward.

#### What is conciliation?

Conciliation is an essential step the law says you must take before you're able to take your workplace injury compensation dispute to arbitration or court. It is an informal and free way of everyone involved in the dispute taking part in discussions with the aim of reaching an agreement and resolving the dispute. In most cases, this is successful.

#### What is arbitration?

If a resolution can't be reached at conciliation, arbitration can be a quick and informal alternative to taking the matter to court. You may ask our arbitration service to consider the issues in dispute and make a decision that is binding on everyone involved. It is your choice whether you decide to go to arbitration or court to progress your dispute.

#### Find out more

The information we've outlined in this document is general advice about the Workplace Injury Commission's service. To find out more about conciliation and arbitration in relation to your own dispute, you can visit our website [www.wic.vic.gov.au](http://www.wic.vic.gov.au), email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au) or phone us on 1800 635 960.

#### Help & Support

If at any time you need help or support through the conciliation or arbitration process, you can:

- contact Union Assist, WorkCover Assist or your union for help and advice;
- speak to a lawyer about your dispute;
- contact the Workplace Injury Commission on 1800 635 960; and
- if you need an interpreter to talk to us, contact the free Telephone Interpreter Service on 131 450 and ask the interpreter to contact the Workplace Injury Commission on 1800 635 960.



# The conciliation process

Stage 1	<b>Applying for conciliation</b>	<b>5</b>
Stage 2	<b>Before your conciliation conference</b>	<b>7</b>
Stage 3	<b>During your conciliation conference</b>	<b>9</b>
Stage 3	<b>After your conciliation conference</b>	<b>11</b>





## Stage 1 Applying for conciliation

### Why do I have to take part in conciliation?

In most cases, conciliation is a good way to resolve a dispute. It gives everyone involved in the dispute the opportunity to have their say and to be heard. The law requires you to participate in conciliation to try to resolve your dispute before you can apply to have your dispute arbitrated or heard in court.

### Can I go to conciliation?

You can apply for conciliation if:

- an insurer has made a decision on your claim that you don't agree with; or
- an insurer has not responded to a request or has not made a payment on your claim within a reasonable time.

You can also apply for further conciliation of a dispute if you have received a *Dismissal Certificate* from us.

### How can I apply for conciliation?

The first step is to fill out an *Application for Conciliation* form and send it to us within 60 days of the insurer's decision on your claim. You will find this form on our website under 'Conciliation Application' at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

#### Send all completed forms to:

- [afc@wic.vic.gov.au](mailto:afc@wic.vic.gov.au);
- GPO BOX 251, Melbourne 3001; or
- Deliver it in person to Level 1, 215 Spring St, Melbourne.

### What if I need more time to apply?

If you need more than 60 days to complete the *Application for Conciliation* form, you can apply for an extension of time by sending us an *Extension of Time to Lodge an Application for Conciliation* form. You will find this form on our website under 'Conciliation Application' at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

If 60 days have already passed, you can still send us your application for conciliation and tell us why you're applying late.

### Can someone else apply for me?

Yes, a person can apply for conciliation on your behalf as long as they have your permission. You should also give that person the right information so they can answer the questions in the form accurately.

### What information should I provide in my application?

You should submit your completed application form and include information on it such as how you'd like your conference to be held (in person, online or by phone), if anyone is assisting you or if you'd like assistance with your conciliation.

Depending on the reason why you're applying for conciliation, you'll also need to provide at least one of the following documents about your dispute:

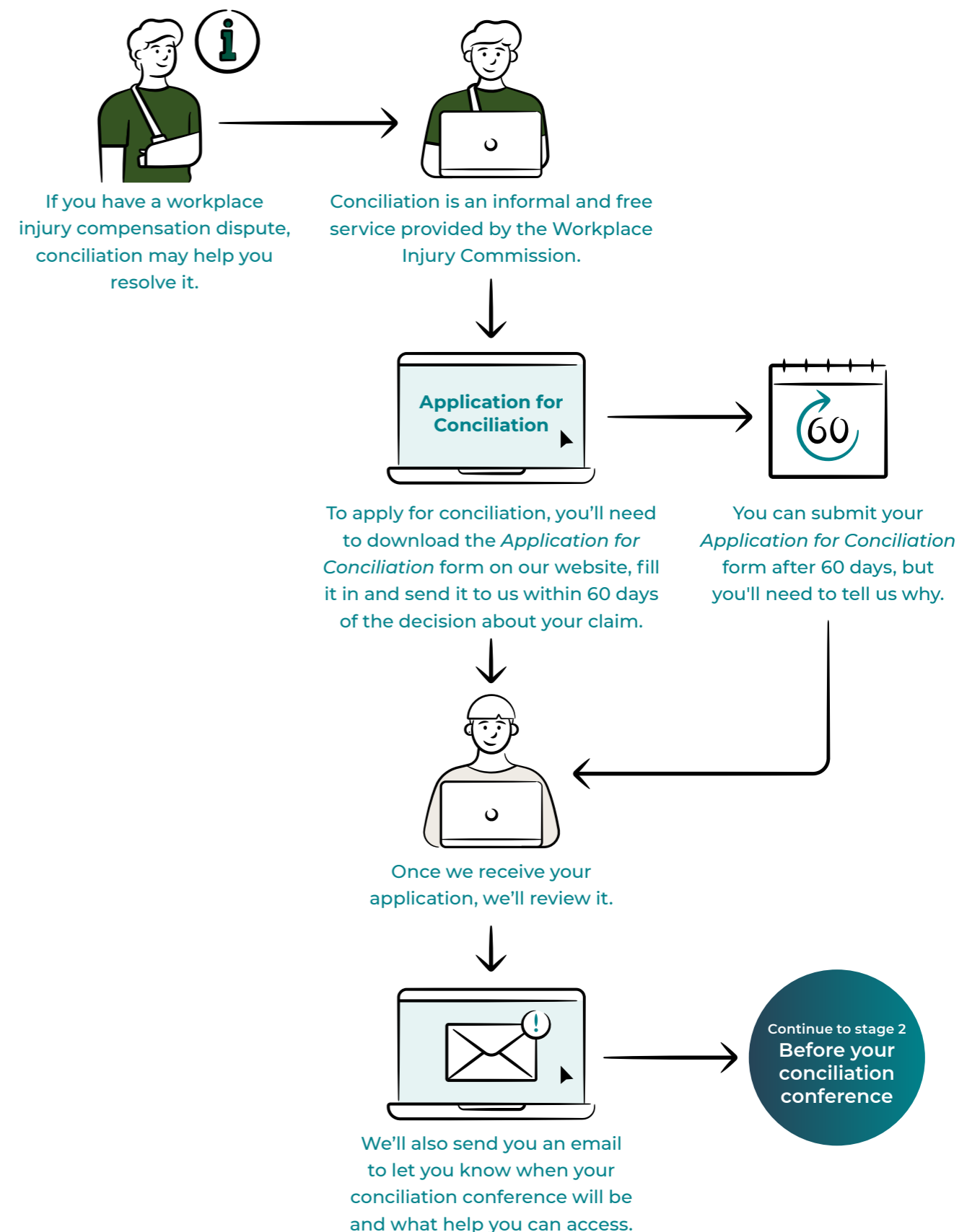
- Decision made by the insurer
- Request for treatment if the insurer has failed to respond
- Certificates of capacity if the insurer has failed to pay weekly payments
- Invoices or receipts if the insurer has failed to pay for medical treatment.

### When will I find out if my application for conciliation has been accepted?

Once we receive your application, we'll review it and contact you as soon as possible to let you know that your application has been accepted and when your conciliation conference will take place. If we can't accept your application, we'll provide you with a written statement of the reasons why.

#### Find out more

If you have any questions or would like to find out more detailed information about conciliation, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).



## Stage 2 Before your conciliation conference

### What do I need to do before my conciliation?

You'll be given time to prepare for your conciliation conference. During this time, you'll need to send us any relevant information about your dispute, including your medical reports so we can share them with everyone involved (apart from your employer).

To help you with this, we'll send you a *Request for Medical Reports* form. You should sign this form and give it to each of the health practitioners you want to provide a report for your conciliation. The insurer pays for the reasonable cost of the report(s).

### Is there anything else I should do before my conference?

Before your conference it is also a good idea to:

- speak with your representative, your support person(s) and a lawyer (if you have one); and
- prepare notes so you can speak about why you disagree with the decision made about your claim or request.

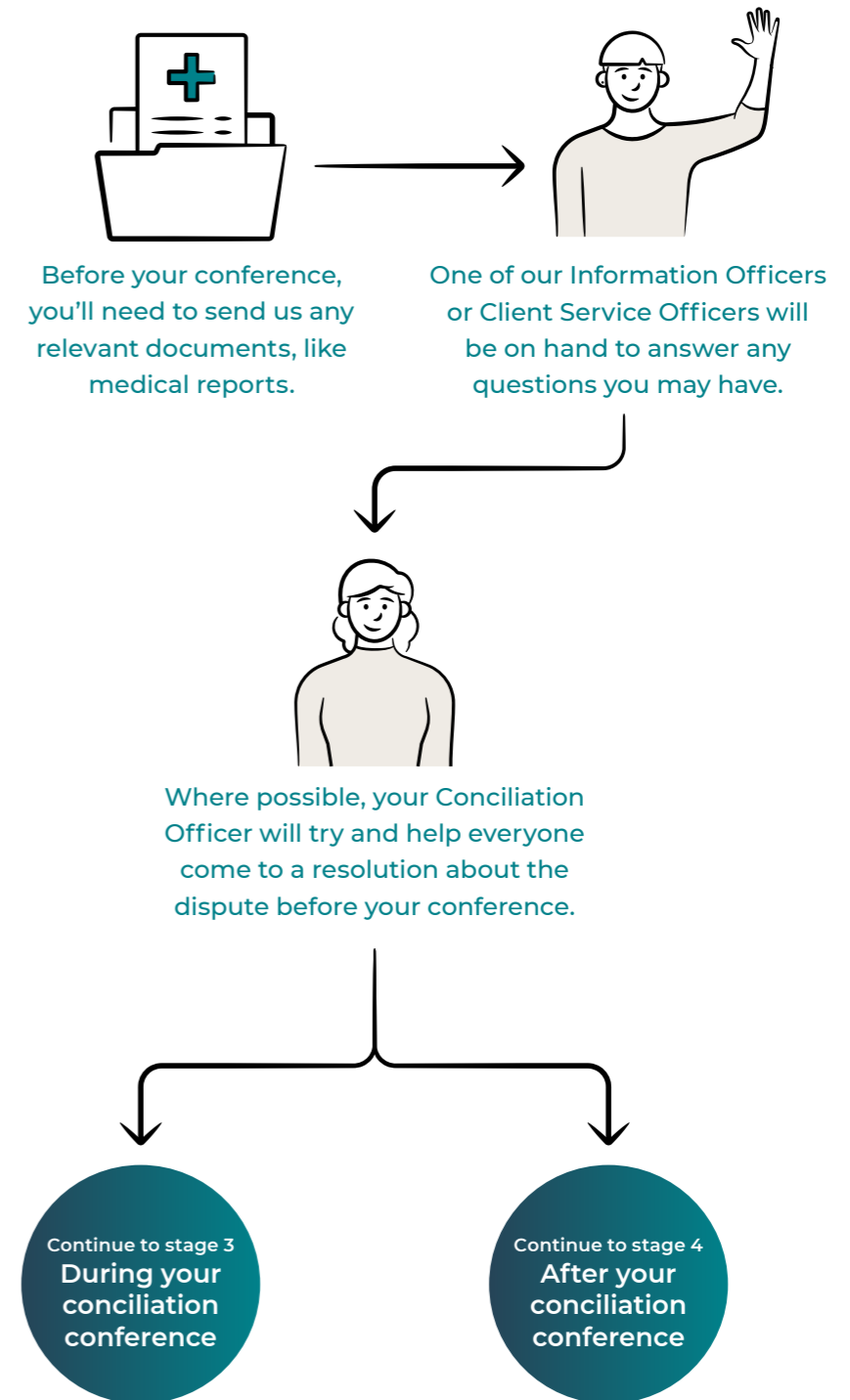
### What will the Workplace Injury Commission (WIC) do before my conciliation?

There are a number of things we can do before your conference to help resolve a dispute, including:

- share relevant documents between everyone involved in the dispute;
- review your application and speak with you;
- if possible, try to help everyone involved in the dispute come to a resolution before the conciliation conference;
- answer your request for a legal representative to attend the conference; and
- help address any other questions you may have about the conciliation process.

### Why do I need to share documents with other people?

It's important that everyone involved in the dispute has the same information. This helps with decision making, conversations about and hopefully resolution of the dispute. The exception to this are medical records, which will be shared with the insurer but not your employer. In return, we expect others to share their information with you too.



If your dispute isn't resolved before your dispute occurs, you'll need to attend a conciliation conference.

If a resolution has been reached, then you will be given a *Outcome Certificate*.

### Find out more

If you have any questions or would like to find out more detailed information about conciliation, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).

## Stage 3 During your conciliation conference

### Who is involved in a conciliation conference?

A WIC Conciliation Officer will always run the conference. In the conciliation room will usually be:

- the insurer managing your workplace injury compensation claim – often referred to as a WorkSafe Agent or a Self-insurer;
- any representatives involved in the dispute, such as a worker representative or, if we agree, a lawyer; and
- a support person (although they aren't able to speak for you).

Your employer and sometimes their representatives will be present. They'll need to let us know in advance if they're going to come.

### How is a conference held?

You can let us know your preference on whether you'd like the conference to happen by phone, online or in person at our Resolution Centre.

For some people, a conference can be difficult – but remember, it's an opportunity for you to put across your side of the story. At your conference, your Conciliation Officer will make sure everyone has the opportunity to talk and listen to each others' points of view.

If you are unable – for whatever reason – to be in the same room as other people involved in your dispute, please just let us know.

### What happens in a conference?

#### Step 1: At the beginning of the conference

Everyone involved in the dispute will join the conference together - whether it's by phone, online or in person at our Resolution Centre.

#### Step 2: Introductions

During your conference, your Conciliation Officer will introduce everyone attending and explain how the conference will run.

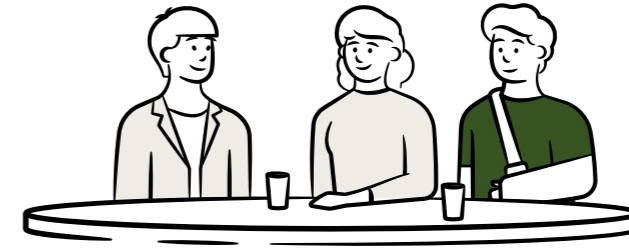
#### Step 3: During the conference

The Conciliation Officer will give everyone the opportunity to talk and listen to each others' points of view and discuss your dispute.

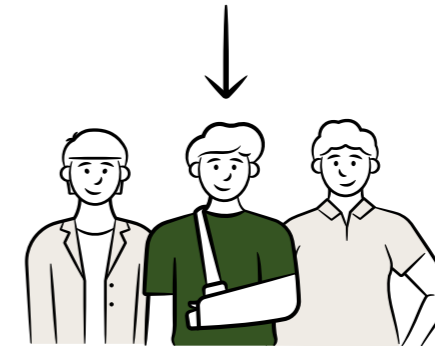
Throughout the conference, your Conciliation Officer may speak with you (and/or your representative) separately, as well as with the insurer and your employer.

#### Step 4: At the end of the conference

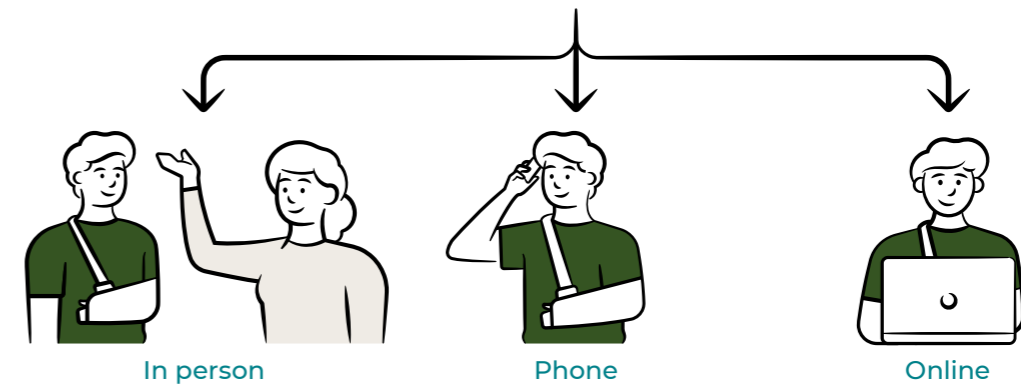
At the end of the conference, the Conciliation Officer will let everyone know what the next steps are.



A conciliation conference is where everyone involved in a dispute comes together to discuss the decision made about your claim.



The conference will be run by a Conciliation Officer and will usually include you, your representative, and an insurer and may be held in person, by phone or online.



During the conference, your Conciliation Officer will give everyone the opportunity to talk and listen to each others' points of view.

Continue to stage 4  
After your conciliation conference

### **i** Find out more

If you have any questions or would like to find out more detailed information about conciliation, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).

## Stage 4 After your conciliation conference

### What will happen after my conciliation conference?

The outcome of your conciliation conference will depend on your individual circumstances. You may resolve your dispute or your Conciliation Officer may also:

- pause your conciliation;
- make a recommendation on how to resolve your dispute;
- discuss other available options to resolve the dispute; or
- issue a *Certificate of Genuine Dispute* if you haven't come to an agreement.

You can also withdraw your application for conciliation at any time.

### What happens if I've resolved my dispute?

If everyone has agreed to resolve the dispute, you are able to take some time to think about the agreement that's been reached.

Once you're happy to accept the agreement, we'll record this and provide you with an *Outcome Certificate* as proof.

### Why has my conciliation been paused?

Your Conciliation Officer may pause your conciliation so:

- more information can be submitted; or
- a medical question can be answered by a panel of independent doctors to help the resolve the dispute.

### What happens if I haven't resolved my dispute?

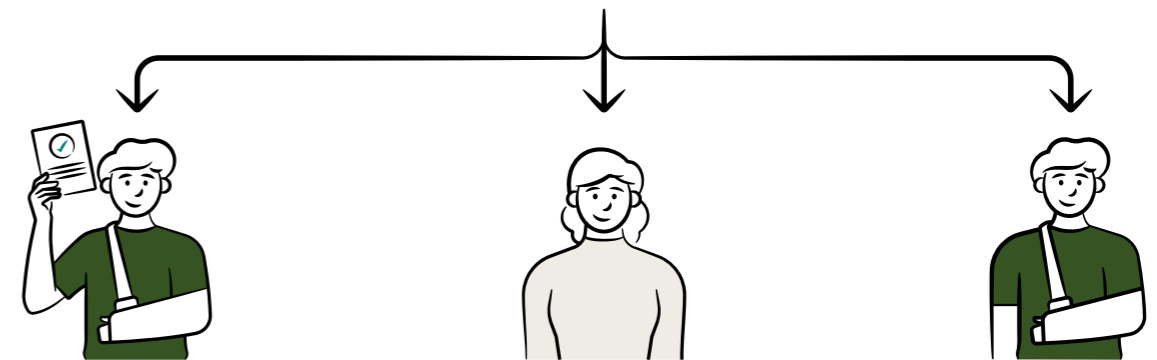
If you haven't reached a resolution at the end of your conciliation, a Conciliation Officer will talk with you about what other options are available to you, including:

- Workers Compensation Independent Review Scheme (WCIRS);
- WIC's arbitration service or court.

To access the above options, a Conciliation Officer must have issued a *Certificate of Genuine Dispute* to you.



After your conference, there will be a number of different outcomes depending on your circumstances.



If you have come to a resolution about your dispute, you can take some time to think about the agreement that's been reached. If you agree with it, you'll be given an *Outcome Certificate*.

Your Conciliation Officer may pause your conciliation so:

1. more information can be submitted; or
2. a medical question can be answered by a panel of independent doctors to help resolve the dispute.

If you don't reach a resolution, there are a number of possible outcomes. Your Conciliation Officer can:

1. recommend a solution to resolve your dispute;
2. discuss other available options to resolve the dispute; or
3. issue a *Certificate of Genuine Dispute* if you haven't come to an agreement, which you'll need to take your dispute to WCIRS, arbitration or court.

### Find out more

If you have any questions or would like to find out more detailed information about conciliation, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).



# The arbitration process

Stage 1		
<b>Applying for arbitration</b>		<b>15</b>
Stage 2		
<b>Before your arbitration hearing</b>		<b>17</b>
Stage 3		
<b>At your arbitration hearings</b>		<b>19</b>
Stage 3		
<b>After your arbitration hearing</b>		<b>21</b>





## Stage 1 Applying for arbitration

### Do I have to take my dispute to arbitration?

No, but if you're eligible to apply for arbitration, then it can provide a quick, informal and cost-effective alternative to going to court to resolve your dispute. You also don't have to take any further action if you don't want to.

### Can I go to arbitration?

If you've taken part in conciliation but your dispute hasn't been resolved, you may choose to take your dispute to arbitration if:

- the date of your injury was on or after 1 September 2022;
- you have a *Certificate of Genuine Dispute* from your conciliation;
- you haven't applied to court for the same dispute; or
- your dispute involves a claim for weekly payments, medical expenses, superannuation or interest.

### How can I apply for arbitration?

The first step is to fill out a *Referral for Arbitration* form and send it to us within 60 days of receiving your *Certificate of Genuine Dispute* from conciliation. You can find this form on our website under 'Arbitration Resources' at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

#### Send all completed forms to:

- [arbferral@wic.vic.gov.au](mailto:arbferral@wic.vic.gov.au);
- GPO BOX 251, Melbourne 3001; or
- Deliver it in person to Level 1, 215 Spring St, Melbourne

#### Find out more

If you have any questions or would like to find out more detailed information about arbitration, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).

### What if I need more time to apply?

If you think you need more than 60 days to complete the *Referral for Arbitration* form, you can apply for an extension of time by sending us an *Extension of Time* form. You can find this form on our website under 'Arbitration Resources' at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources).

### Can someone else apply for me?

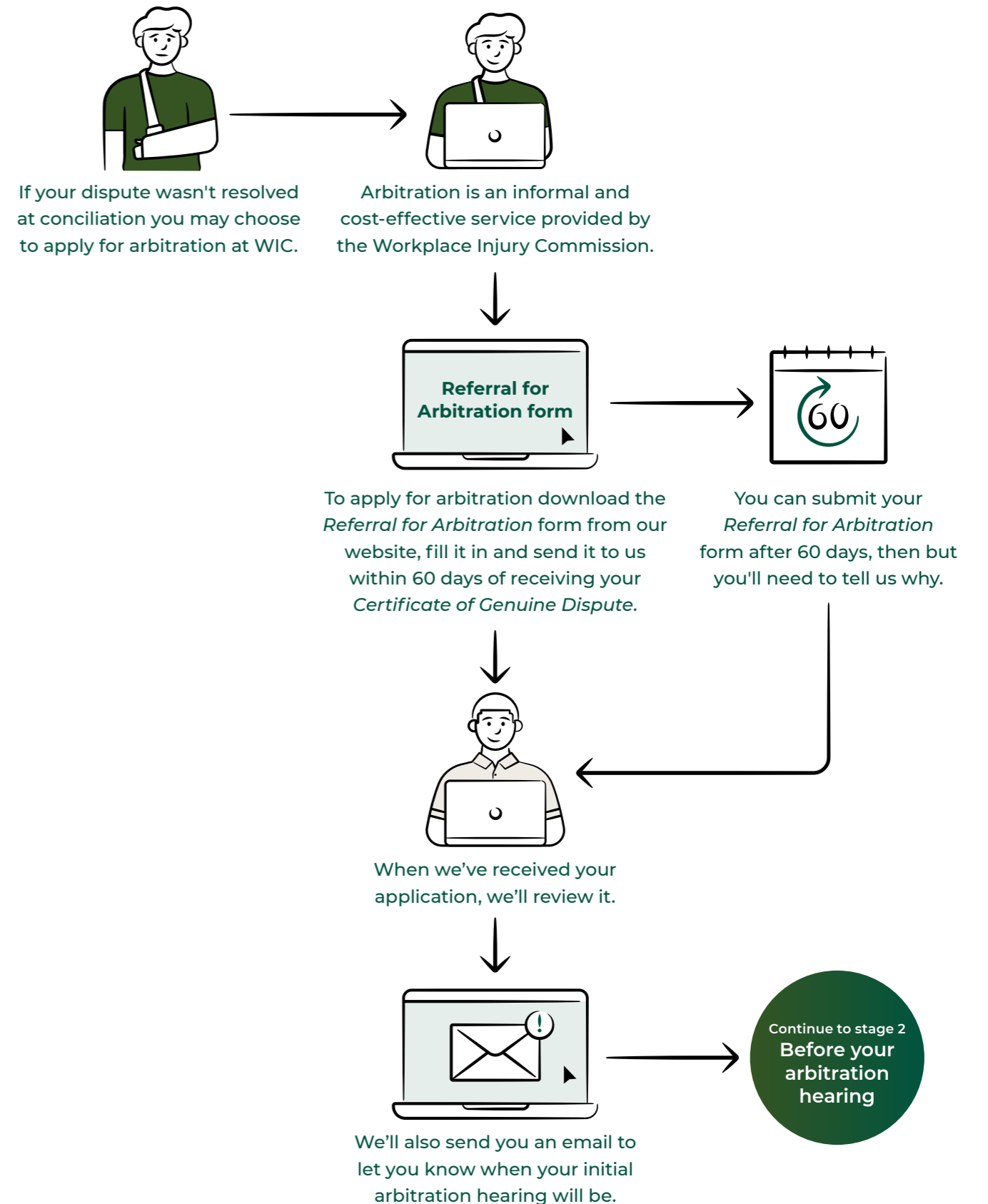
Yes, a person can apply for arbitration on your behalf as long as they have your permission. You should also give that person the right information so they can answer the questions in the form accurately.

### When will I find out if my application for arbitration has been successful?

Once we receive your application, we'll review it and contact you as soon as possible to let you know that your application has been accepted and when your initial arbitration hearing will take place. If your application isn't successful, you can still go to court to try to resolve your dispute.

### What about the costs associated with arbitration?

During the arbitration process, everyone involved in the dispute must pay their own costs. If we make a final decision in your favour, the insurer will pay your costs, otherwise you can't claim the costs of your arbitration. Whatever the outcome of your arbitration, insurers must also pay their own costs, even if the decision is in their favour.



## Stage 2 Before your arbitration hearing

### What do I need to do before my arbitration hearing?

You'll be given time to prepare for your arbitration hearing. During this time, you, or your representative, will need to fill out:

- a *Pre-Hearing Information* form which will help you to submit any relevant documents such as medical reports;
- a *Witness* form which will let us know what witnesses you'd like to attend your hearing; and
- an *Evidence* form to submit any relevant evidence you're yet to provide.

You'll also need to send us any relevant information, including your medical reports, so we can share them with everyone involved in the dispute (apart from your employer).

If you have any questions about your *Pre-hearing Information* form, contact your Hearing Support Officer, whose contact details are included on your referral acceptance letter.

### What else can I do before my initial arbitration hearing?

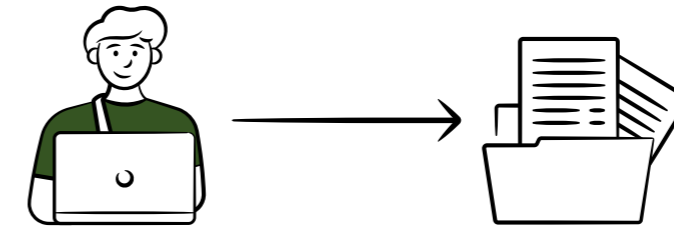
Before your arbitration hearing, it is also a good idea to:

- speak with your representative, your support person(s) and a lawyer (if you have one);
- prepare to answer questions about your dispute; and
- review the digital Arbitration Book we send you, which contains all the relevant documents about your hearing from both sides of the dispute.

If you have any questions about your *Pre-hearing Information* form, contact your Hearing Support Officer, whose contact details are included on your referral acceptance letter. You'll also receive a copy of all information we receive from everyone else involved in the dispute.

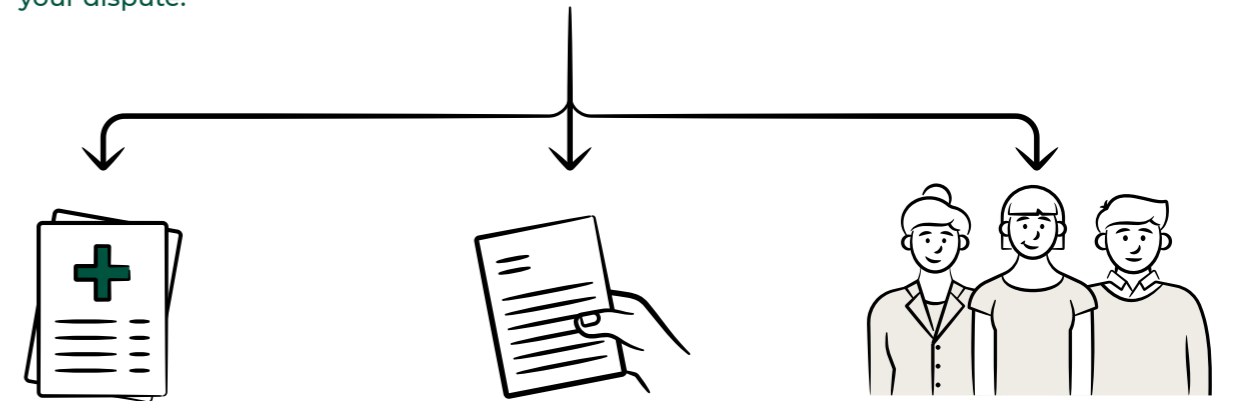
### Why do I need to share documents?

It is important that everyone involved in the dispute has the same information so they're aware of what information the Arbitration Officer will consider.



Before your hearing, you'll need to provide us with information which will help the Arbitration Officer make a decision about your dispute.

You, or your representative, will need to fill out a *Pre-Hearing Information* form, a *Witness* form and an *Evidence* form.



The *Pre-Hearing Information* form will allow you to submit any relevant documents such as medical reports.

The *Evidence* form will allow you to submit any relevant evidence you're yet to provide.

The *Witness* form will help you let us know what witnesses you'd like to attend your hearing.



One of our Hearing Support Officers will be on hand to answer any questions you may have

Continue to stage 3  
At your arbitration hearing

### Find out more

If you have any questions or would like to find out more detailed information about arbitration, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).



## Stage 3 At your arbitration hearings

### Who is involved in an arbitration hearing?

A WIC Arbitration Officer will always run the hearing. In a hearing there will usually be:

- the insurer managing your workplace injury compensation claim – often referred to as a WorkSafe Agent or a Self-insurer;
- any representatives involved in the dispute, such as a worker representative or if we agree, a lawyer;
- a support person (although they aren't able to speak for you); and
- any person approved to give evidence.

Your employer and sometimes their representatives will be present. They'll need to let us know in advance if they're going to come.

### How is a hearing held?

Your initial hearing will be held online or by telephone. Any further hearings will be in person at our Resolution Centre unless there's a reason why this isn't possible, in which case we will talk to you about holding the hearing online or by telephone.

### What happens at an initial hearing?

#### Step 1: At the beginning of your initial hearing

A Hearing Support Officer will ensure everyone involved in the dispute joins the initial arbitration hearing together - whether it's by phone or online. The hearing will begin when your Arbitration Officer joins.

#### Step 2: Introductions

The Arbitration Officer will introduce everyone attending and explain how the hearing will run.

#### Step 3: During the initial hearing

At the initial hearing, the Arbitration Officer will talk to everyone involved in the dispute about the issues at hand to get a better understanding of the dispute.

#### Step 4: At the end of the initial hearing

At the end of the initial hearing, the date of the further hearing will be set, as well as what information must be provided to you and the other parties.

### What happens at any further hearings?

#### Step 1: At the beginning of your further hearing

When you arrive at our Resolution Centre, your Hearing Support Officer will collect you from one of our meeting rooms or the lounge area and show you to an arbitration room. Whilst arbitration is an informal setting, we'll let you know which side of the table you should sit on.

#### Step 2: Introductions

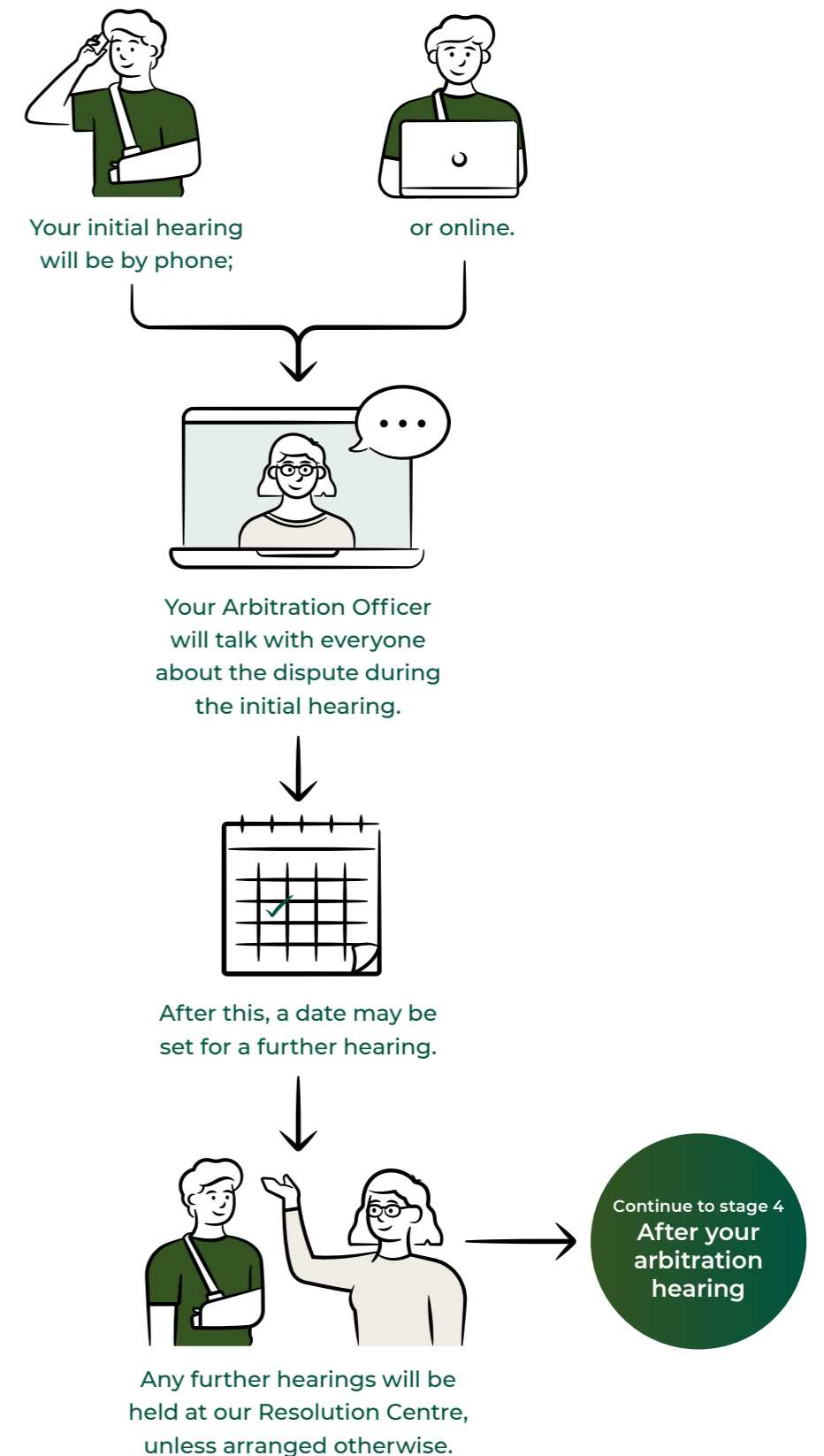
The Arbitration Officer will reintroduce everyone attending and explain how the hearing will run.

#### Step 3: During the hearing

At this hearing, everyone involved in the dispute will be given the opportunity to present their case to the Arbitration Officer. The Arbitration Officer will consider all of the issues, arguments and evidence (including from witnesses) so they can make their final decision.

#### Step 4: At the end of the further hearing

At the end of the hearing, the Arbitration Officer will let everyone know what the next steps are.



### Find out more

If you have any questions or would like to find out more detailed information about arbitration, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).

## Stage 4 After your arbitration hearing

### What will happen after my arbitration hearing?

The outcome of your arbitration hearing will depend on your individual circumstances.

Your Arbitration Officer may:

- make a final decision about your dispute;
- pause your arbitration; or
- refer your dispute back to conciliation.

You can also withdraw your application for arbitration at any time.

### What happens when a final decision has been made about my dispute?

At the end of your hearing, your Arbitration Officer will let you know if they will make a final decision – which we call a determination – about your dispute. You'll receive this final decision 14 days after your hearing.

Everyone must follow this final decision, which will be documented in a *Determination Certificate* and accompanied by a written statement of reasons why the decision was made.

### Why has another hearing been arranged?

Your Arbitration Officer may arrange a further hearing or pause the hearing so:

- more information can be submitted; or
- a medical question can be answered by a panel of independent doctors to help the arbitration move forward.

### Are there situations where a final decision isn't made?

Sometimes - if everyone agrees - you may benefit from further conciliation or you may have come to an agreement which need to be recorded.

In these cases, your dispute will be referred to conciliation to finalise and record a resolution which has been reached.

### What if I don't agree with my outcome?

If a party is unhappy with a decision, there are limited circumstances in which they can appeal. Our decisions are binding on all parties. 'Binding' means all parties must follow the decision. If a party wishes to appeal a decision, they can apply to the Supreme Court of Victoria.

### My arbitration has been dismissed, what does this mean?

An Arbitration Officer can dismiss your dispute, when this happens the arbitration ends without a final decision being made. This can happen if you're no longer able to take part in the arbitration or you've made an agreement before your Arbitration Officer makes their final decision. When we dismiss a dispute, we'll send everyone involved in the dispute an *Arbitration Certificate of Dismissal*.

### When can my dispute be referred for further conciliation?

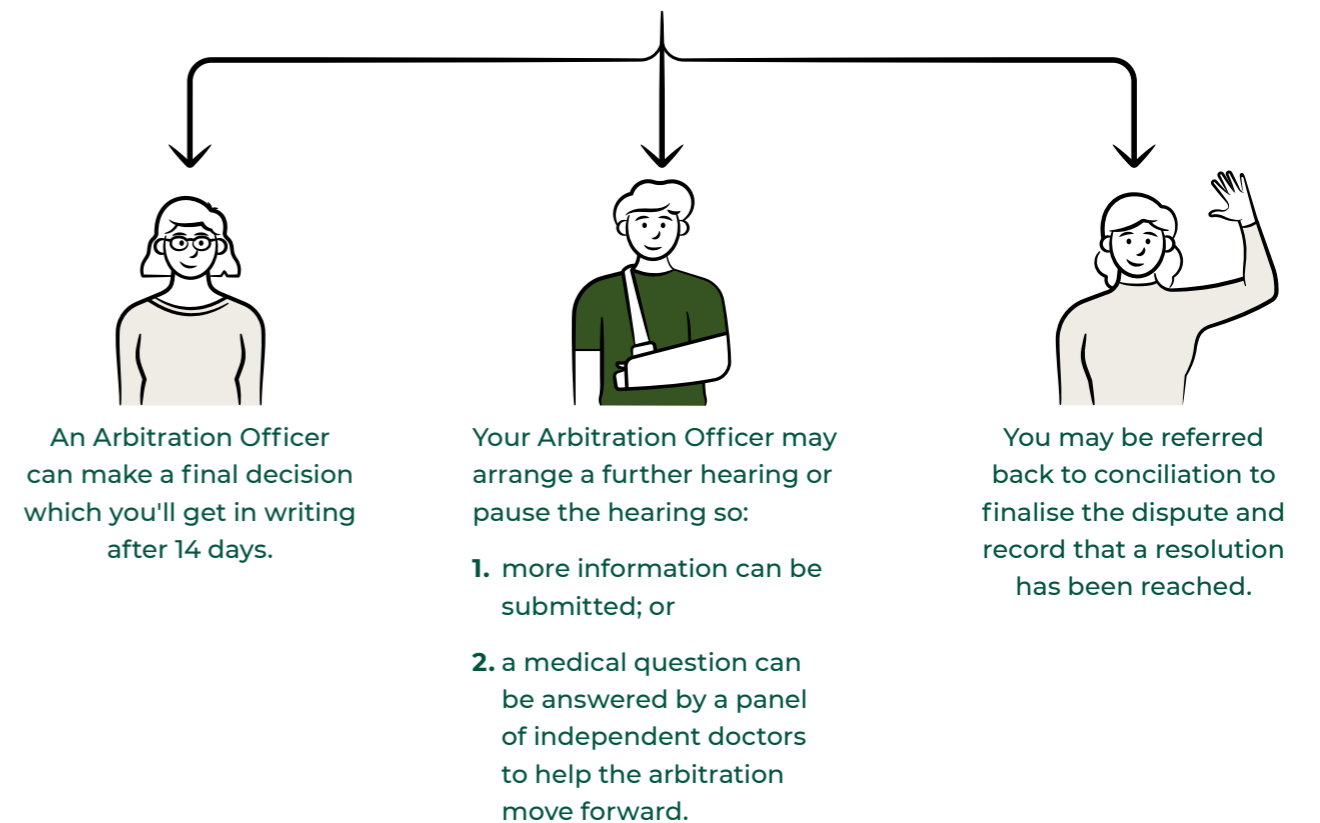
Further conciliation may help the parties in a way that is not possible through arbitration. If a dispute would benefit from further conciliation, it may be referred for further consultation. Everyone involved in the dispute must also agree to the referral.

The advantage of this step is that a Conciliation Officer is able to:

- help you discuss options to resolve the dispute;
- make a recommendation so that the dispute can be resolved in a particular way; or
- put an agreement in writing.



At the end of your arbitration hearing, there are a number of outcomes.



### Find out more

If you have any questions or would like to find out more detailed information about arbitration, please refer to our fact sheets at [www.wic.vic.gov.au/resources](http://www.wic.vic.gov.au/resources), call us on 1800 635 960 or email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au).





## **More information**

To find out more about conciliation and arbitration in relation to your own dispute, you can visit our website [www.wic.vic.gov.au](http://www.wic.vic.gov.au), email [info@wic.vic.gov.au](mailto:info@wic.vic.gov.au) or phone us on 1800 635 960.