

Bulletin

Preparation for workers compensation mediation

This information bulletin has been produced to help the worker prepare for a mediation conference.

If you have applied for mediation, you:

- should be prepared to speak during the mediation about why you disagree with the decision about your claim
- should provide NT WorkSafe with any information that supports your point of view e.g. medical reports, medical certificates and any other information well before the conference. If you don't know what information might be useful, speak to the Mediator
- will be sent copies of any reports that were used by the Insurer to make their decision. If you do not receive these a week or two before the conference, tell the Mediator that the reports have not arrived
- may seek assistance and advice from your Union, or your Solicitor
- should consider what outcomes you would like from the conference and come prepared to discuss them,
- may ask NT WorkSafe or the Mediator to provide an Interpreter if you have difficulty speaking, reading or understanding English
- need to ensure that you have arranged enough time for the conference as mediations can sometimes extend beyond one hour
- may be accompanied by a support person e.g. a union official, a friend or a family member
- may be accompanied by a solicitor if agreed to by the mediator, and
- may want to make notes to help you summarise the important points.

The mediation conference

Mediation rules

At a mediation, everyone must be respectful and polite:

- Switch your mobile phone off or to silent.
- Remove hats and sunglasses.
- You do not need to bring your own water.
- Do not record any part of the conference without permission, for example, take photos or make audio or video recordings.

Mediations are private

- Conversations at mediations are private and anything that's said won't be available to be used if you later go to the Work Health Court.
- Mediations cannot be recorded and the mediator's notes are not kept on file.

- During the mediation, the mediator may meet with the parties separately in private sessions. What you discuss in private sessions stays between you and the mediator, unless you agree that the mediator can tell the other party.

When you arrive

- report to NT WorkSafe first floor office and dial 95585 to advise that you are attending a mediation conference, and
- do COVID check-in using either the Territory Check-in App or signing the attendance sheet, and
- the mediator will meet you and introduce you to the other people attending the conference.

At the conference, you can take an active part by:

- stating your own views as clearly and briefly as possible,
- requesting information if you are unclear on any issue,
- listening and considering other points of view,
- suggesting and considering options for resolving the dispute, and
- helping to reach a final agreement.

Remember you can ask the mediator's permission to briefly stop the proceedings at any stage during the mediation, if you feel you need a break.

Note: It is not the role of a support person to contribute on behalf of, or advocate for, a worker at a mediation conference. A support person may assist a worker by seeking breaks to provide advice to a worker.

What are the likely outcomes of mediation?

After discussions, it may be possible for you and the other parties to reach an agreement.

The mediator will help finalise details of the agreement and, after the conference, send you a *Certificate of Mediation* showing the outcome of the conference.

If it becomes clear at the conference that further information is needed, the mediator may adjourn the matter with the agreement of both parties, to obtain the information.

If you are dissatisfied with the mediation outcome, you may make an application to the Work Health Court for a hearing within 28 days from the date of receipt of the *Certificate of Mediation*.

Please note: Before making an application to the Work Health Court, you must have first applied for and completed the mediation process.

Further information

NT WorkSafe information bulletin

- *Mediation process for workers compensation*

Dispute Resolution Video

Please watch our short video that will explain your options if there is a dispute with your workers compensation claim and outlines the process for mediation - <https://www.youtube.com/watch?v=bPaU7Qhd3Z0>

Contact us

For further information please contact us on 1800 250 713, facsimile (08) 8999 5141, via email at mediationworksafe@nt.gov.au or go to the NT WorkSafe website at www.worksafe.nt.gov.au