

## What is a settlement conference or mediation?

Once WorkCover Queensland have investigated a common law claim, we must hold a settlement conference to attempt to resolve the claim.

All involved parties plus their legal representatives will attend a settlement conference. The legal representatives will attempt to negotiate a settlement of the claim by discussing:

- the facts of the claim
- who should be held liable for the injury
- how much the claim is worth.

Usually the parties will then exchange settlement offers.

At mediation there will also be an independent mediator who will help the parties reach a settlement.

## Who will be at the settlement conference?

Usually the following people will attend the settlement conference:

- the injured worker and their legal representatives
- your customer advisor or in-house solicitor from WorkCover Queensland
- WorkCover Queensland's legal representatives
- a representative from your company.

If there is another party involved in the claim, for example, a manufacturer of equipment or a host employer, a representative of that party will also attend the conference.

## What is my role at the conference?

You will be invited to the settlement conference and WorkCover Queensland will represent you.

It is valuable for you to attend the settlement conference because you might be able to provide useful information that helps us properly respond to issues that arise during the conference.

It also gives you an opportunity to understand the common law process and how we negotiate to resolve the claim.

During the conference, there will be opportunities for you to speak privately to us about any information or concerns you have about the injured worker's claim.

Anything discussed at the conference is confidential and cannot later be used by either party if the claim is heard in court.

This enables the parties to discuss the claim openly and frankly.

## What happens if the claim settles at the conference?

If the claim settles, the injured worker will sign an agreement that will prevent them from making any other claims relating to the accident at work.

The agreement will also include a term requiring everyone

to keep the terms of the settlement confidential.

We will then pay the settlement amount to the injured worker's solicitors after payments have been made to any government agencies such as Centrelink, Medicare, and Commonwealth Rehabilitation Service.

## What happens if the claim doesn't settle at the conference?

If the claim doesn't settle, we can continue negotiations. If we cannot resolve the claim, the injured worker will then start legal proceedings.

## For more information

If you would like more information, please contact your customer advisor or in-house solicitor, or call us on 1300 362 128. You can also visit our web site at [www.workcoverqld.com.au](http://www.workcoverqld.com.au).