



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

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.

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**

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.



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 "

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.