



Conciliation and Arbitration Services Status Report

December 2021

Data used in this biannual report was extracted from the WorkCover WA DCMS database on 31 January 2022 and reflects dispute activities that occurred up to December 2021.

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Introduction

Citation



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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) 2021/22.

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 (2021/22 Q2)

#	Indicators	Compared with same quarter last year	Reference
1.1	Disputation rate	2020/21 Q2 4.3% 2021/22 Q2 4.5%	p.5
1.2	Number of accepted conciliations	2020/21 Q2 533 2021/22 Q2 525	p.5
1.3	Number of completed conciliations	2020/21 Q2 519 2021/22 Q2 555	p.6
1.5	Median days to complete conciliations	2020/21 Q2 33 2021/22 Q2 30	p.7
1.6	Conciliations with subsequent arbitrations	2020/21 Q2 166 2021/22 Q2 * 116	p.8
2.1	Number of accepted arbitrations	2020/21 Q2 183 2021/22 Q2 123	p.11

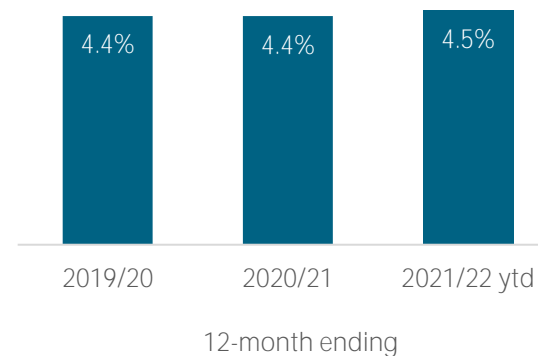
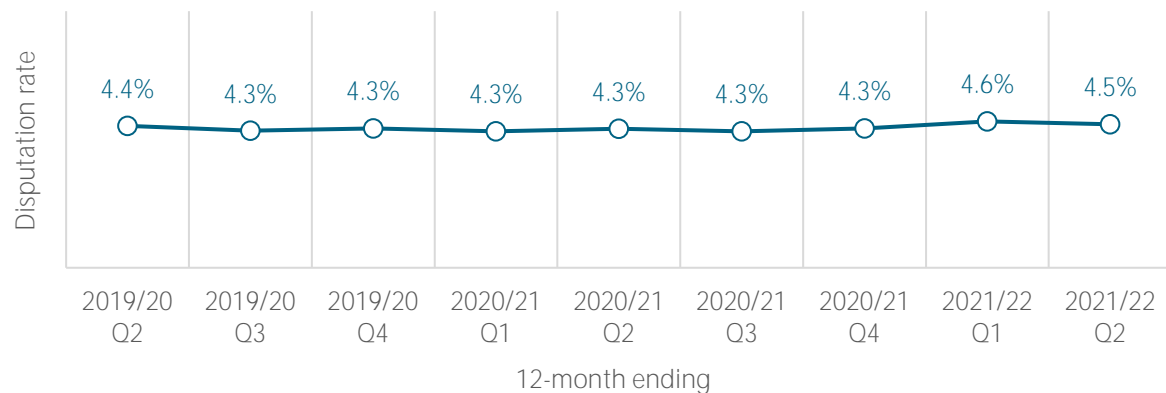
#	Indicators	Compared with same quarter last year	Reference
2.2	Number of completed arbitrations	2020/21 Q2 191 2021/22 Q2 134	p.11
2.4	Median days to complete arbitrations	2020/21 Q2 148 2021/22 Q2 190	p.12
3.1	Number of hearings held	2020/21 Q2 505 2021/22 Q2 567	p.14
3.4	Days between arbitration acceptance and first hearing	2020/21 Q2 34 2021/22 Q2 47	p.17
3.6	Days between acceptance and first formal arbitration hearing	2020/21 Q2 298 2021/22 Q2 275	p.18
3.8	Days between last formal arbitration hearing and completion	2020/21 Q2 119 2021/22 Q2 120	p.19

*May be subject to change over time as the data matures.

Conciliations

1.1 Disputation rate*

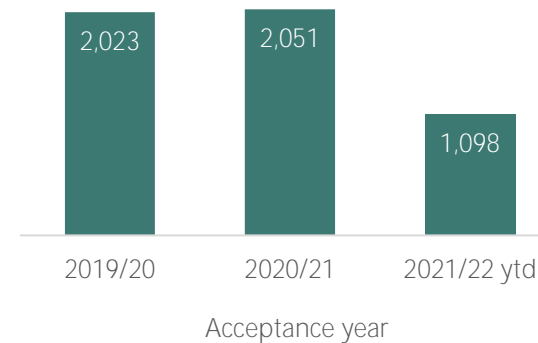
The number of dispute applications as a proportion of active claims (claims with at least one transaction payment within the financial year)



* Disputation rate is based on a rolling four-quarter period.

1.2 Accepted conciliations

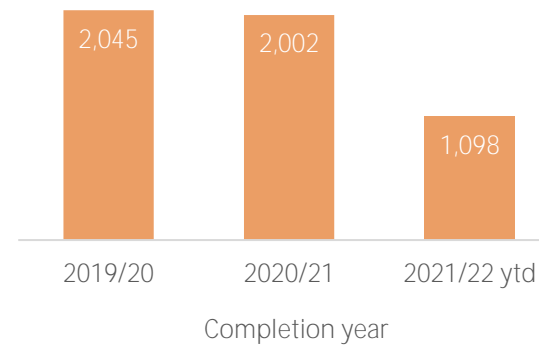
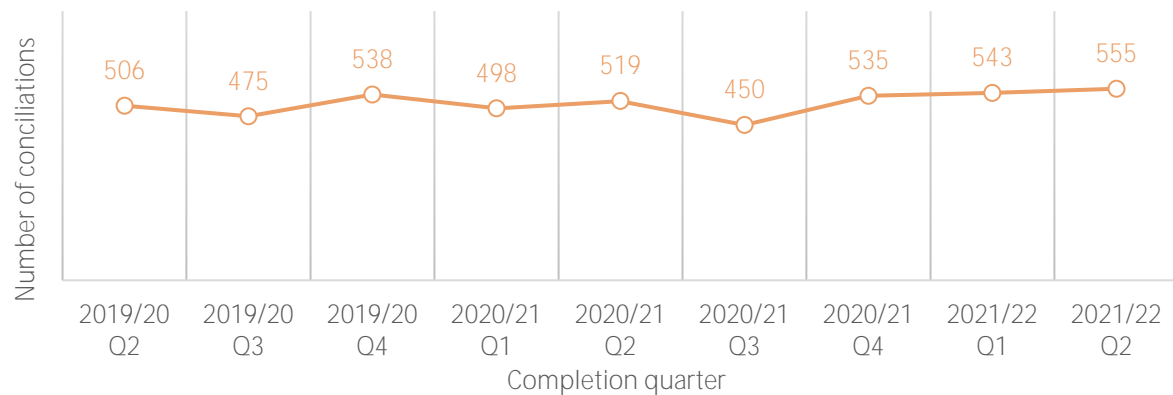
The number of conciliations accepted



Conciliations

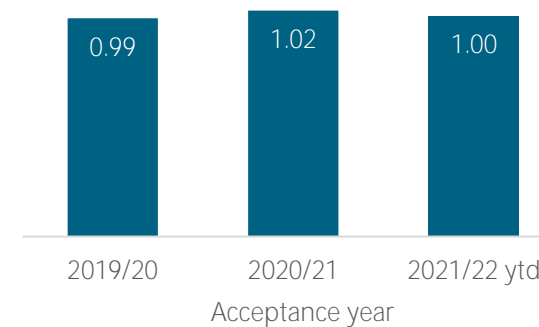
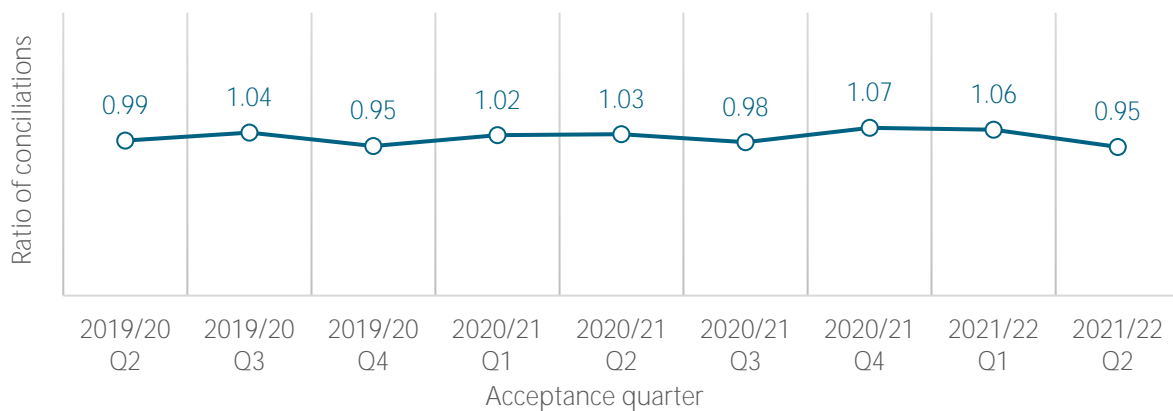
1.3 Completed conciliations

The number of closed conciliations



1.4 Ratio of accepted to completed conciliations

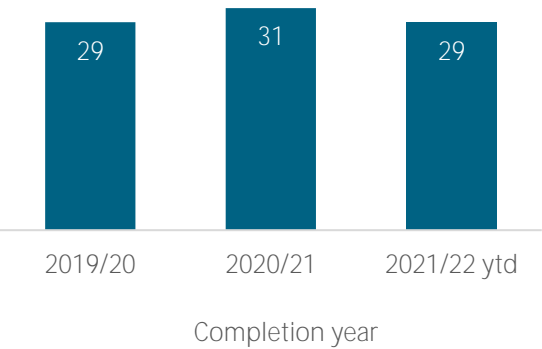
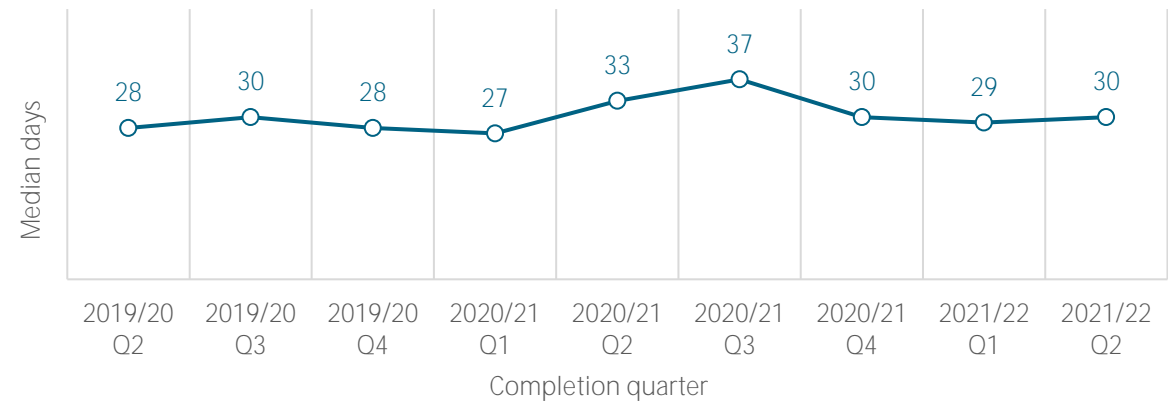
The ratio between the number of accepted to closed conciliations



Conciliations

1.5 Median days to complete conciliations

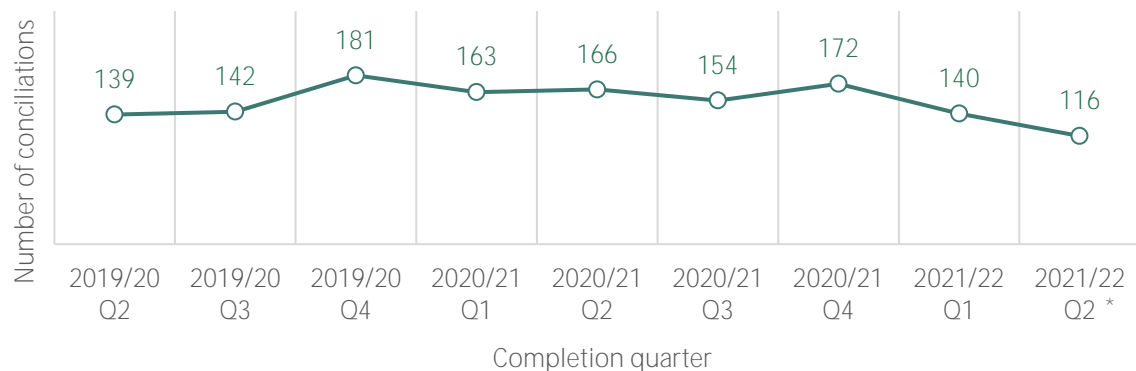
The median number of days from acceptance to completion for conciliations



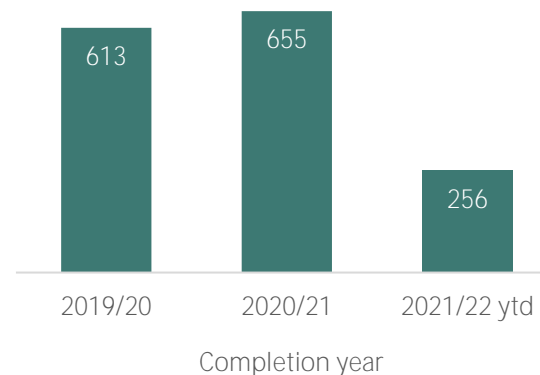
Conciliations

1.6 Conciliations with subsequent arbitrations

The number of conciliations with subsequent arbitration applications

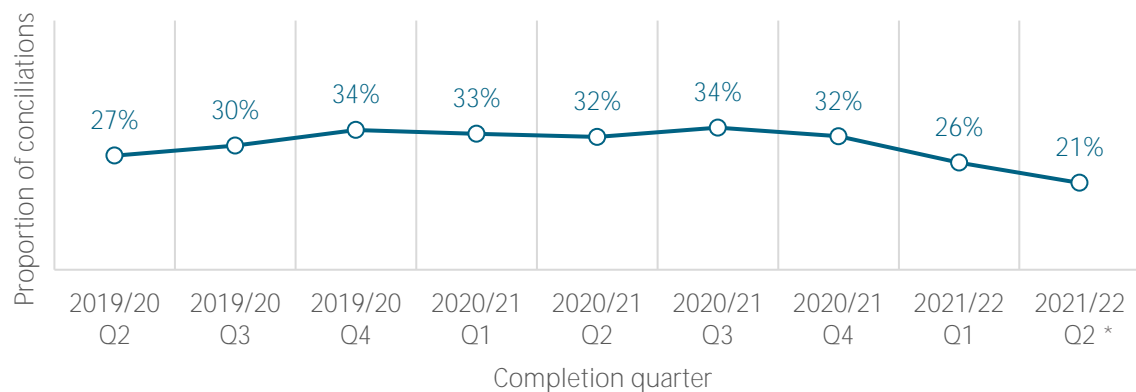


* The data is based on conciliation completed date and the most recent quarter may be subject to change over time, as the data matures.

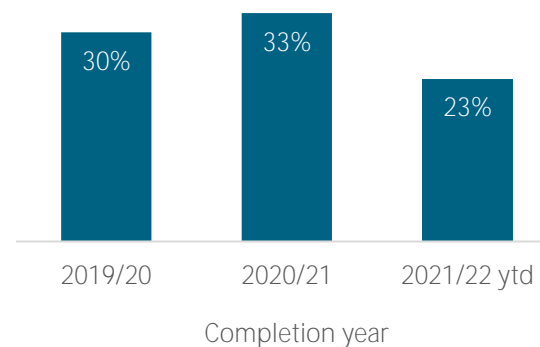


1.7 Proportion of conciliations with subsequent arbitrations

The proportion of conciliations with subsequent arbitration applications



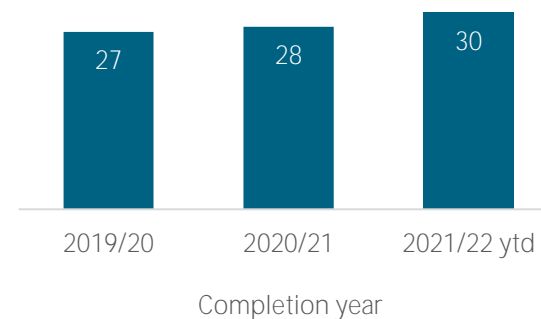
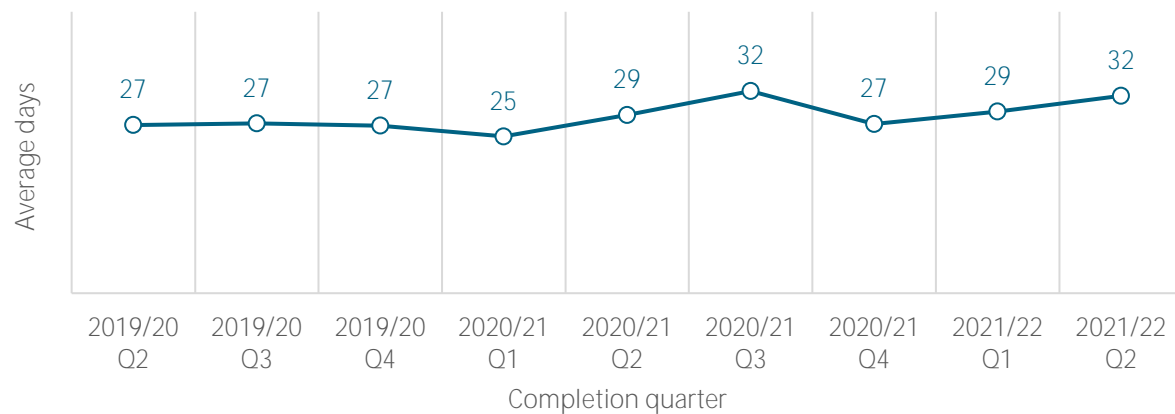
* The data is based on conciliation completed date and the most recent quarter may be subject to change over time, as the data matures.



Conciliations

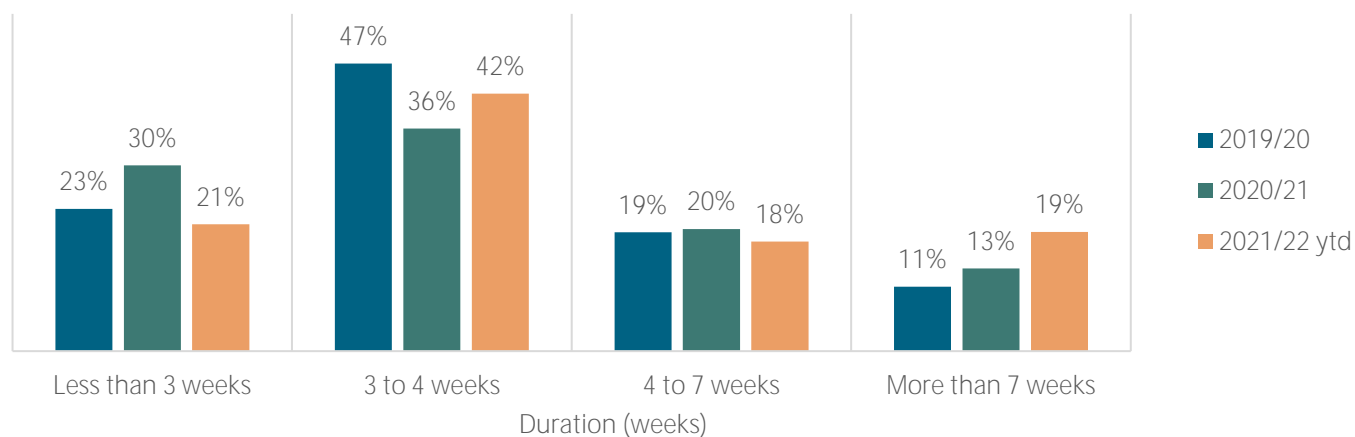
1.8 Average duration between acceptance and first conciliation conference

The average days from the acceptance of conciliation applications to the first conciliation conference



1.9 Conciliations by duration from acceptance to first conference

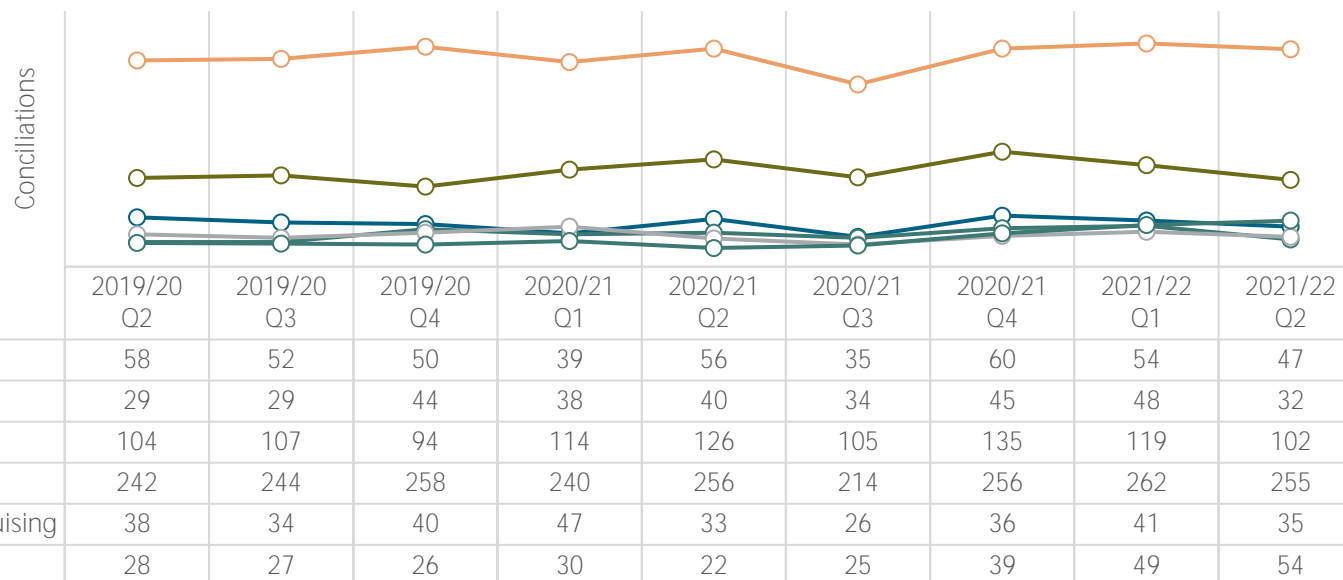
The proportion of conciliation by duration from acceptance to first conciliation conference



Conciliations

1.10 Conciliations by nature of injury/disease

The number of accepted conciliations by nature of injury or disease



1.11 Comparison of conciliations and claims by nature of injury/disease - 2020/21 Q1 to 2020/21 Q4*

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

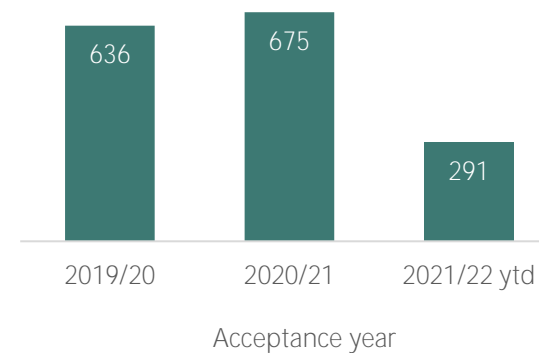
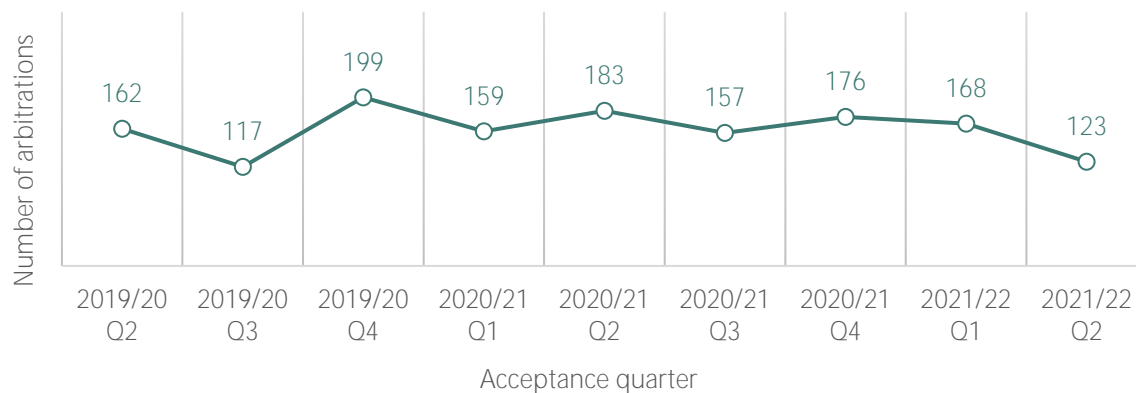
Nature of injury/disease	Conciliations	Claims
Diseases (includes cancer and other diseases)	9%	8%
Fractures	8%	10%
Mental conditions	23%	5%
Sprains and strains	47%	48%
Wounds, contusions, bruising	7%	21%
Other injuries	6%	8%
Total	100%	100%

*Two-quarter lag applies to allow for claims information to be processed

Arbitrations

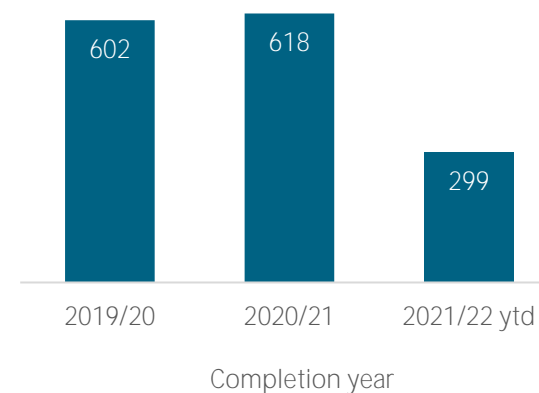
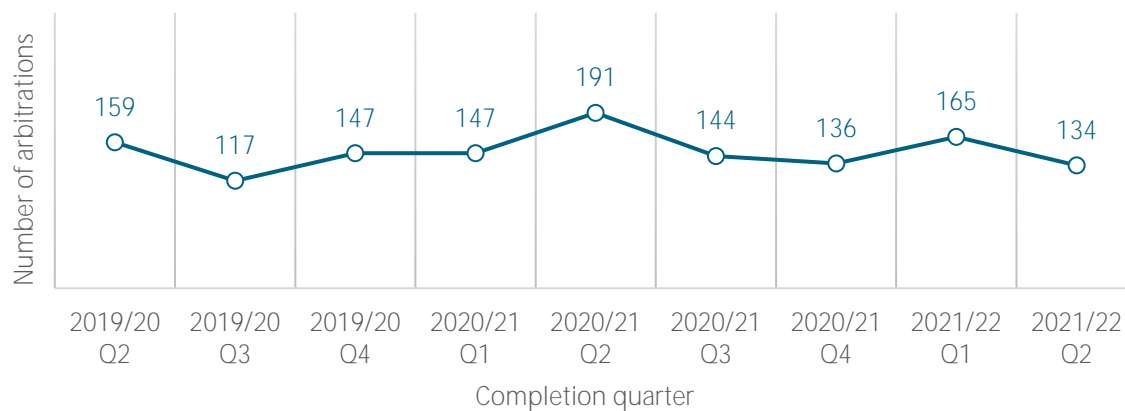
2.1 Accepted arbitrations

The number of accepted arbitrations



2.2 Completed arbitrations

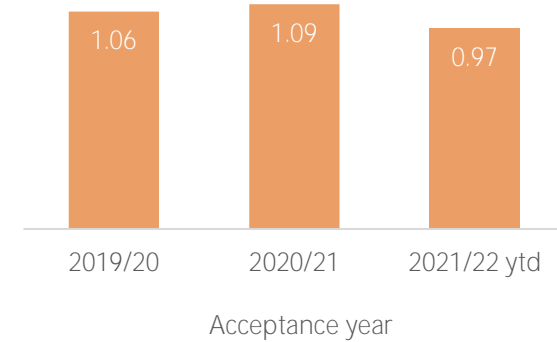
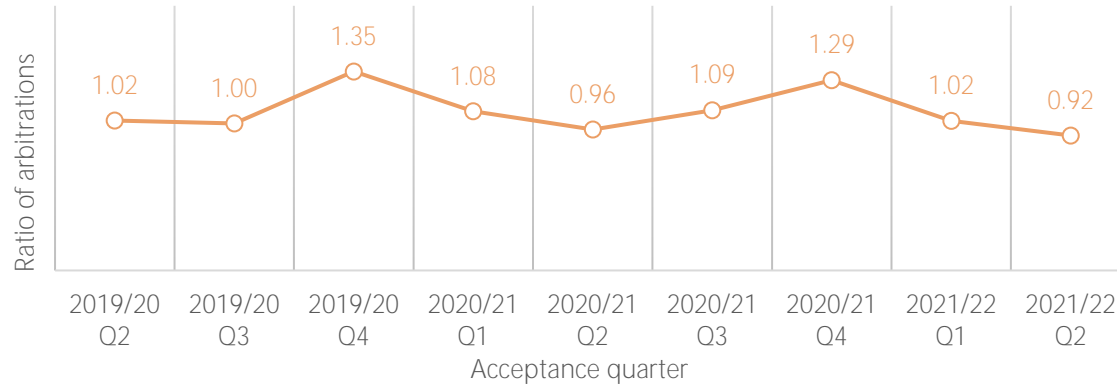
The number of closed arbitrations



Arbitrations

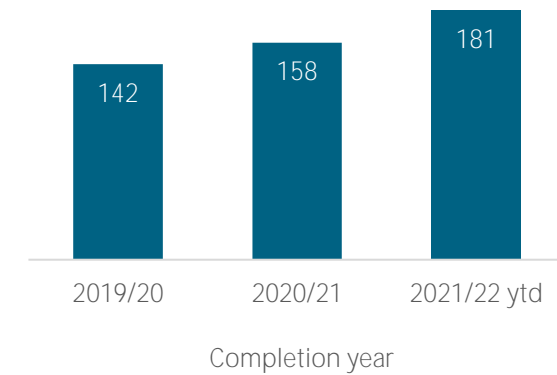
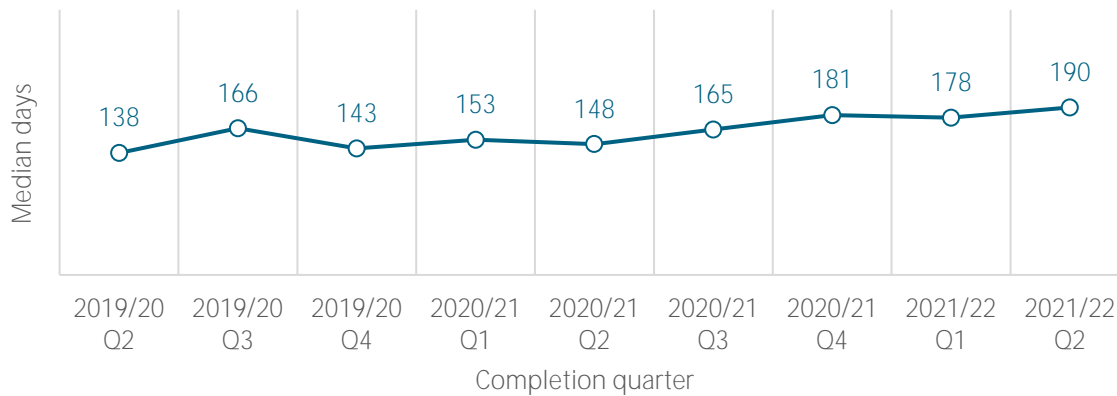
2.3 Ratio of accepted to completed arbitrations

The ratio between the number of accepted to closed arbitrations



2.4 Median days to complete arbitrations

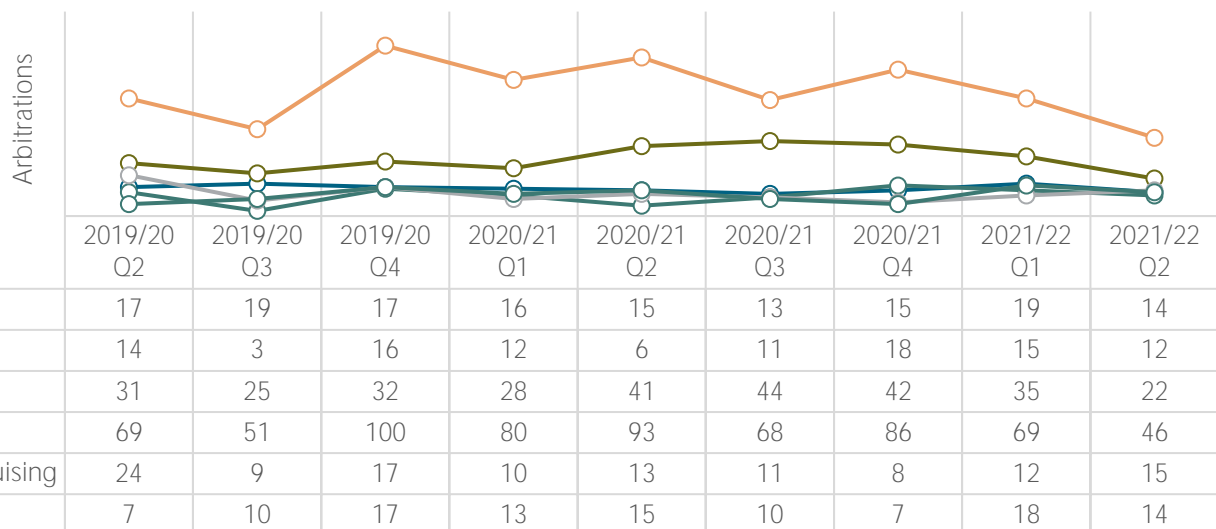
The median number of days from acceptance to completion for arbitrations (excludes conciliation time)



Arbitrations

2.5 Arbitrations by nature of injury/disease

The number of arbitrations by nature of injury or disease



2.6 Comparison of arbitrations and claims by nature of injury/disease - 2020/21 Q1 to 2020/21 Q4*

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

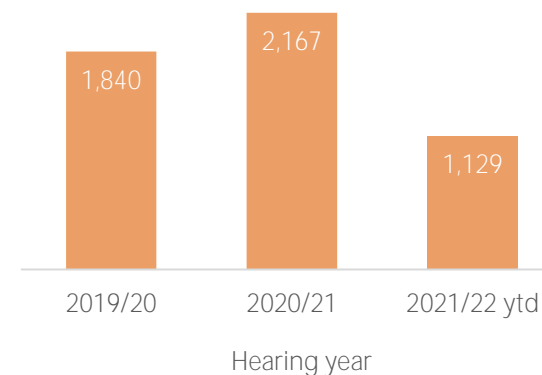
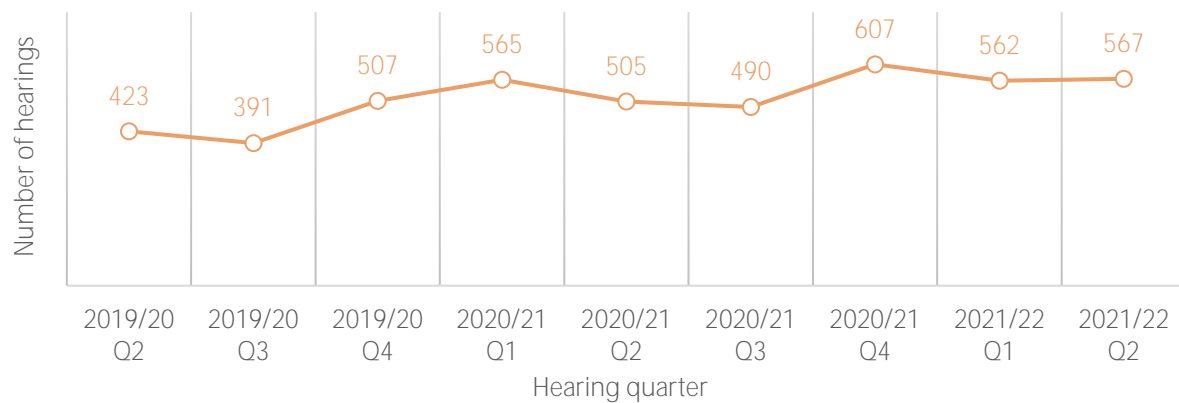
Nature of injury/disease	Arbitrations	Claims
Diseases (includes cancer and other diseases)	9%	8%
Fractures	7%	10%
Mental conditions	23%	5%
Sprains and strains	48%	48%
Wounds, contusions, bruising	6%	21%
Other injuries	7%	8%
Total	100%	100%

* Two-quarter lag applies to allow for claims information to be processed

Hearings

3.1 Arbitration hearings held

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



3.2 Proportion of arbitration hearings by type

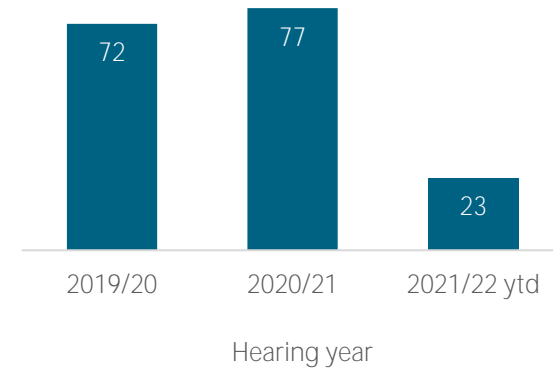
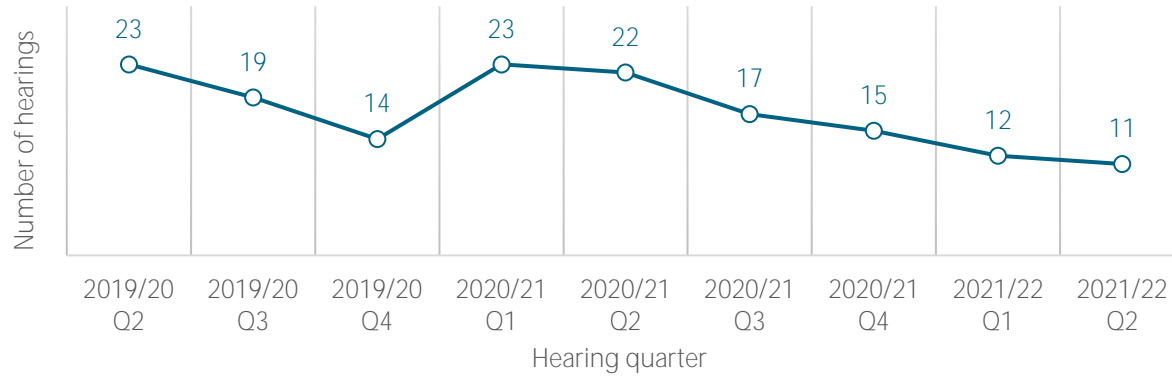
The proportion of arbitration hearings held/completed by type of hearing

Hearing type	2019/20	2020/21	2021/22 ytd
Formal arbitration	4%	4%	2%
Costs	0.4%	0.2%	0.1%
Directions	85%	87%	91%
Interlocutory	11%	10%	7%
Total	100%	100%	100%

Hearings

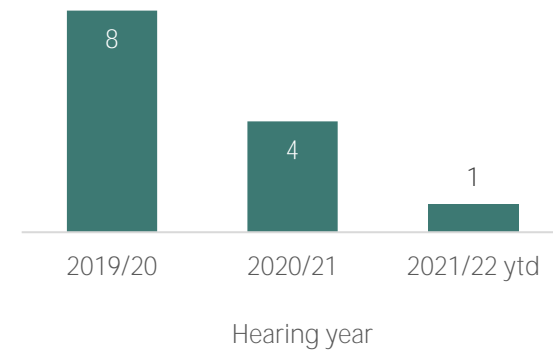
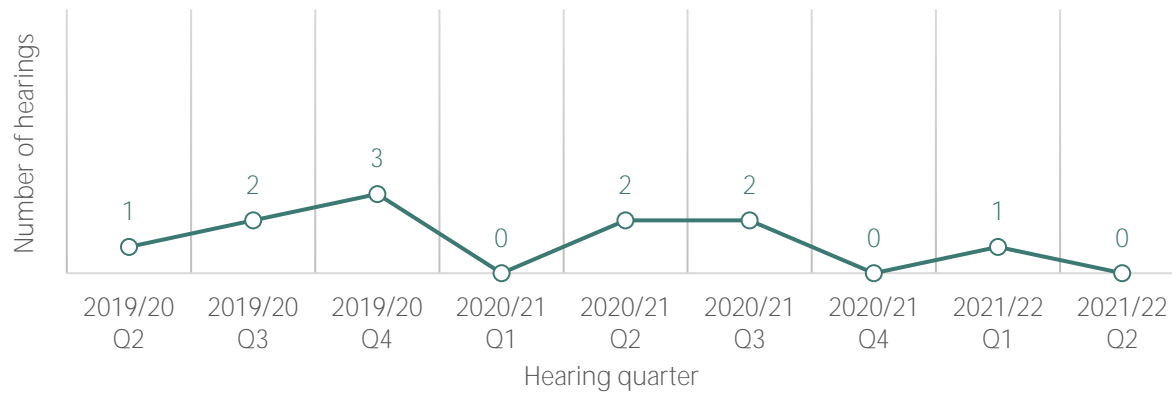
3.3.1 Hearings held by hearing type - Formal arbitration

The number of formal arbitration hearings held/completed



3.3.2 Hearings held by hearing type - Costs

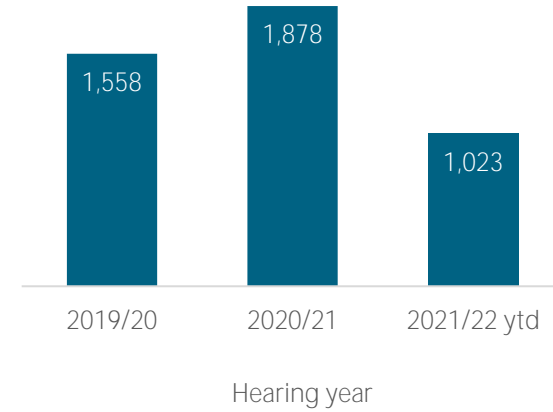
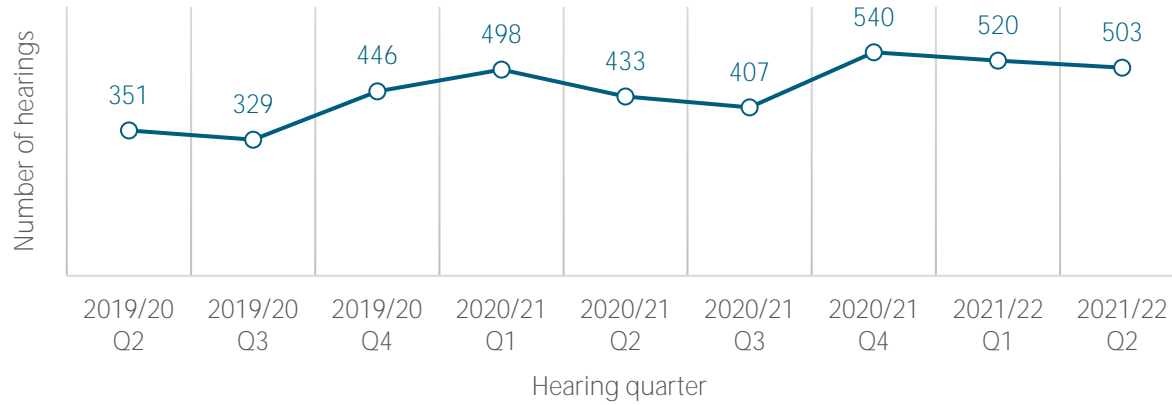
The number of costs hearings held/completed



Hearings

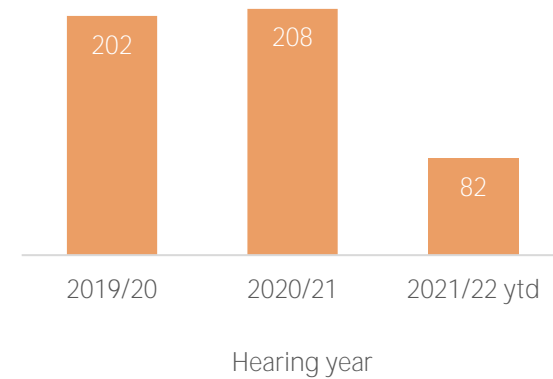
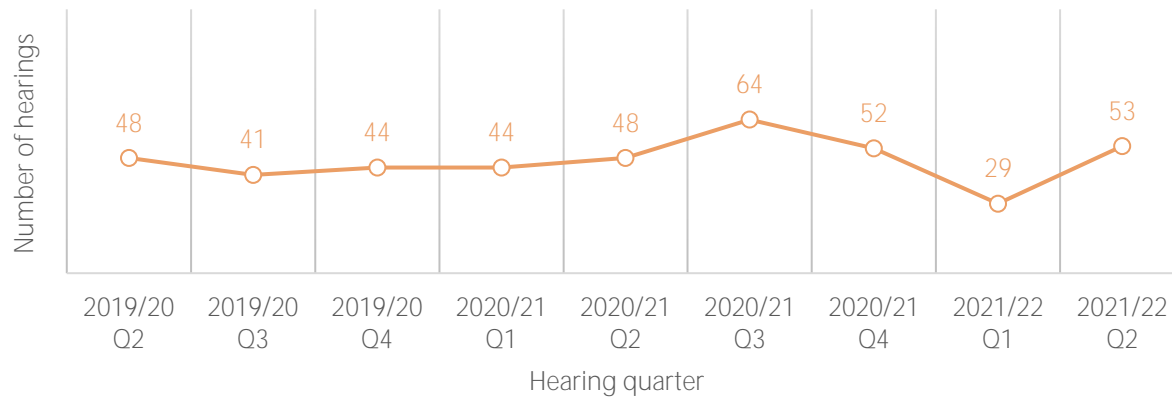
3.3.3 Hearings held by hearing type - Directions

The number of direction hearings held/completed



3.3.4 Hearings held by hearing type - Interlocutory

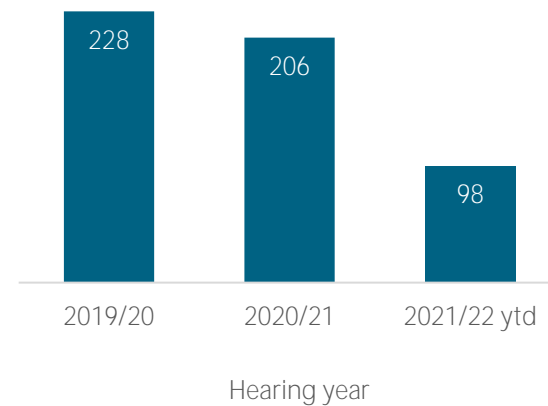
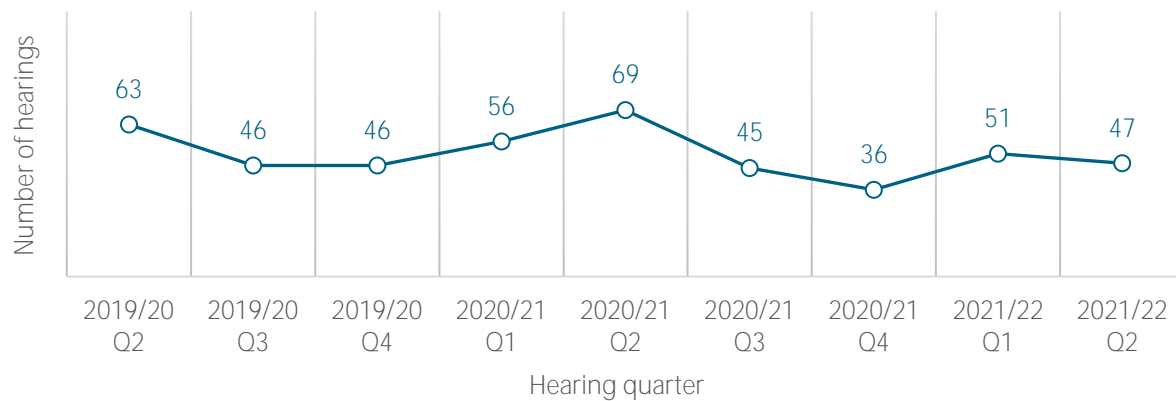
The number of interlocutory hearings held/completed



Hearings

3.3.5 Pre-arbitration Conferences held

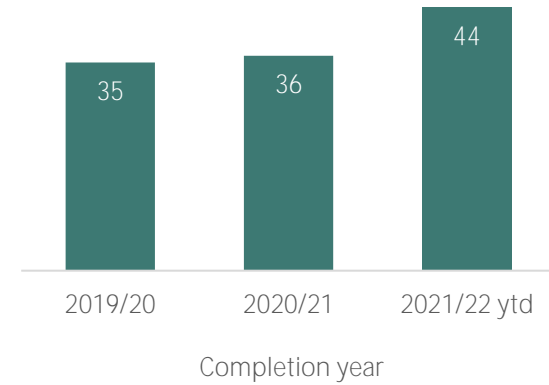
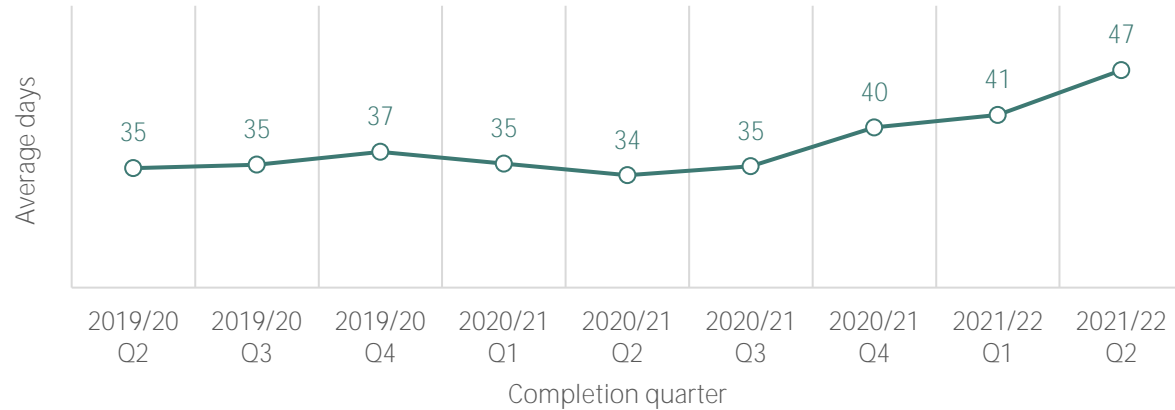
The number of pre-arbitration conferences held/completed



Hearings

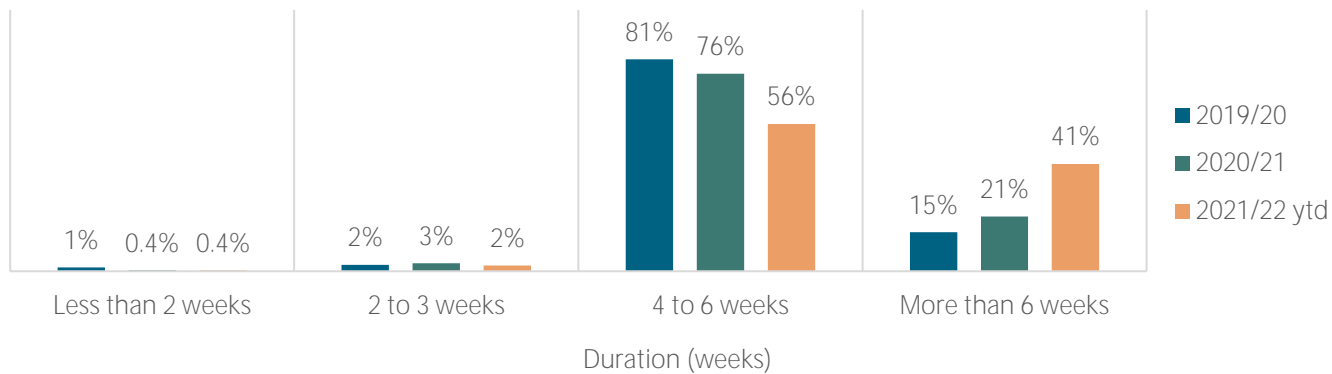
3.4 Average duration between acceptance and first hearing

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



3.5 Arbitrations by duration from acceptance to first hearing

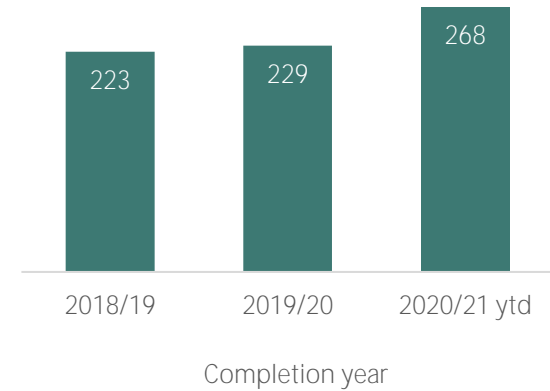
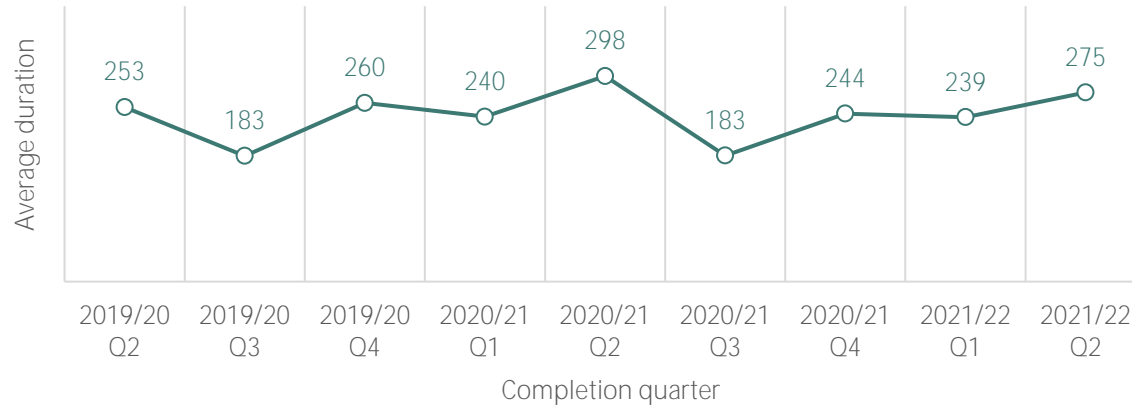
The proportion of arbitration applications by duration from acceptance to first hearing of any type



Hearings

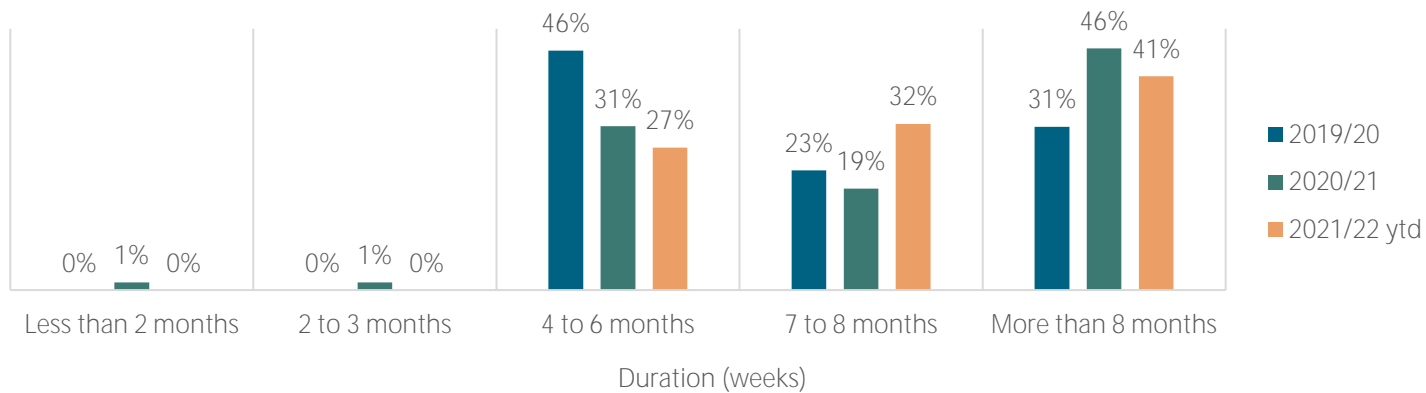
3.6 Average duration from acceptance to first formal arbitration hearing

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



3.7 Arbitrations by duration from acceptance to first formal arbitration hearing

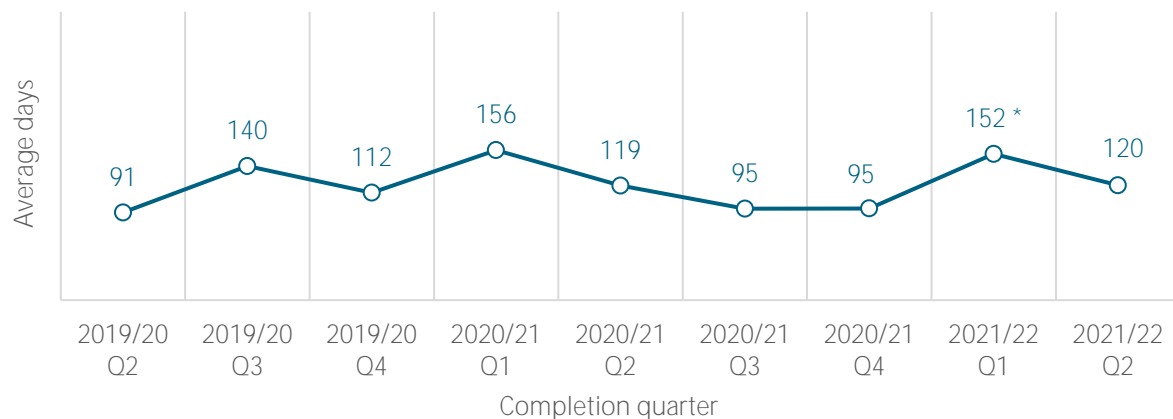
The proportion of arbitration applications by duration from acceptance to first formal arbitration hearing



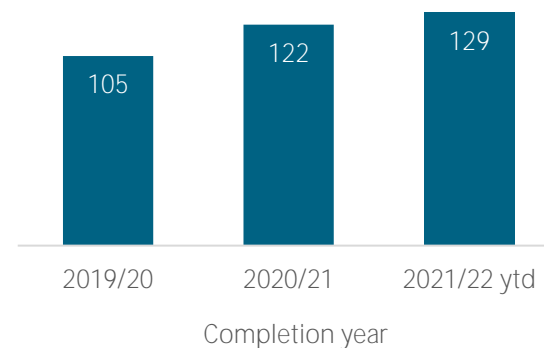
Hearings

3.8 Average duration from last formal arbitration hearing to completion

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

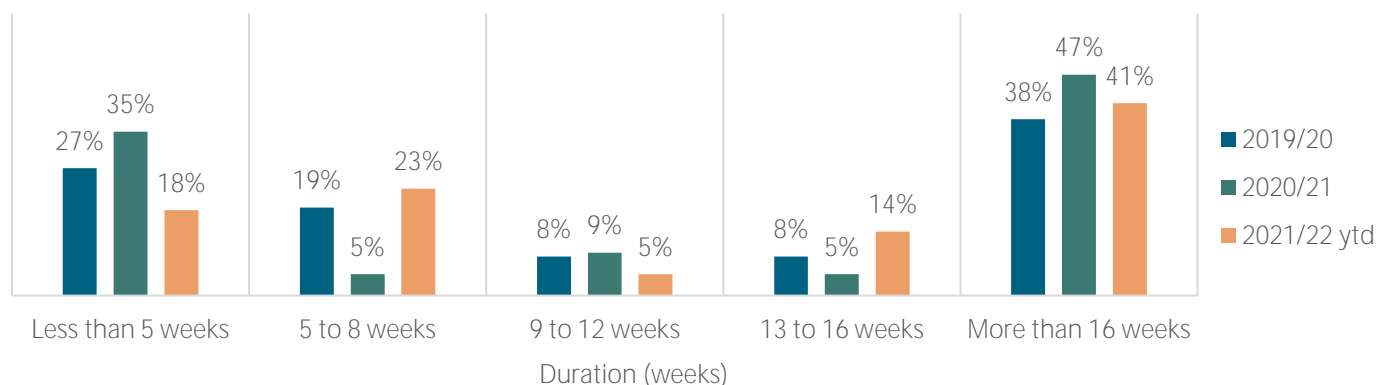


* In 2021/22 Q1, a dispute was identified as an outlier which caused the average to skew (440 days), and therefore is excluded.



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.
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- 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.