



# Conciliation and Arbitration Services Status Report

December 2017

Data used in this biannual report was extracted from the WorkCover WA DCMS database on 10 January 2018 and reflects dispute activities that occurred up to December 2017.

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# Introduction

## Citation



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Perth, Western Australia: Western Australian Government.

Any queries or comments on this publication should be directed to:

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## Background

### Conciliation and Arbitration services provided by WorkCover WA

One of WorkCover WA's major functions is to resolve disputes between parties in the workers' compensation system, either through conciliation or arbitration.

### Report content

This report presents the status of key elements of the Conciliation and Arbitration services and encompasses activity within the system up to December (Q2) 2017/18.

The report is presented in three sections:

- 1. Conciliation Service:** detailed information presented in charts and graphs about activity within the Conciliation Service by financial quarter/year.
- 2. Arbitration Service:** detailed information presented in charts and graphs about activity within the Arbitration Service by financial quarter/year.
- 3. Hearings held:** detailed information presented in charts and graphs regarding hearings held or completed by financial quarter/year.

### Data source for this report

The data used in this report is obtained from WorkCover WA's Dispute Case Management System (DCMS).

## Quarter in Review (2017/18 Q2)

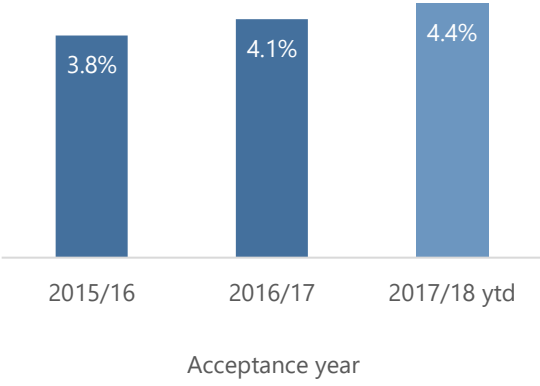
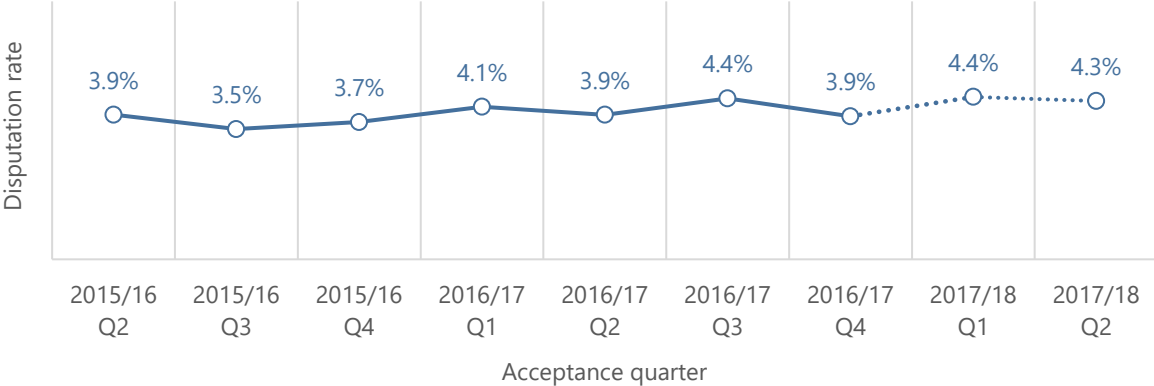
| #   | Indicators                                 | Compare with same quarter last year | Reference |      |
|-----|--|-------------------------------------|-----------|------|
| 1.1 | Disputation rate                           | 2016/17 Q2                          | 3.9%      | p.5  |
|     |  | 2017/18 Q2                          | 4.3%      |      |
| 1.2 | Number of accepted conciliations           | 2016/17 Q2                          | 501       | p.5  |
|     |  | 2017/18 Q2                          | 507       |      |
| 1.3 | Number of completed conciliations          | 2016/17 Q2                          | 552       | p.6  |
|     |  | 2017/18 Q2                          | 527       |      |
| 1.5 | Median days to complete conciliations      | 2016/17 Q2                          | 29        | p.7  |
|     |  | 2017/18 Q2                          | 32        |      |
| 1.6 | Conciliations with subsequent arbitrations | 2016/17 Q2                          | 136       | p.8  |
|     |  | 2017/18 Q2                          | 137       |      |
| 2.1 | Number of accepted arbitrations            | 2016/17 Q2                          | 147       | p.10 |
|     |  | 2017/18 Q2                          | 164       |      |

| #   | Indicators   | Compare with same quarter last year | Reference |      |
|-----|--|-------------------------------------|-----------|------|
| 2.2 | Number of completed arbitrations                             | 2016/17 Q2                          | 157       | p.10 |
|     |  | 2017/18 Q2                          | 148       |      |
| 2.4 | Median days to complete arbitrations                         | 2016/17 Q2                          | 141       | p.11 |
|     |  | 2017/18 Q2                          | 165       |      |
| 3.1 | Number of hearings held                                      | 2016/17 Q2                          | 353       | p.13 |
|     |  | 2017/18 Q2                          | 425       |      |
| 3.4 | Days between arbitration acceptance and first hearing        | 2016/17 Q2                          | 32        | p.16 |
|     |  | 2017/18 Q2                          | 32        |      |
| 3.6 | Days between acceptance and first formal arbitration hearing | 2016/17 Q2                          | 160       | p.17 |
|     |  | 2017/18 Q2                          | 176       |      |
| 3.8 | Days between last formal arbitration hearing and completion  | 2016/17 Q2                          | 76        | p.18 |
|     |  | 2017/18 Q2                          | 70        |      |

# Conciliations

## 1.1 Disputation rate

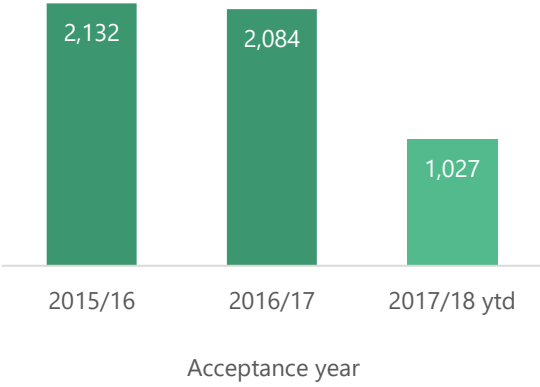
The number of dispute applications as a proportion of active claims (claims with at least one transaction payment within the financial year)



\* The disputation rates for 2017/18 Q1 and Q2 were based on projections derived from the previous year's active claims.

## 1.2 Accepted conciliations

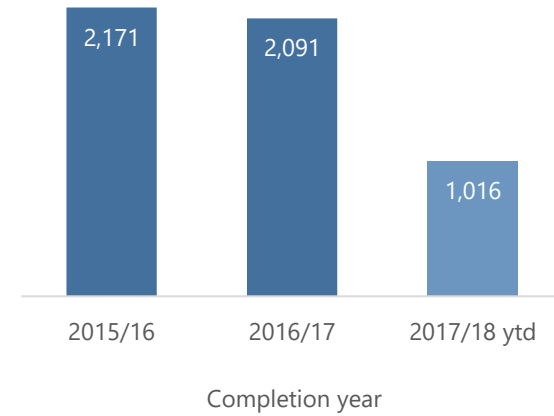
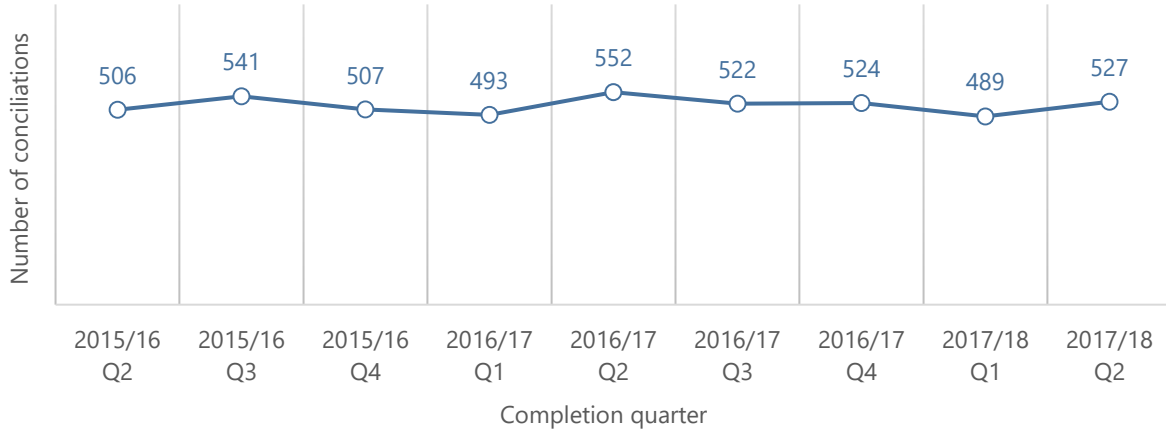
The number of conciliations accepted



# Conciliations

## 1.3 Completed conciliations

The number of closed conciliations



## 1.4 Ratio of accepted to completed conciliations

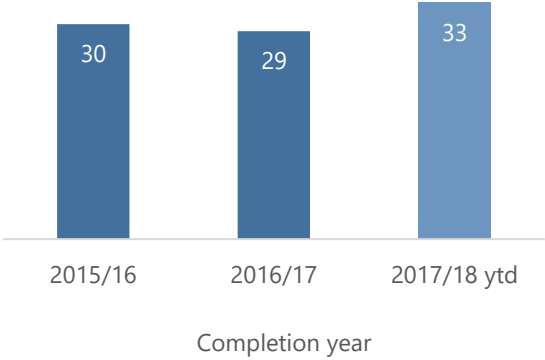
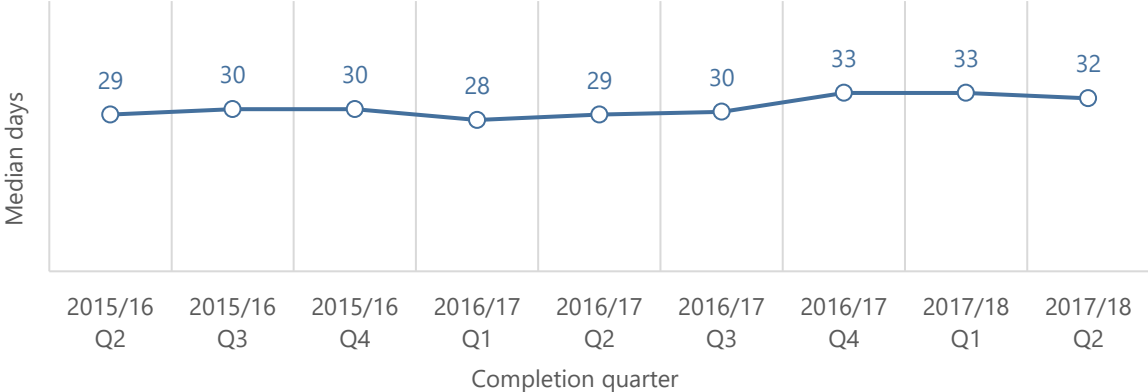
The ratio between the number of accepted to closed conciliations



# Conciliations

## 1.5 Median days to complete conciliations

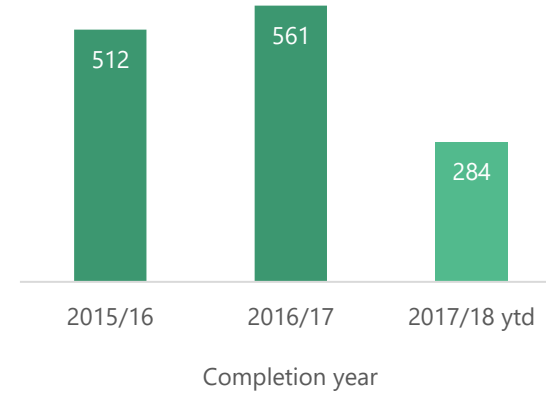
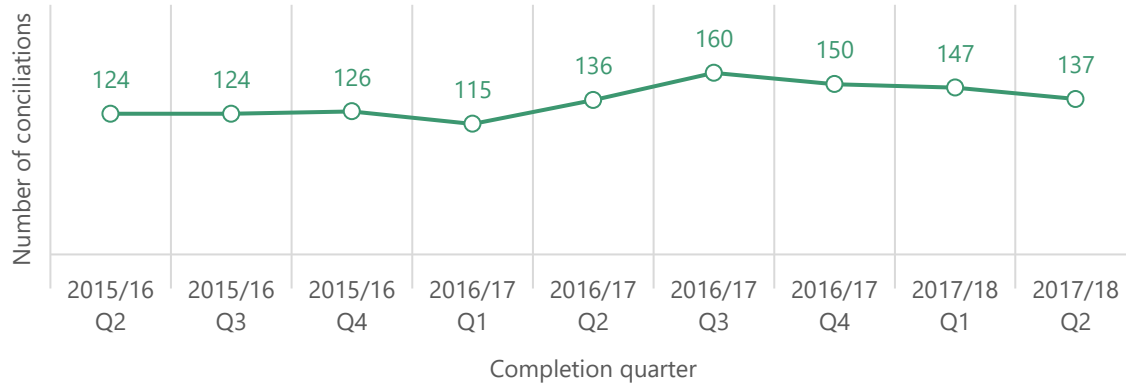
The median number of days from acceptance to completion for conciliations



# Conciliations

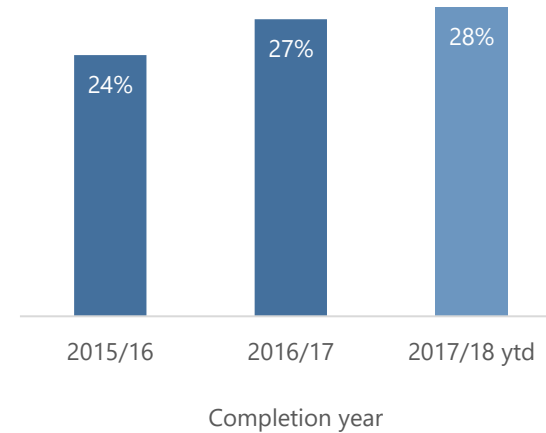
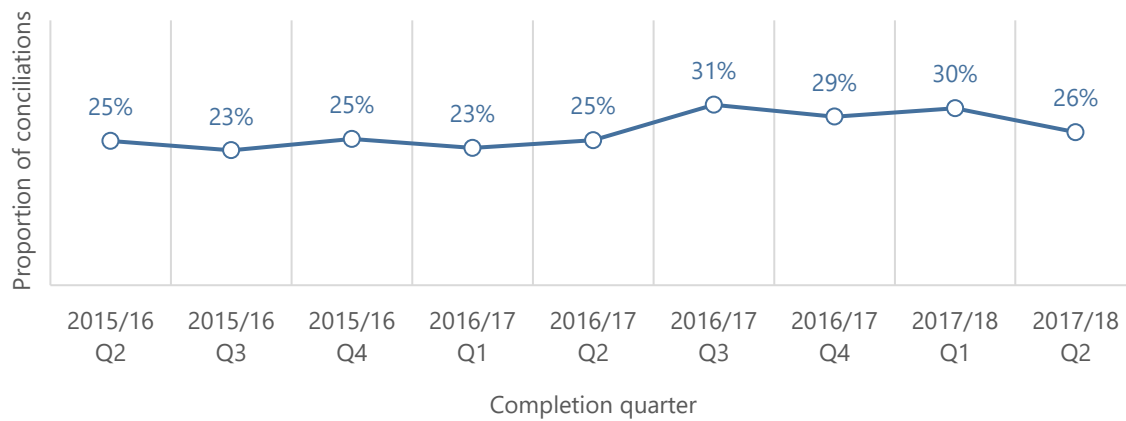
## 1.6 Conciliations with subsequent arbitrations

The number of conciliations with subsequent arbitration applications



## 1.7 Proportion of conciliations with subsequent arbitrations

The proportion of conciliations with subsequent arbitration applications

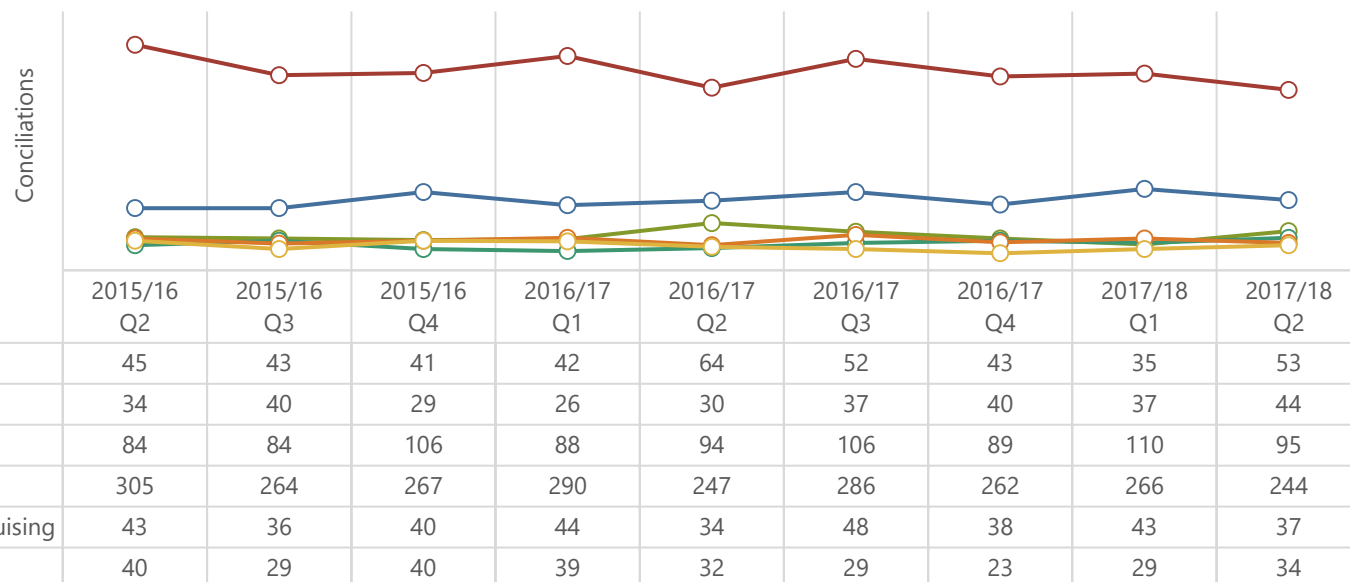




# Conciliations

## 1.8 Conciliations by nature of injury/disease

The number of accepted conciliations by nature of injury or disease



## 1.9 Comparison of conciliations and claims by nature of injury/disease - 2016/17

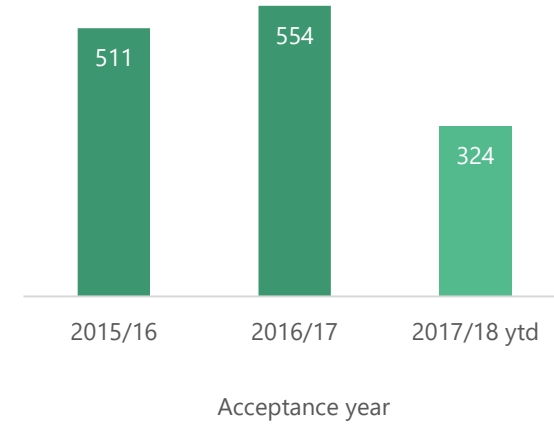
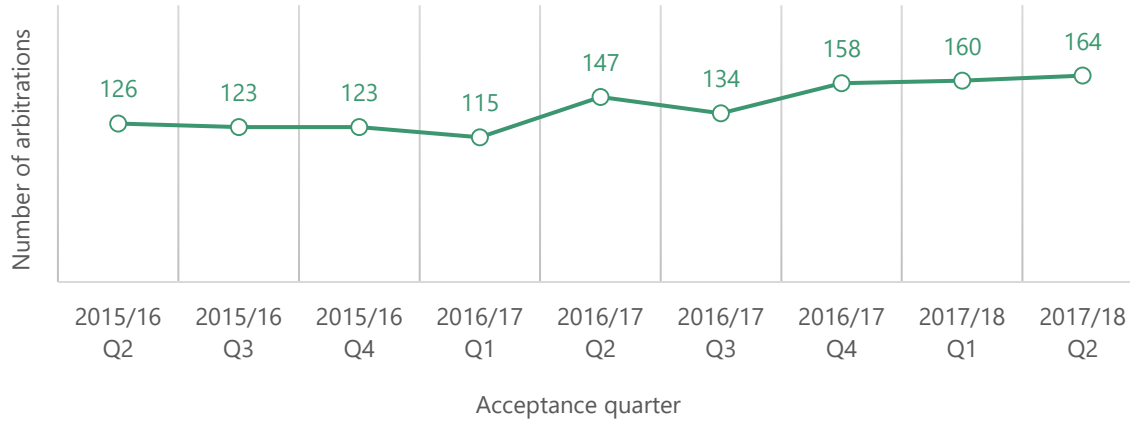
The proportion of accepted conciliations by nature of injury or disease compared with claims lodged

| Nature of injury/disease                      | Conciliations | Claims      |
|---|---------------|-------------|
| Diseases (includes cancer and other diseases) | 10%           | 9%          |
| Fractures                                     | 6%            | 8%          |
| Mental conditions                             | 18%           | 4%          |
| Sprains and strains                           | 52%           | 44%         |
| Wounds, contusions, bruising                  | 8%            | 25%         |
| Other injuries                                | 6%            | 9%          |
| <b>Total</b>                                  | <b>100%</b>   | <b>100%</b> |

# Arbitrations

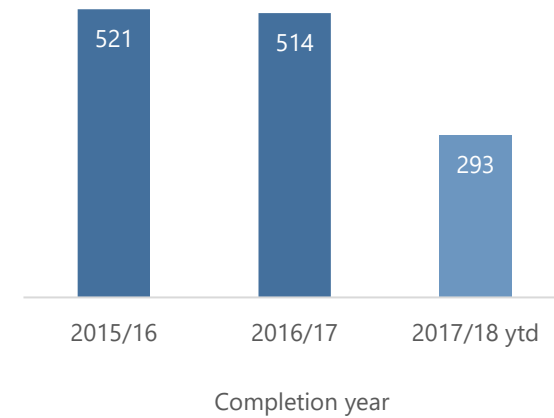
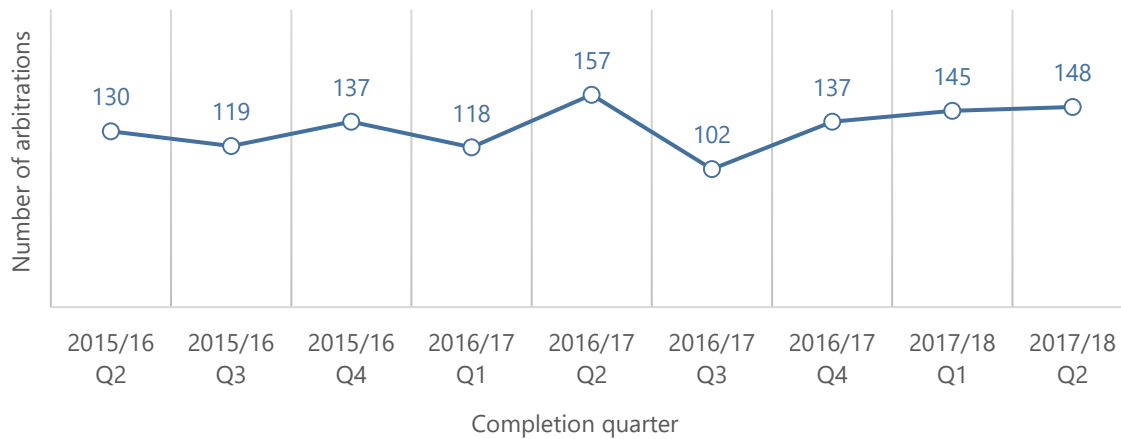
## 2.1 Accepted arbitrations

The number of accepted arbitrations



## 2.2 Completed arbitrations

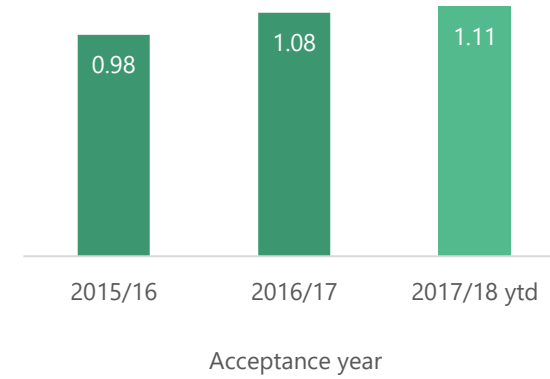
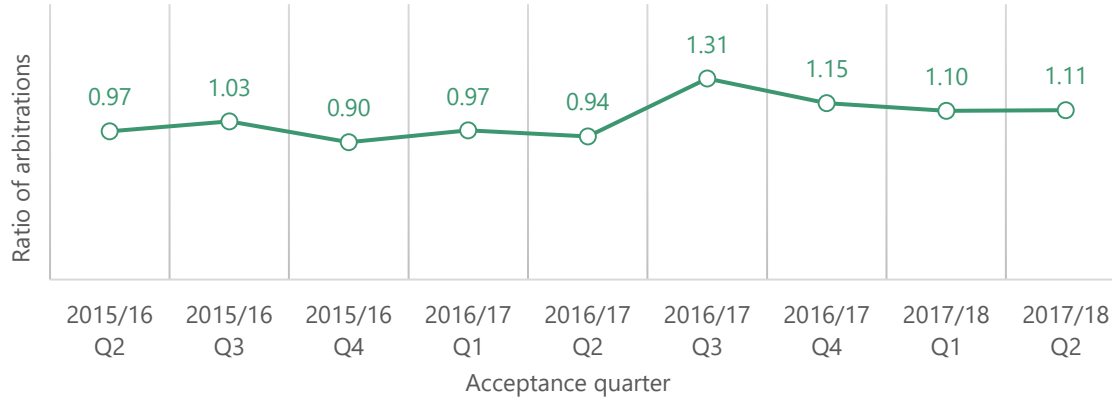
The number of closed arbitrations



# Arbitrations

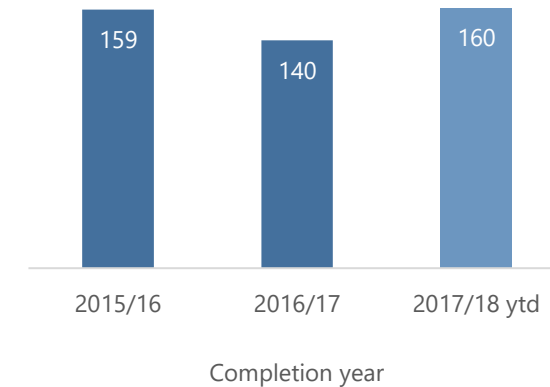
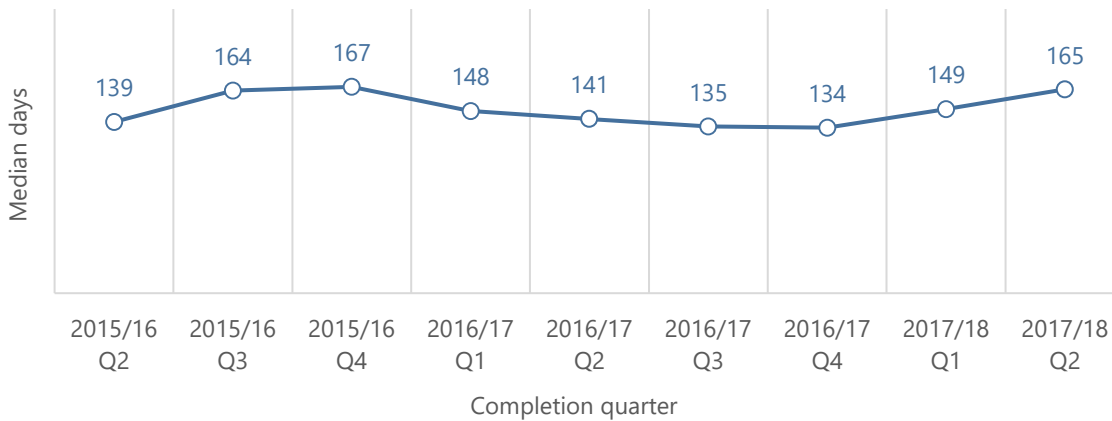
## 2.3 Ratio of accepted to completed arbitrations

The ratio between the number of accepted to closed arbitrations



## 2.4 Median days to complete arbitrations

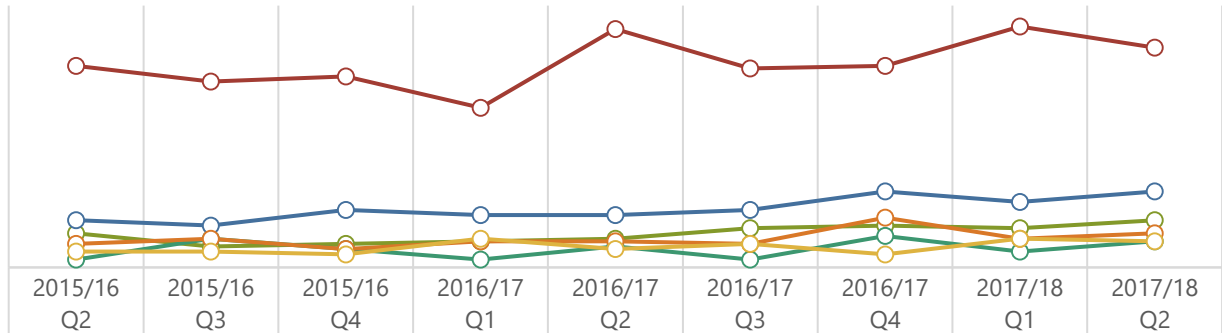
The median number of days from acceptance to completion for arbitrations (excludes conciliation time)



# Arbitrations

## 2.5 Arbitrations by nature of injury/disease

The number of arbitrations by nature of injury or disease



|                              | 2015/16 Q2 | 2015/16 Q3 | 2015/16 Q4 | 2016/17 Q1 | 2016/17 Q2 | 2016/17 Q3 | 2016/17 Q4 | 2017/18 Q1 | 2017/18 Q2 |
|------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Diseases                     | 13         | 8          | 9          | 10         | 11         | 15         | 16         | 15         | 18         |
| Fractures                    | 3          | 11         | 7          | 3          | 8          | 3          | 12         | 6          | 10         |
| Mental conditions            | 18         | 16         | 22         | 20         | 20         | 22         | 29         | 25         | 29         |
| Sprains and strains          | 77         | 71         | 73         | 61         | 91         | 76         | 77         | 92         | 84         |
| Wounds, contusions, bruising | 9          | 11         | 7          | 10         | 10         | 9          | 19         | 11         | 13         |
| Other injuries               | 6          | 6          | 5          | 11         | 7          | 9          | 5          | 11         | 10         |

## 2.6 Comparison of arbitrations and claims by nature of injury/disease - 2016/17

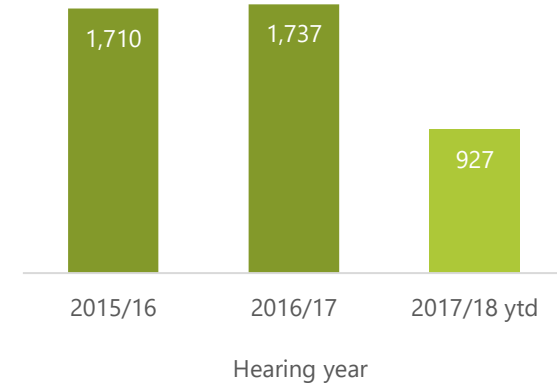
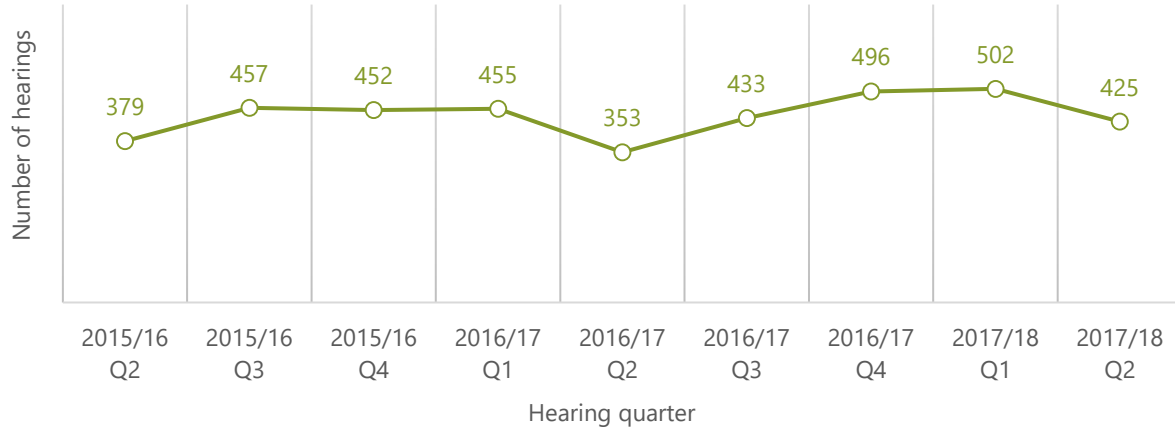
The proportion of arbitrations by nature of injury or disease compared with claims lodged

| Nature of injury/disease                      | Arbitrations | Claims      |
|---|--------------|-------------|
| Diseases (includes cancer and other diseases) | 9%           | 9%          |
| Fractures                                     | 5%           | 8%          |
| Mental conditions                             | 16%          | 4%          |
| Sprains and strains                           | 55%          | 44%         |
| Wounds, contusions, bruising                  | 9%           | 25%         |
| Other injuries                                | 6%           | 9%          |
| <b>Total</b>                                  | <b>100%</b>  | <b>100%</b> |

# Hearings

## 3.1 Arbitration hearings held

The number of all arbitration hearings (directions, interlocutory, formal arbitration, costs, pre-arbitration) held/completed



## 3.2 Proportion of arbitration hearings by type

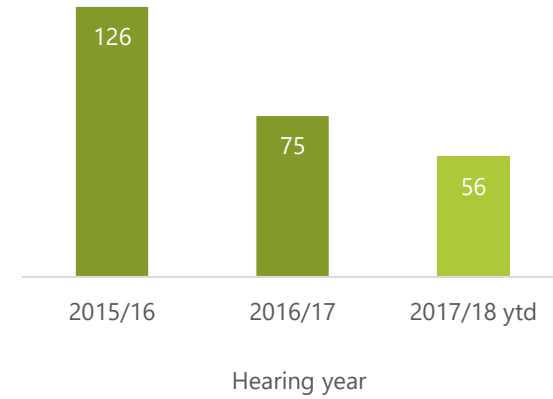
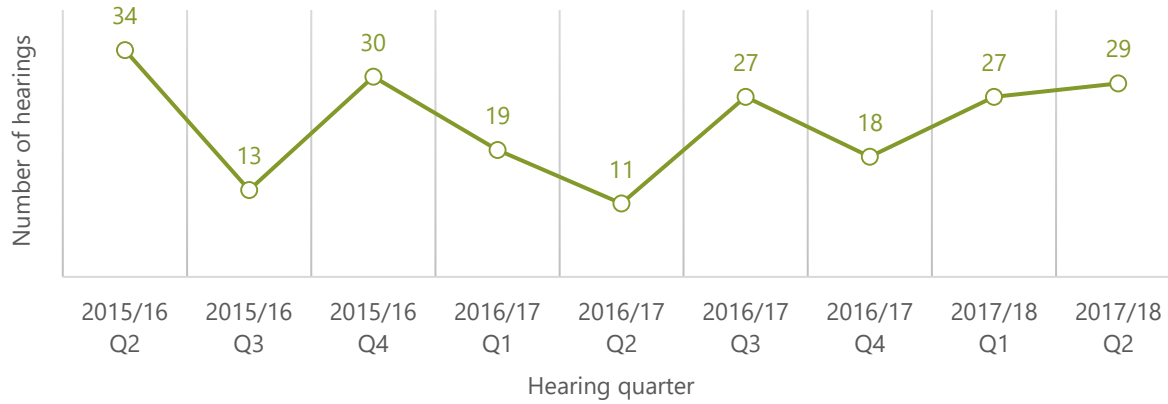
The proportion of arbitration hearings held/completed by type of hearing

| Hearing type       | 2015/16     | 2016/17     | 2017/18 ytd |
|--------------------|-------------|-------------|-------------|
| Formal arbitration | 7%          | 4%          | 6%          |
| Costs              | 1%          | 1%          | 1%          |
| Directions         | 79%         | 79%         | 74%         |
| Interlocutory      | 12%         | 10%         | 11%         |
| Pre-Arbitration    | 1%          | 6%          | 7%          |
| <b>Total</b>       | <b>100%</b> | <b>100%</b> | <b>100%</b> |

# Hearings

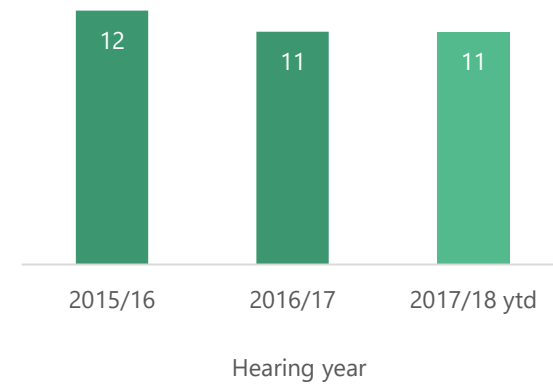
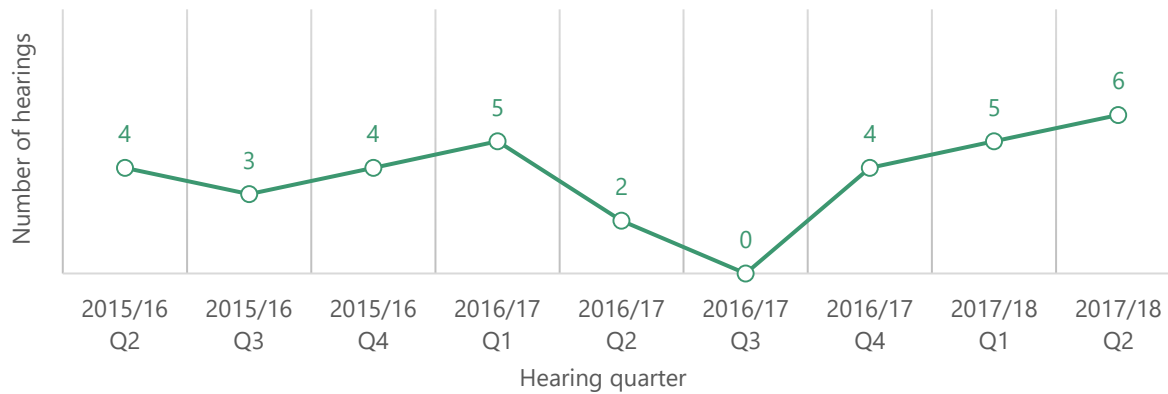
## 3.3.1 Hearings held by hearing type - Formal arbitration

The number of formal arbitration hearings held/completed



## 3.3.2 Hearings held by hearing type - Costs

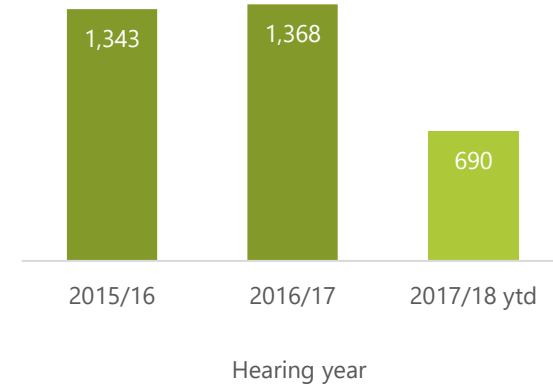
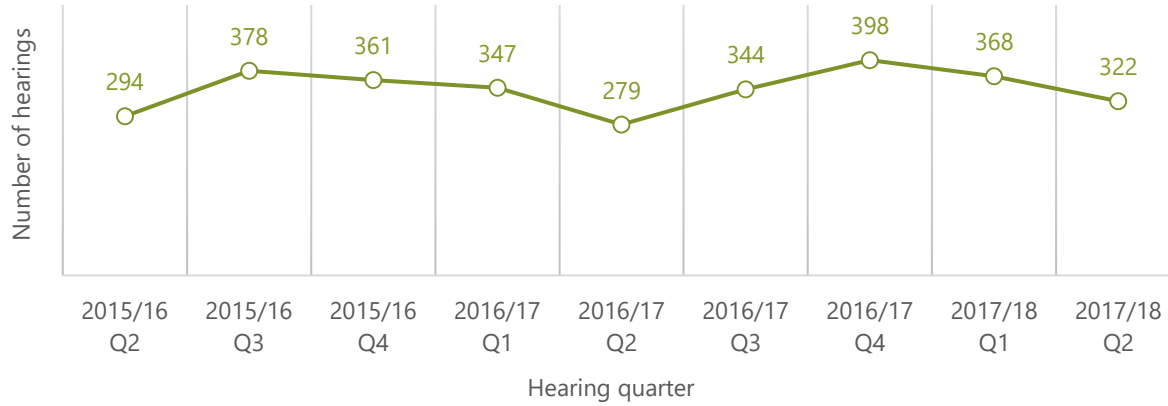
The number of costs hearings held/completed



# Hearings

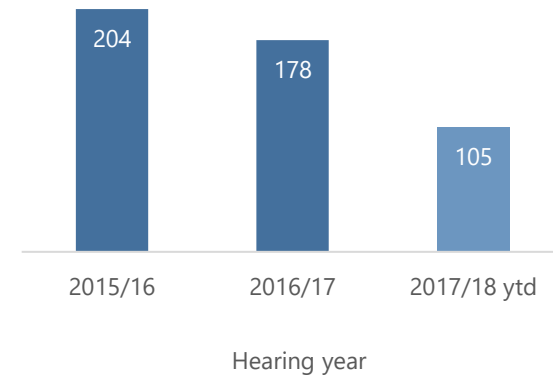
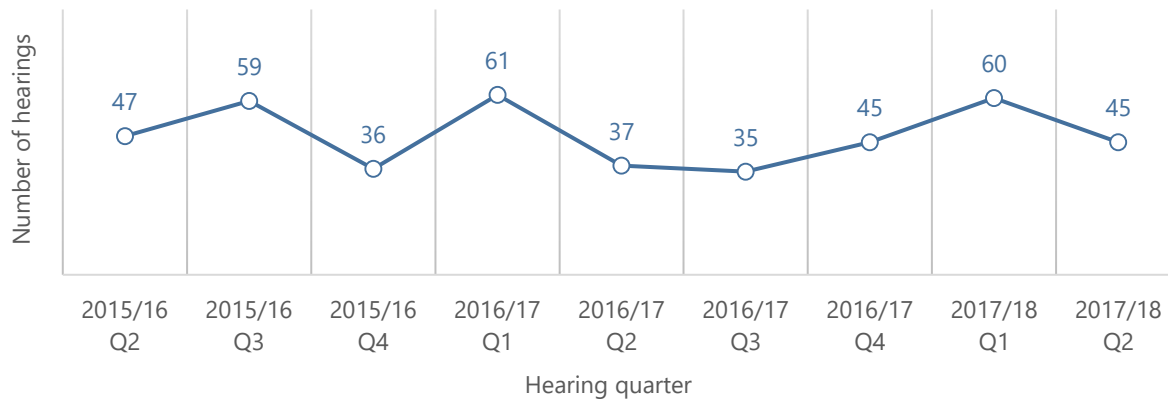
## 3.3.3 Hearings held by hearing type - Directions (includes directions by telephone)

The number of direction hearings held/completed



## 3.3.4 Hearings held by hearing type - Interlocutory

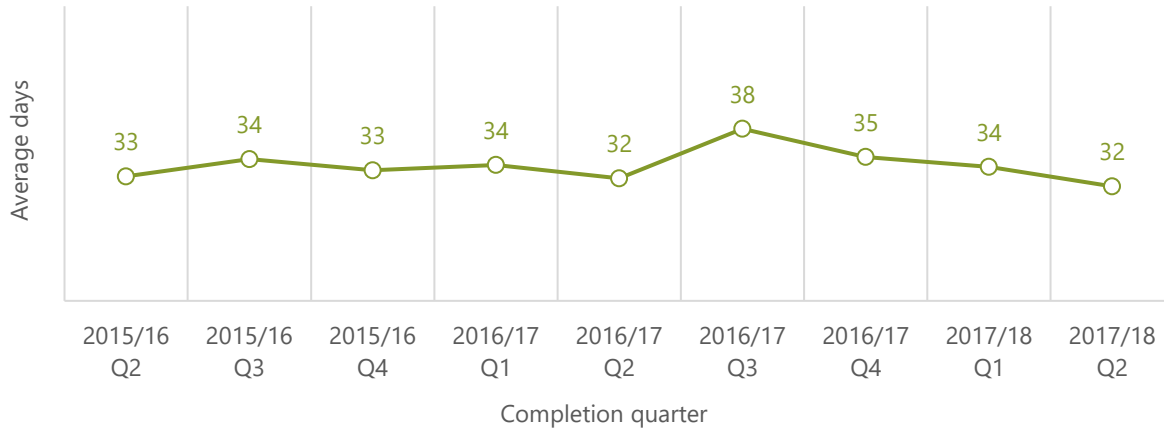
The number of interlocutory hearings held/completed



# Hearings

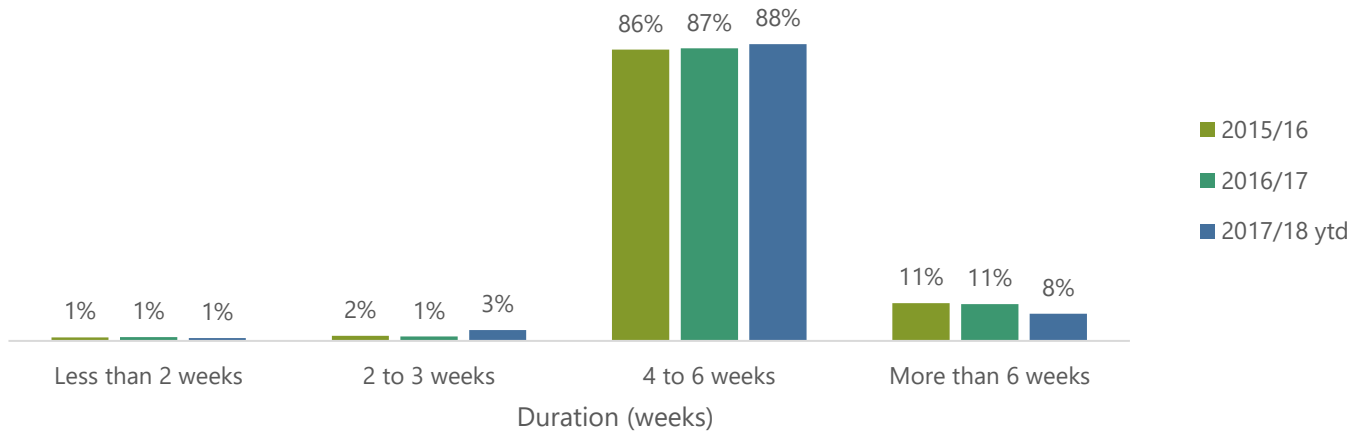
## 3.4 Average duration between acceptance and first hearing

The average days from the acceptance of arbitration application to the first hearing of any type (directions, interlocutory, formal arbitration, costs or pre-arbitration)



## 3.5 Arbitrations by duration from acceptance to first hearing

The proportion of arbitration applications by duration from acceptance to first hearing of any type

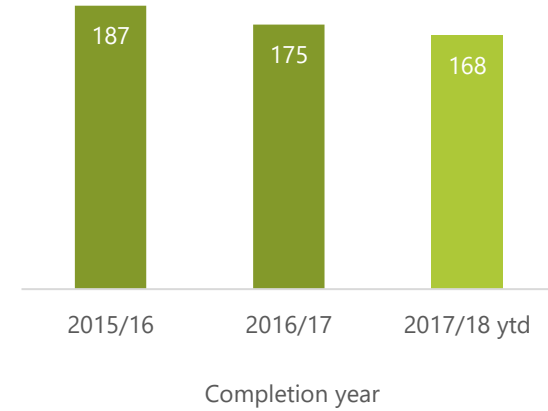
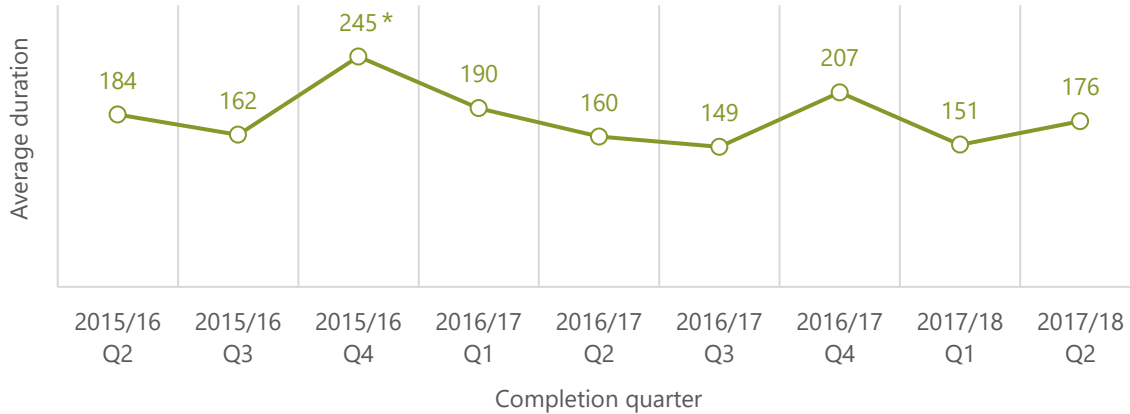




# Hearings

## 3.6 Average duration to first formal arbitration hearing

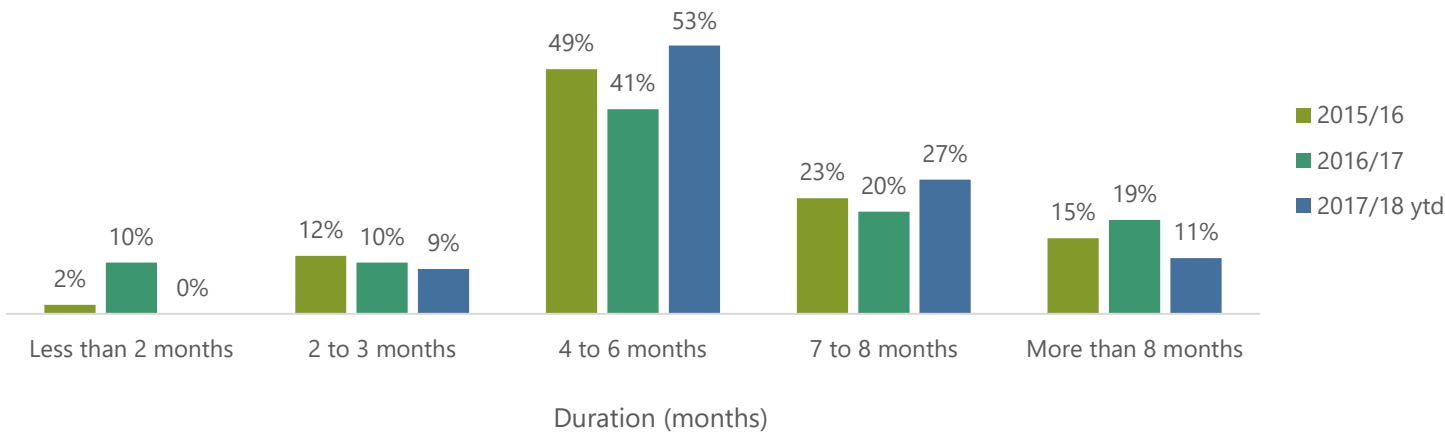
The average number of days from the acceptance of arbitration application to the first formal arbitration hearing



\* In 2015/16 Q4, two outliers were identified with high duration. Excluding these, the average duration reduces to 175 days.

## 3.7 Arbitrations by duration from acceptance to first formal arbitration hearing

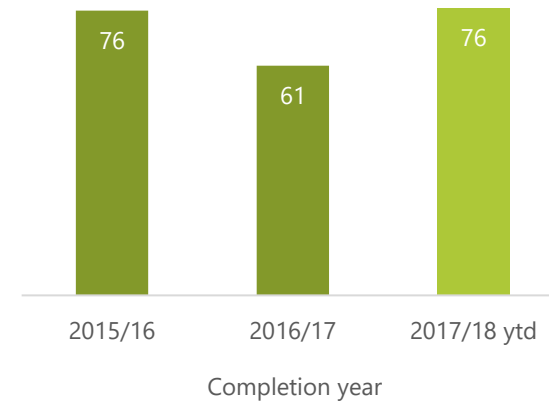
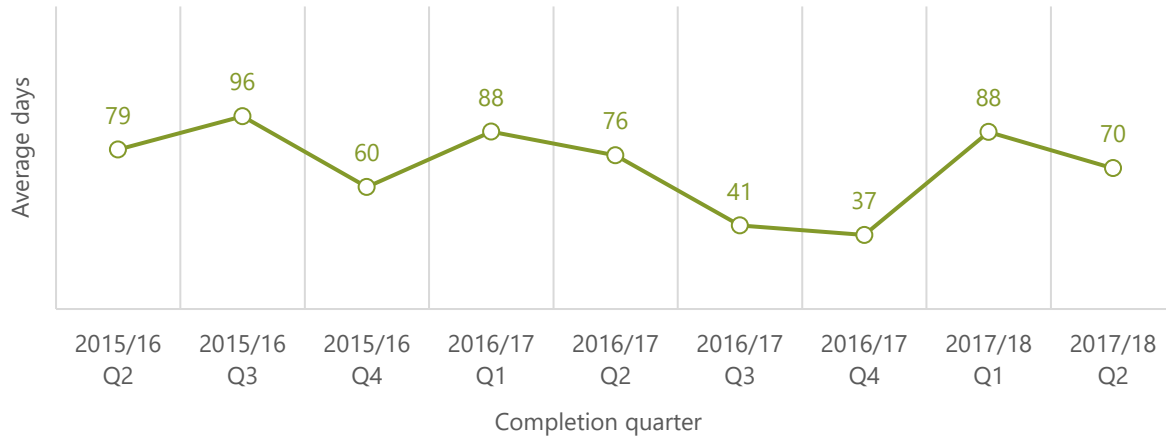
The proportion of arbitration applications by duration from acceptance to first formal arbitration hearing



# Hearings

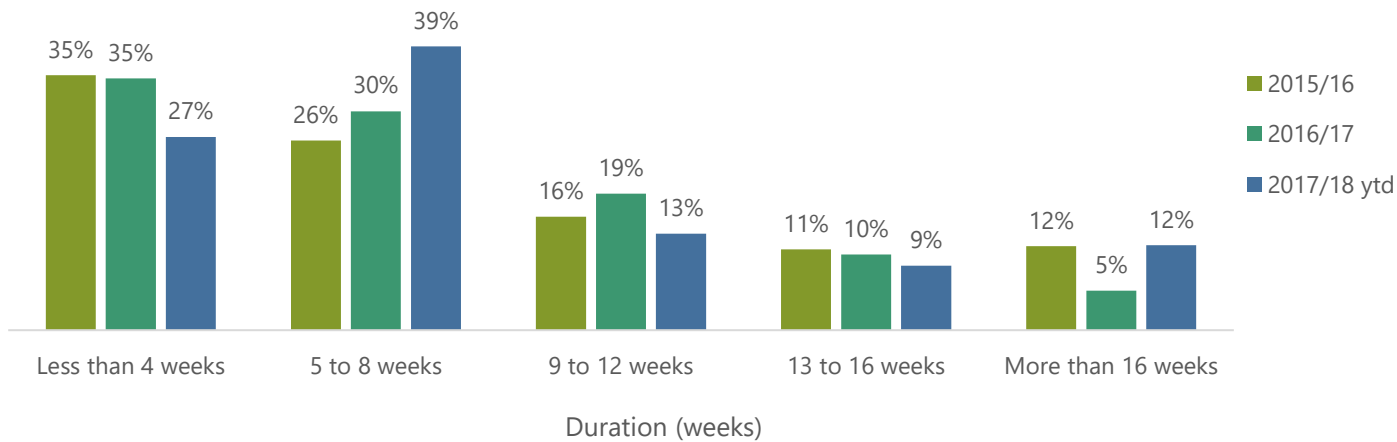
## 3.8 Average duration from last formal arbitration hearing to completion

The average number of days from the last formal arbitration hearing to completion



## 3.9 Arbitrations by duration from last formal arbitration hearing to completion

The proportion of arbitrations by duration from the last formal arbitration hearing to completion



## Disclaimer

- 1 Due to the dynamic nature of workers' compensation claims, the interpretation of data contained within this report (the data) must be undertaken with some caution. Data users are cautioned to consider carefully the provisional nature of the data before using it for decisions that concern personal or public safety or the conduct of business that involves substantial monetary or operational consequences.
- 2 The accuracy or reliability of the data is not guaranteed or warranted in any way. WorkCover WA has made a reasonable effort to ensure that the data is up-to-date, accurate, complete, and comprehensive at the time of disclosure. This data reflects data reported to this agency by insurers for the reporting periods indicated. Data users are responsible for ensuring by independent verification its accuracy, currency or completeness.
- 3 Neither WorkCover WA, or its agencies or representatives are responsible for data that is misinterpreted or altered in any way. Derived conclusions and analysis generated from this data are not to be considered attributable to WorkCover WA.
- 4 This data is provided as is and in no event shall WorkCover WA, its agencies or representatives be liable for any damages, including, without limitation, damages resulting from lost data or lost profits or revenue, the costs of recovering such data, the costs of substitute data, claims by third parties or for other similar costs, or any special, incidental, punitive or consequential damages, arising out of the use of the data.
- 5 Information concerning the accuracy and appropriate uses of the data or concerning other workers' compensation data may be obtained by contacting WorkCover WA.