

What are the benefits of mediation?

The benefits of mediation include:

- it is available at no cost to the parties;
- the parties have equal say in the process and decide all settlement terms;
- there is no determination of guilt or innocence;
- it is voluntary and may be terminated at any time by a party or representative;
- mediation avoids the cost, delays and uncertainty associated with trials;
- it promotes better relationships through cooperative problem-solving and improved communication;
- it is private and confidential;
- it speeds the resolution of disputed claims; and
- it can occur at any point following the initiation of a claim, regardless of whether other legal actions are pending or occurring.

Where can I get additional information?

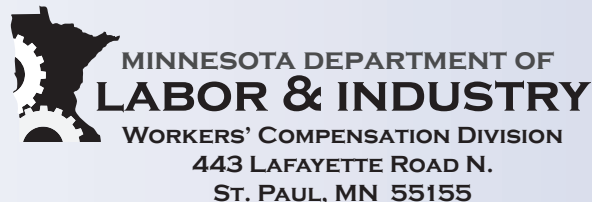
For additional information about the Department of Labor and Industry's mediation program, call:

- phone: (651) 284-5005;
- toll-free: 1-800-342-5354; or
- TTY: (651) 297-4198.

In the Duluth area, call:

- phone: (218) 733-7810; or
- toll-free: 1-800-365-4584.

Visit the Department of Labor and Industry Web site at www.doli.state.mn.us.



WORKERS' COMPENSATION MEDIATION



This document can be provided in different forms, such as large print, Braille or audiotape, by calling (651) 284-5005 or (651) 297-4198/TTY.

MEDIATION SERVICES OFFERED BY THE DEPARTMENT OF LABOR AND INDUSTRY

What is mediation?

Mediation is an informal process where a neutral third-party assists disputing parties in reaching a mutually acceptable resolution of the dispute. No forms are required to initiate a request for mediation services. The mediator will not advocate for any of the parties.



How does mediation work?

Mediation sessions may be in person or by telephone. During mediation sessions, parties or their attorneys present summaries of their points of view. Parties are not required to have attorneys; however, either party may choose to do so. Typically, the mediator will meet privately with each party to more fully explore the facts and issues of each side. The mediator usually will continue to caucus alternatively with each party, carrying settlement proposals back and forth until an agreement is reached. The agreement is then put into writing, signed by the parties and approved by the mediator or a compensation judge. The approved agreement is essentially an enforceable, legally binding contract.

What is the mediator's role?

The mediator is not a judge and does not render a decision or impose a solution on any party. Essentially, the mediator helps parties reach a mutually acceptable solution to issues causing the dispute.

Who are the mediators?

The mediators are employees of the Minnesota Department of Labor and Industry with several years experience adjudicating or resolving workers' compensation disputes and with extensive training about mediation processes.

How long does mediation take?

Typically, mediation sessions vary from one to four hours.

Who pays for the mediation?

Mediation is available at no cost to the parties.



What types of disputes can be mediated?

The following types of disputes can be mediated:

- medical expenses;
- choice of treatment or change of physician;
- wage-loss benefits;
- permanent partial impairments;
- causation (whether an injury is related to work);
- multiple-party claims;
- retraining and other vocational rehabilitation issues;
- denials of primary liability; and
- any other dispute about workers' compensation benefits.

What if a dispute is not resolved in mediation?

If no agreement is reached during mediation, no legal rights are lost and parties typically initiate or resume the pursuit of other legal options to address their needs.

Who should attend a mediation session?

Depending on the issue being disputed, if there is a mediation session, the following should attend:

- injured worker;
- claims adjuster;
- employer;
- medical and vocational rehabilitation providers;
- attorneys; and
- any other person or entity involved in the workers' compensation claim.

