



Conciliation and Arbitration Services Status Report

December 2023

Data was extracted from the WorkCover WA DCMS database on 29 January 2024 and reflects dispute activities that occurred up to December 2023.

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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) 2023/24.

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 (2023/24 Q2)

| # | Indicators | Compared with same quarter last year | Reference |
|-----|--|--------------------------------------|-----------|
| 1.1 | Disputation rate | 2022/23 Q2 4.7% 2023/24 Q2 4.9% | p.5 |
| 1.2 | Number of accepted conciliations | 2022/23 Q2 591 2023/24 Q2 603 | p.5 |
| 1.3 | Number of completed conciliations | 2022/23 Q2 545 2023/24 Q2 646 | p.6 |
| 1.5 | Median days to complete conciliations | 2022/23 Q2 34 2023/24 Q2 35 | p.7 |
| 1.6 | Conciliations with subsequent arbitrations | 2022/23 Q2 126 2023/24 Q2 * 128 | p.8 |
| 2.1 | Number of accepted arbitrations | 2022/23 Q2 132 2023/24 Q2 144 | p.11 |

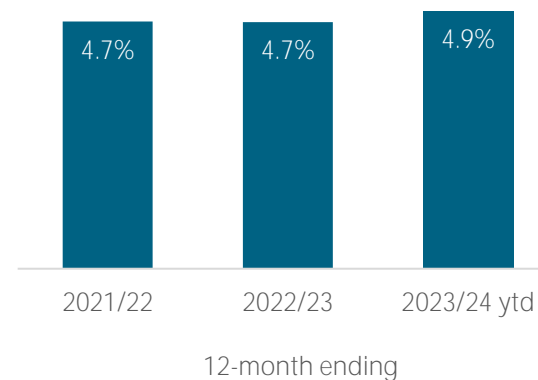
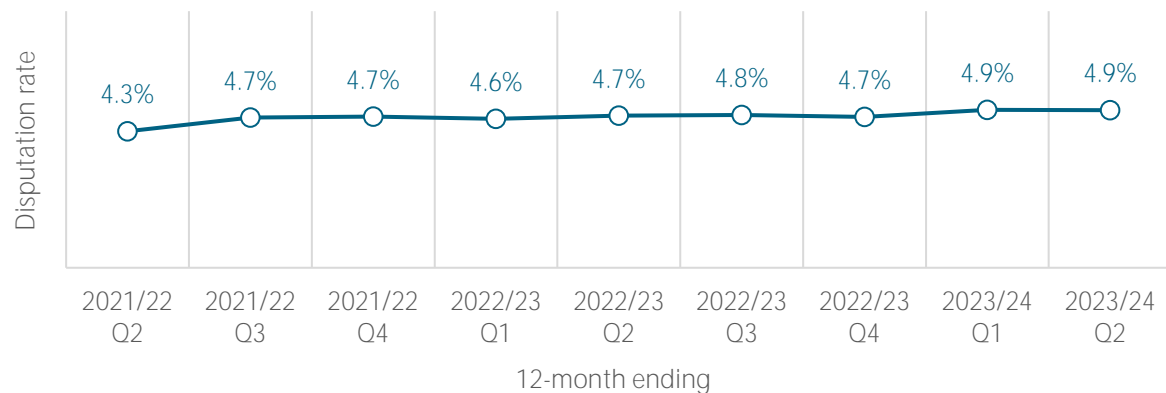
| # | Indicators | Compared with same quarter last year | Reference |
|-----|--|--------------------------------------|-----------|
| 2.2 | Number of completed arbitrations | 2022/23 Q2 156 2023/24 Q2 116 | p.11 |
| 2.4 | Median days to complete arbitrations | 2022/23 Q2 214 2023/24 Q2 175 | p.12 |
| 3.1 | Number of hearings held | 2022/23 Q2 588 2023/24 Q2 511 | p.14 |
| 3.4 | Days between arbitration acceptance and first hearing | 2022/23 Q2 42 2023/24 Q2 37 | p.17 |
| 3.6 | Days between acceptance and first formal arbitration hearing | 2022/23 Q2 324 2023/24 Q2 217 | p.18 |
| 3.8 | Days between last formal arbitration hearing and completion | 2022/23 Q2 140 2023/24 Q2 276 | p.19 |

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

Conciliations

1.1 Disputation rate*

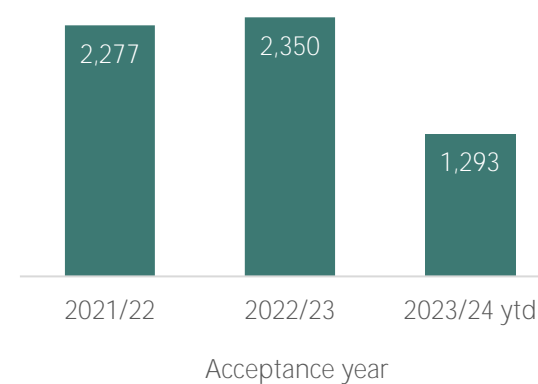
The number of dispute applications as a proportion of active claims (claims with at least one transaction payment within the financial year)



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

1.2 Accepted conciliations

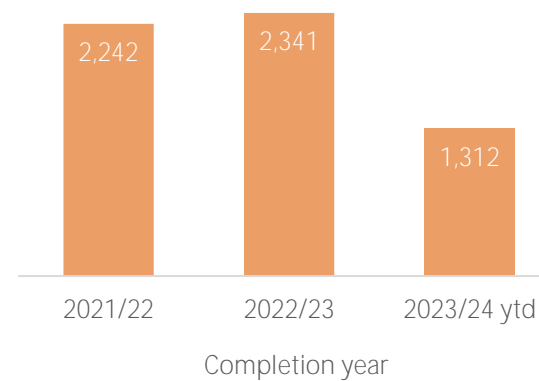
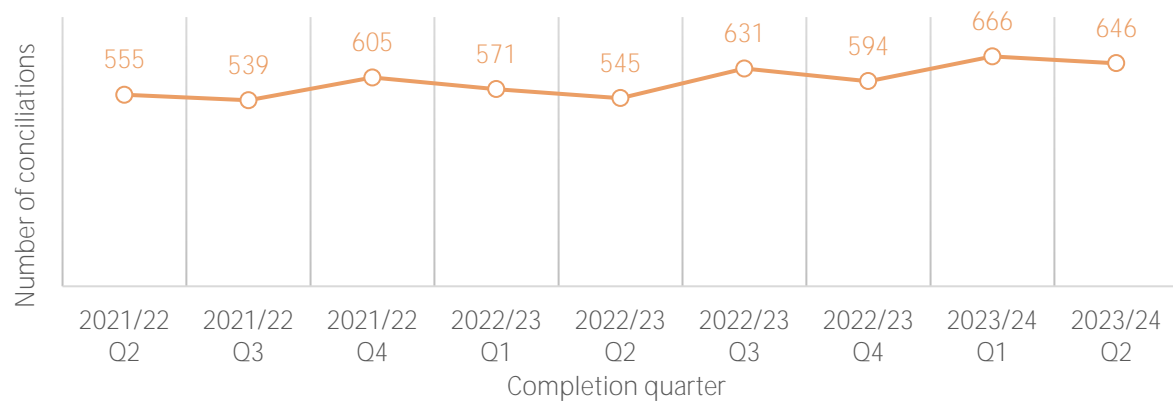
The number of conciliations accepted



Conciliations

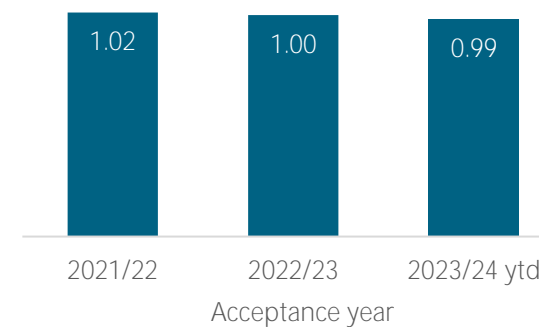
1.3 Completed conciliations

The number of closed conciliations



1.4 Ratio of accepted to completed conciliations

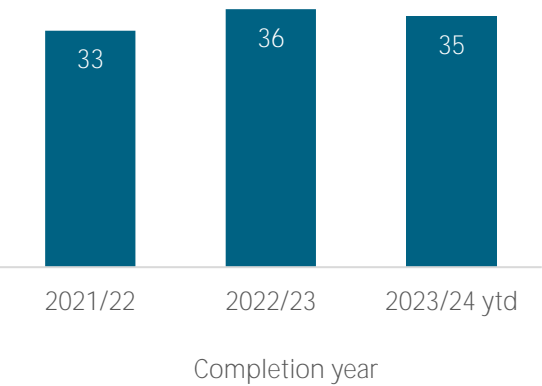
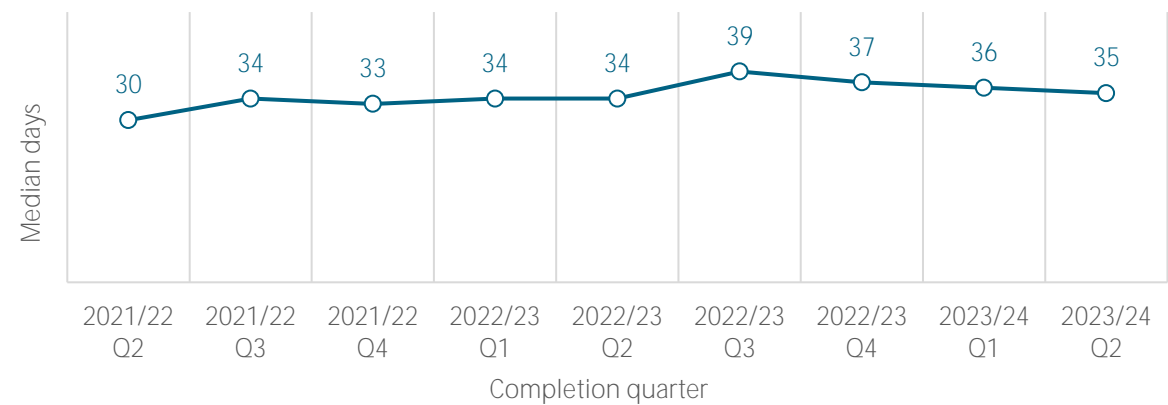
The ratio between the number of accepted to closed conciliations



Conciliations

1.5 Median days to complete conciliations

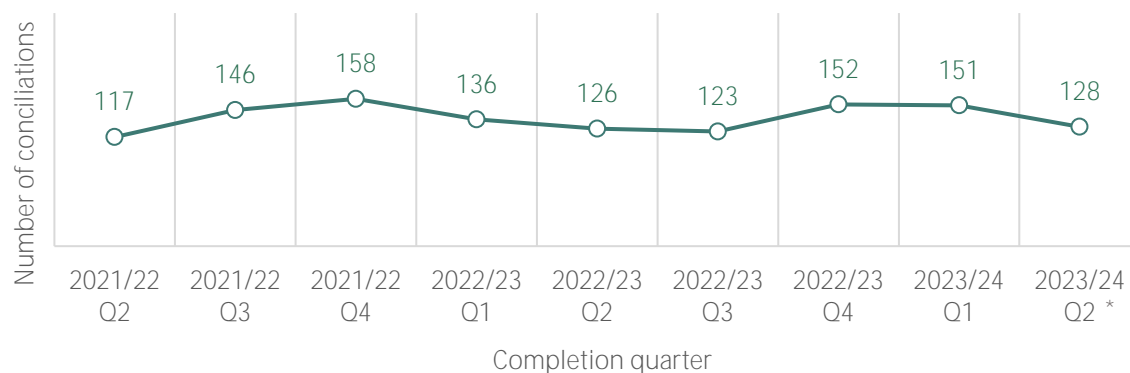
The median number of days from acceptance to completion for conciliations



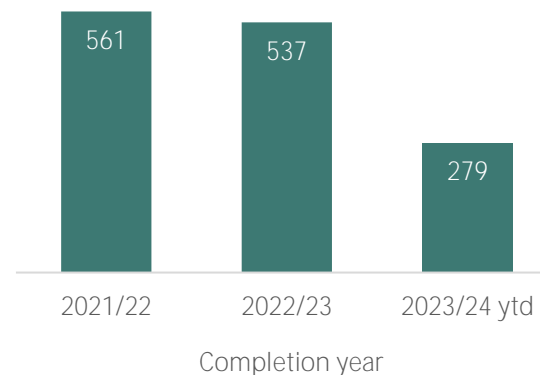
Conciliations

1.6 Conciliations with subsequent arbitrations

The number of conciliations with subsequent arbitration applications

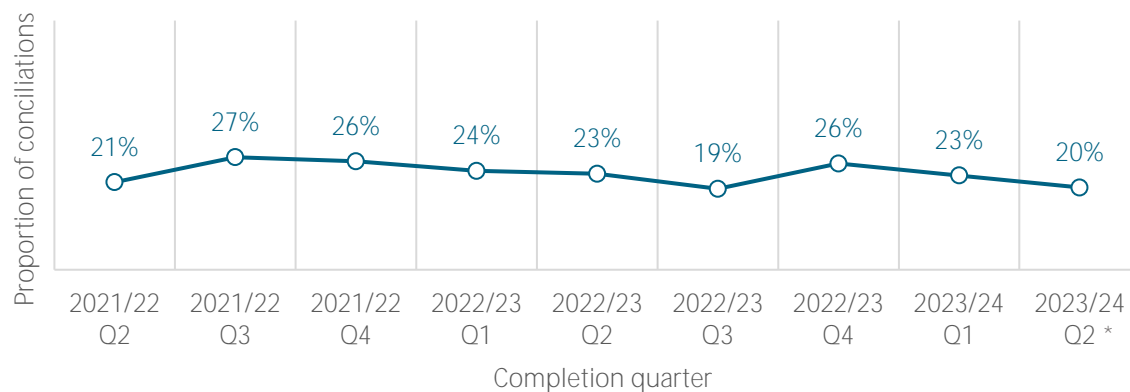


* The data is based on conciliation completed date and the most recent quarter may be subject to change over time, as the data matures.

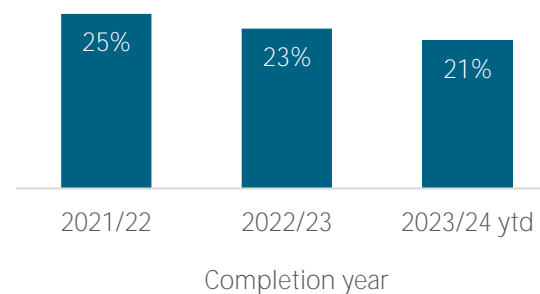


1.7 Proportion of conciliations with subsequent arbitrations

The proportion of conciliations with subsequent arbitration applications



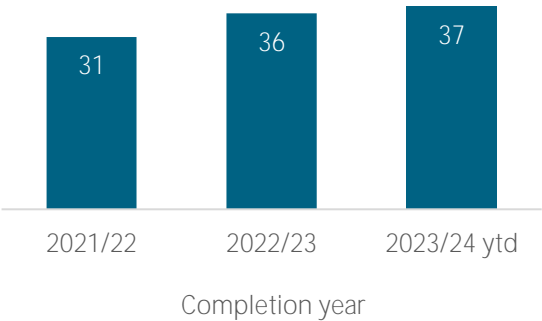
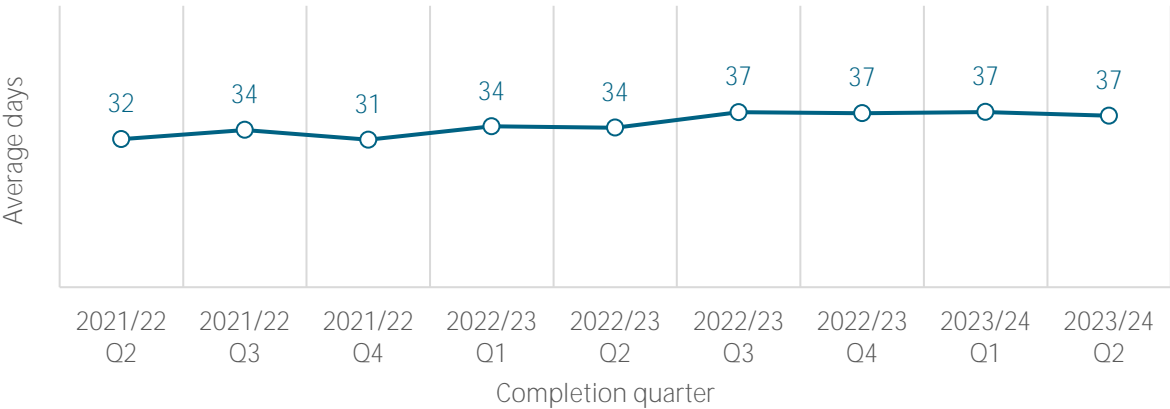
* The data is based on conciliation completed date and the most recent quarter may be subject to change over time, as the data matures.



Conciliations

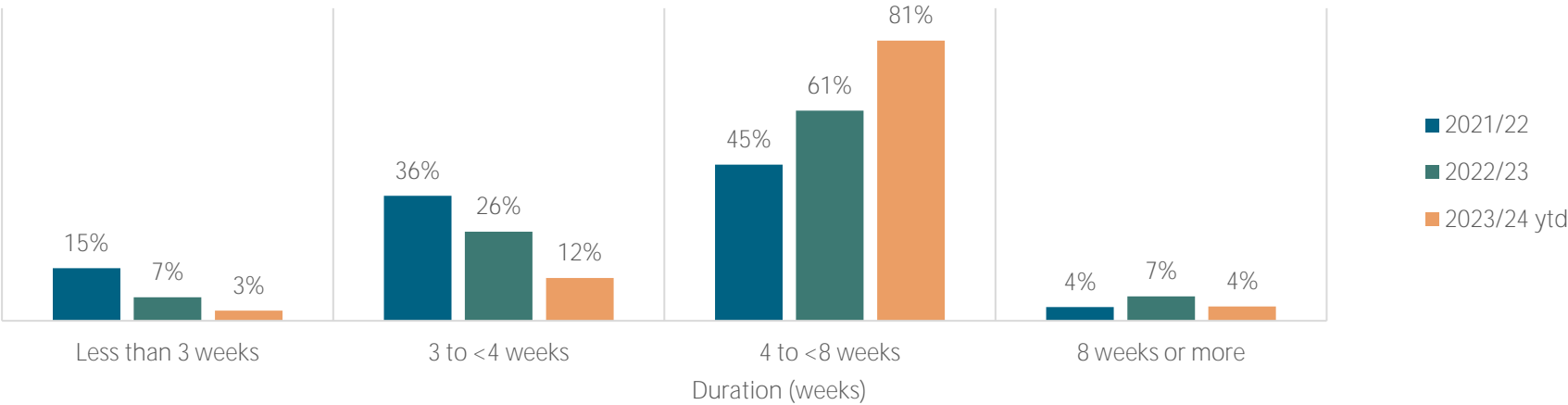
1.8 Average duration between acceptance and first conciliation conference

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



1.9 Conciliations by duration from acceptance to first conference

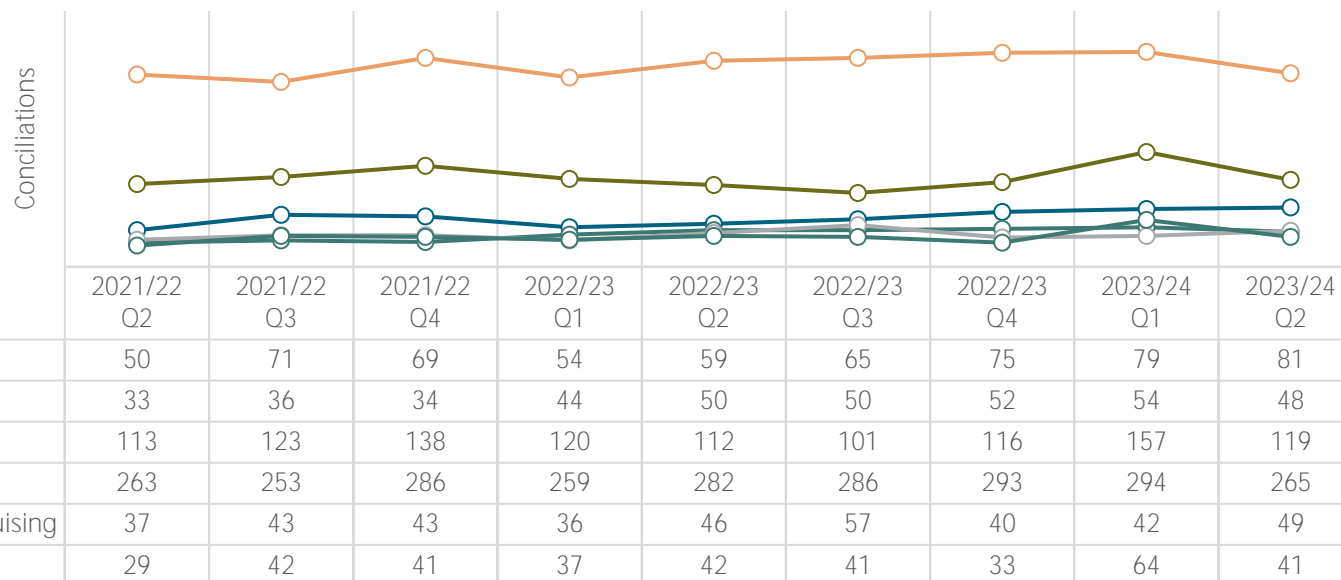
The proportion of conciliation by duration from acceptance to first conciliation conference



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 - 2022/23 Q1 to 2022/23 Q4*

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

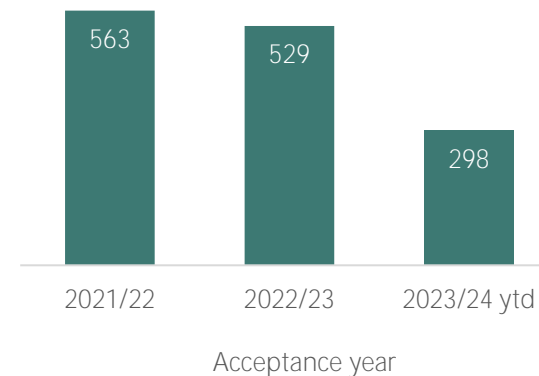
| Nature of injury/disease | Conciliations | Claims |
|---|---------------|--------|
| Diseases (includes cancer and other diseases) | 10.8% | 11.1% |
| Fractures | 8.3% | 11.0% |
| Mental conditions | 19.1% | 5.7% |
| Sprains and strains | 47.7% | 43.2% |
| Wounds, contusions, bruising | 7.6% | 20.5% |
| Other | 6.5% | 8.5% |
| Total | 100% | 100% |

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

Arbitrations

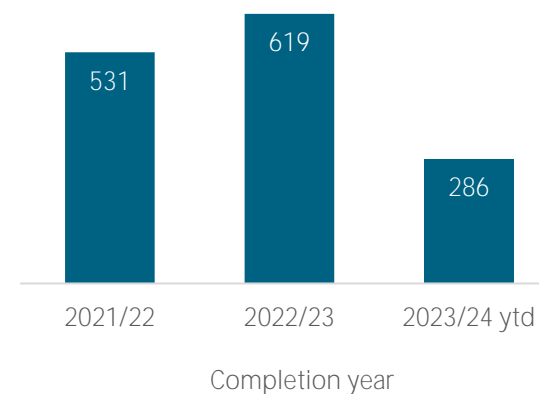
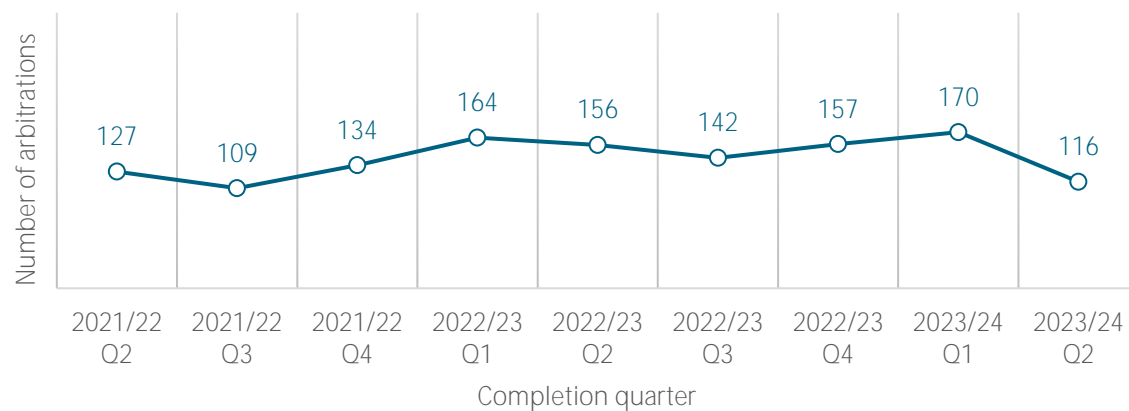
2.1 Accepted arbitrations

The number of accepted arbitrations



2.2 Completed arbitrations

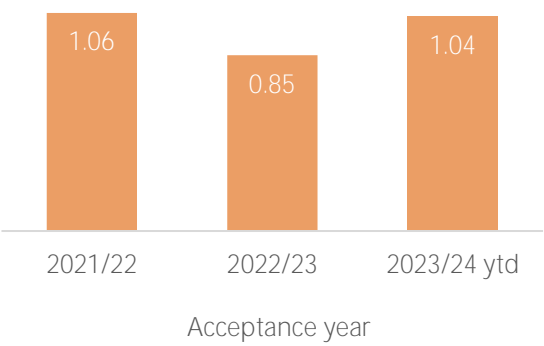
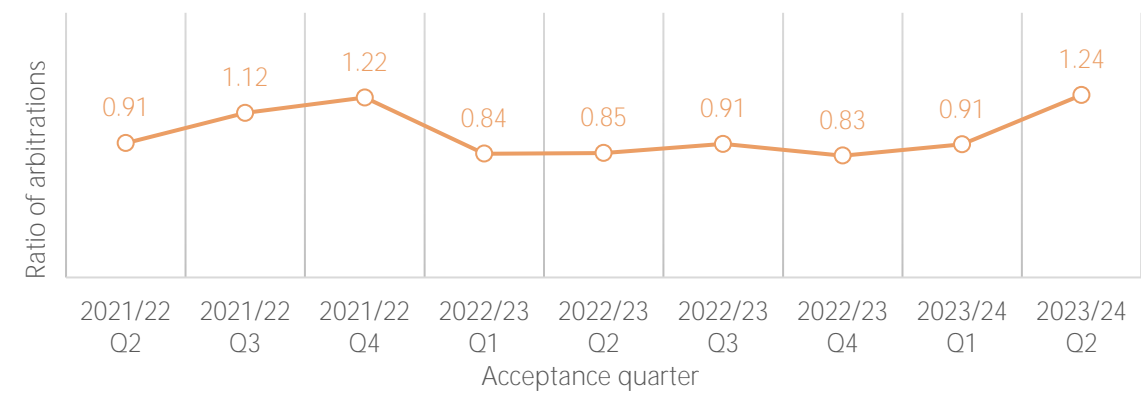
The number of closed arbitrations



Arbitrations

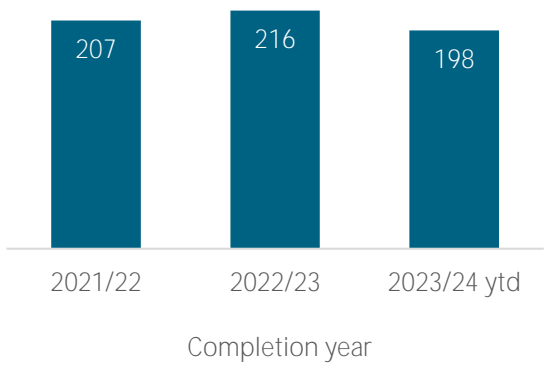
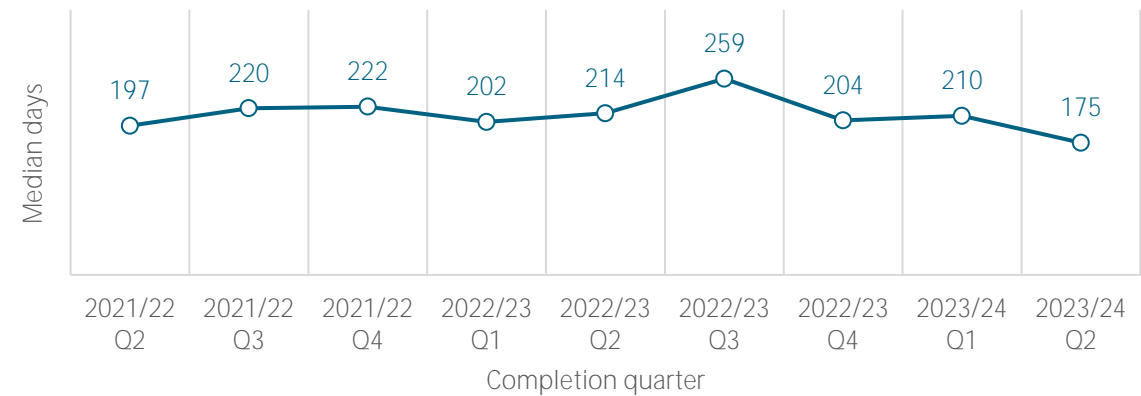
2.3 Ratio of accepted to completed arbitrations

The ratio between the number of accepted to closed arbitrations



2.4 Median days to complete arbitrations

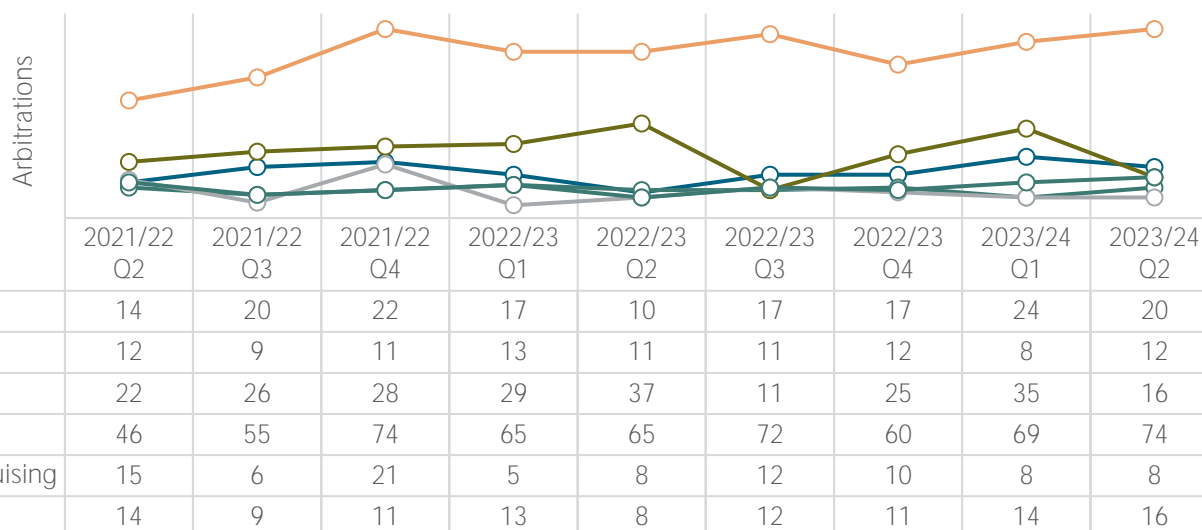
The median number of days from acceptance to completion for arbitrations (excludes conciliation time)



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 - 2022/23 Q1 to 2022/23 Q4*

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

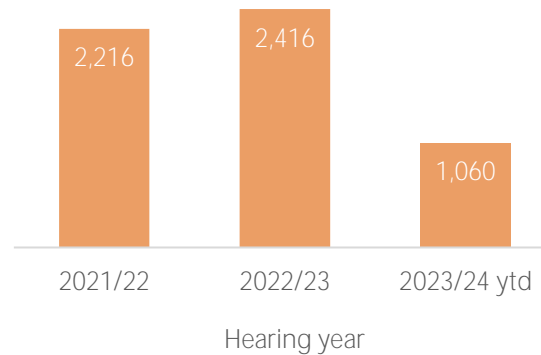
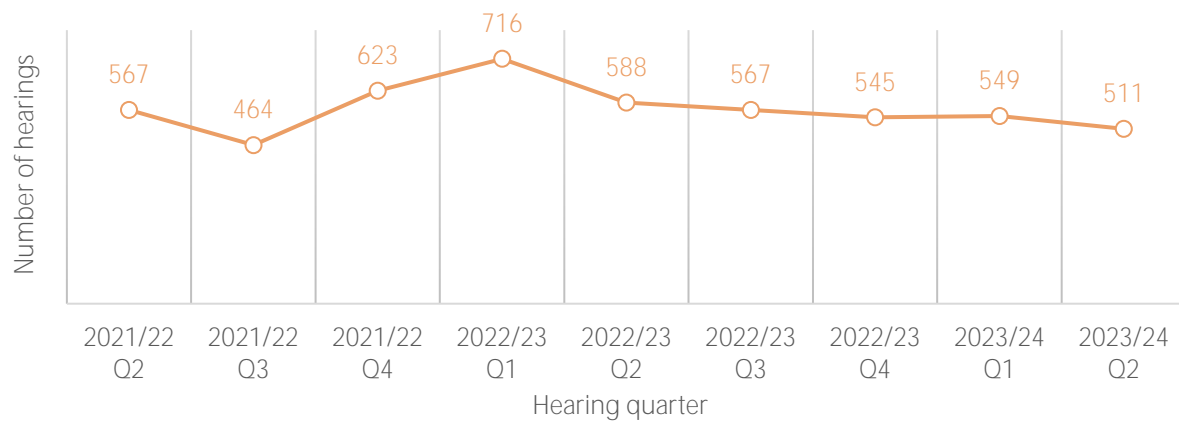
| Nature of injury/disease | Arbitrations | Claims |
|---|--------------|--------|
| Diseases (includes cancer and other diseases) | 11.1% | 11.1% |
| Fractures | 8.5% | 11.0% |
| Mental conditions | 18.5% | 5.7% |
| Sprains and strains | 47.5% | 43.2% |
| Wounds, contusions, bruising | 6.4% | 20.5% |
| Other | 8.0% | 8.5% |
| 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

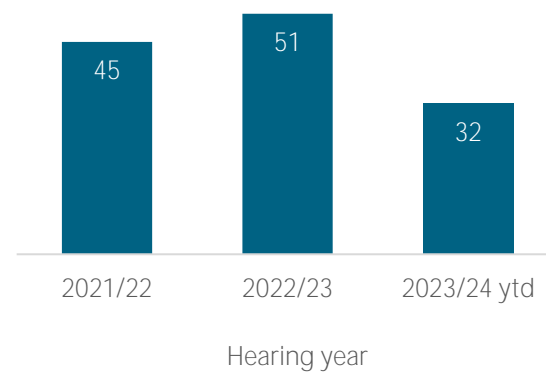
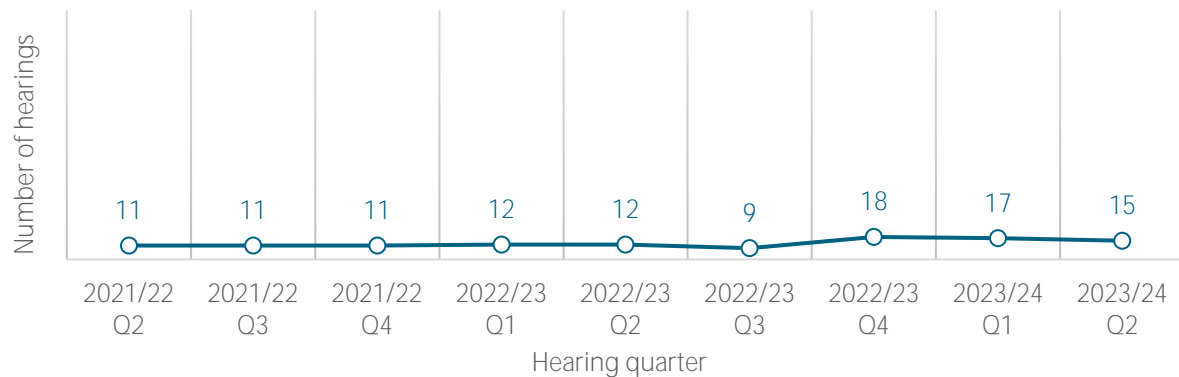
The proportion of arbitration hearings held/completed by type of hearing

| Hearing type | 2021/22 | 2022/23 | 2023/24 ytd |
|--------------------|---------|---------|-------------|
| Formal arbitration | 2.0% | 2.1% | 3.0% |
| Costs | 0.2% | 0.4% | 0.7% |
| Directions | 90.0% | 90.4% | 92.5% |
| Interlocutory | 7.7% | 7.1% | 3.8% |
| Total | 100% | 100% | 100% |

Hearings

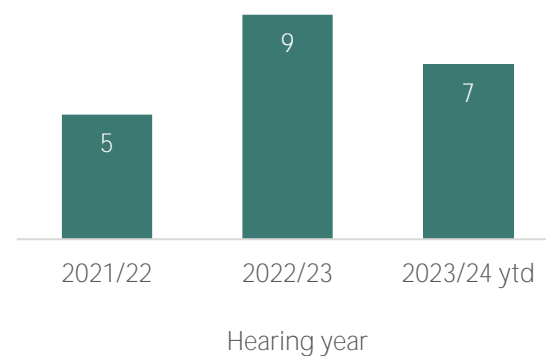
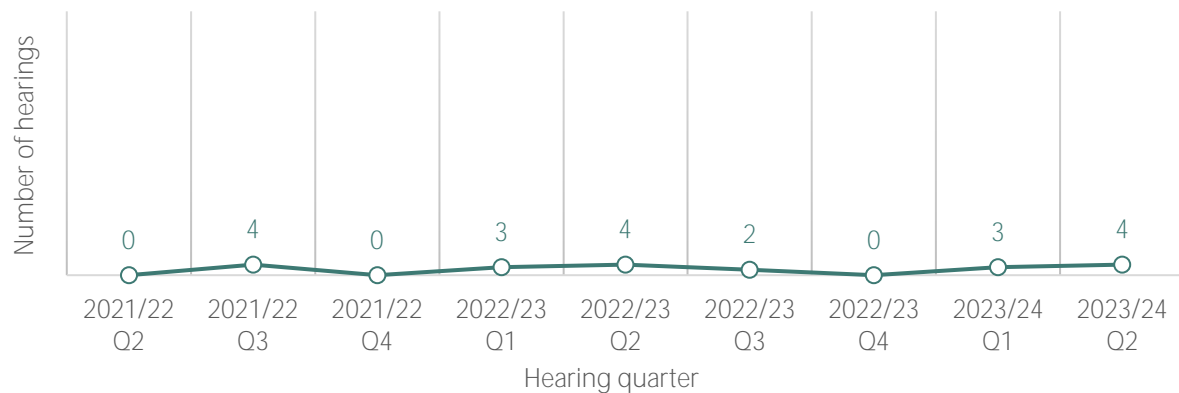
3.3.1 Hearings held by hearing type - Formal arbitration

The number of formal arbitration hearings held/completed



3.3.2 Hearings held by hearing type - Costs

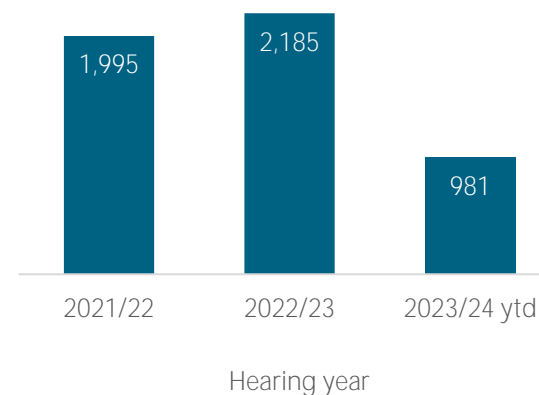
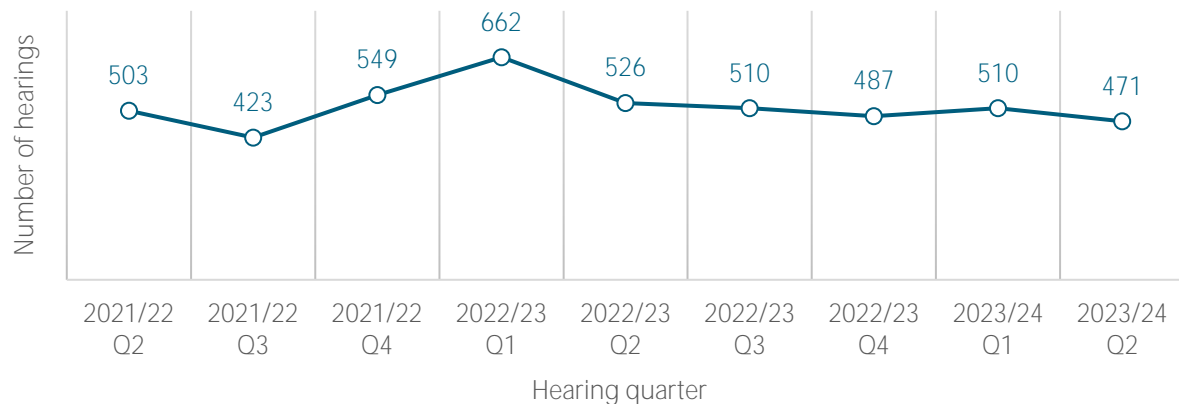
The number of costs hearings held/completed



Hearings

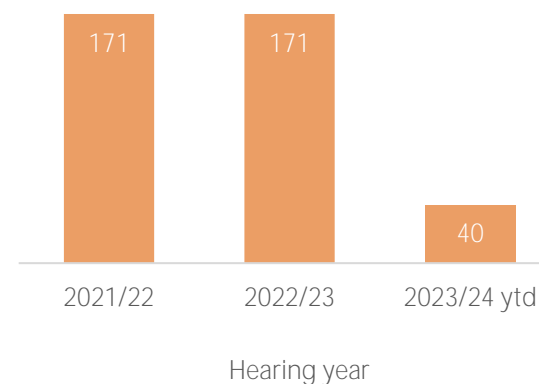
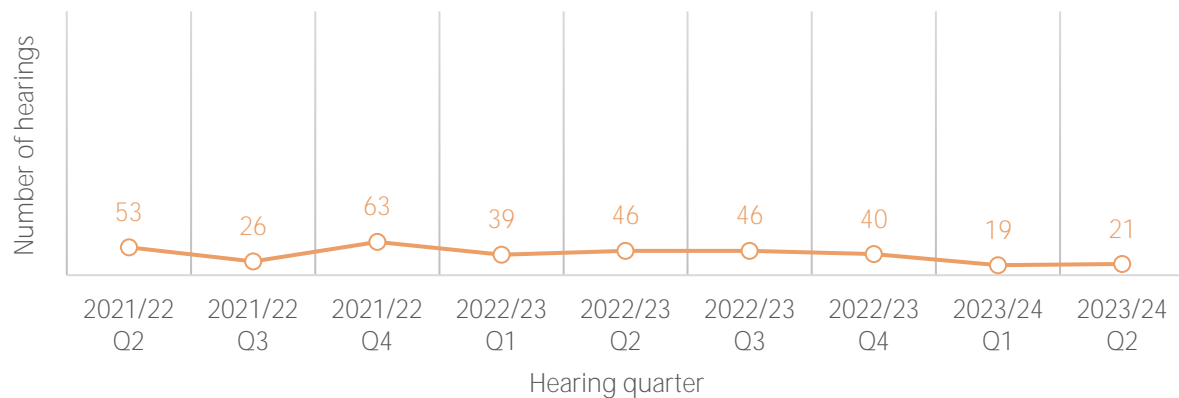
3.3.3 Hearings held by hearing type - Directions

The number of directions hearings held/completed



3.3.4 Hearings held by hearing type - Interlocutory

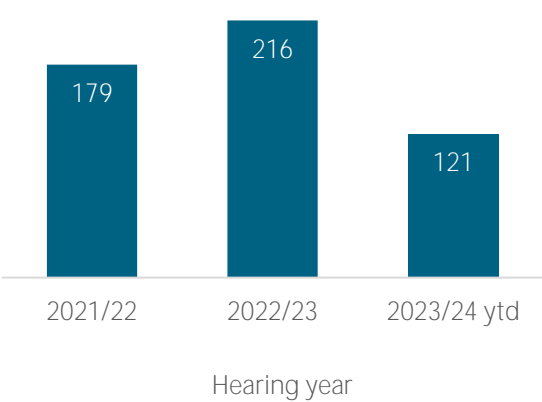
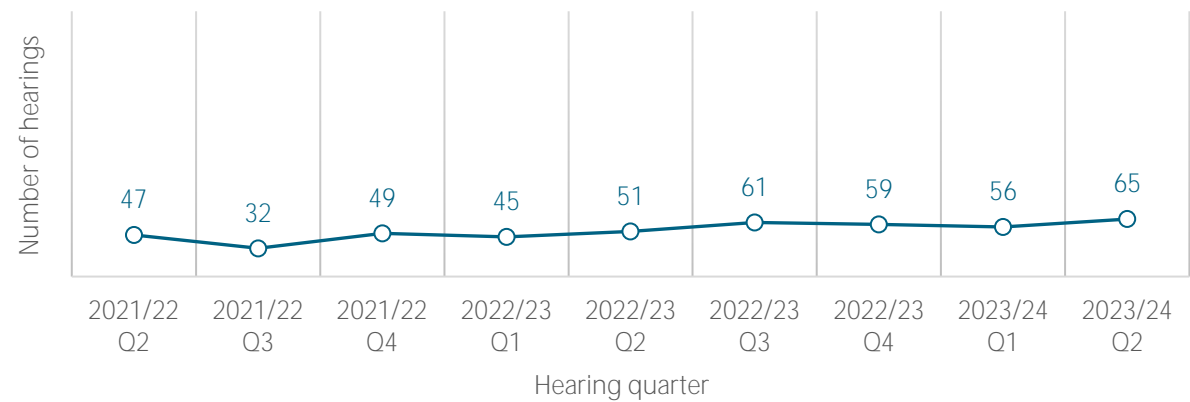
The number of interlocutory hearings held/completed



Hearings

3.3.5 Pre-arbitration Conferences held

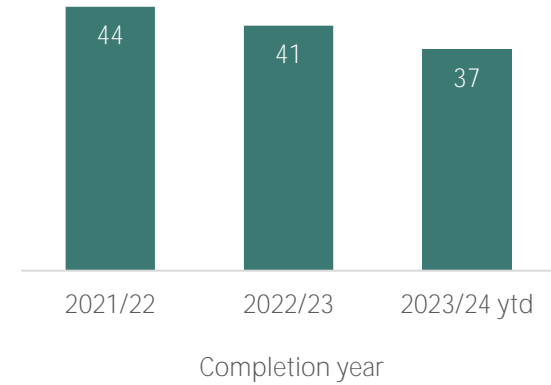
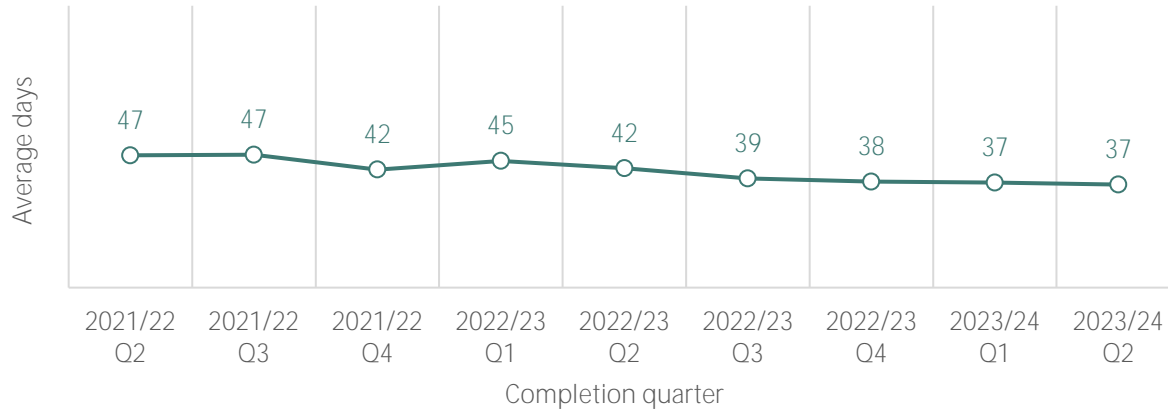
The number of pre-arbitration conferences held/completed



Hearings

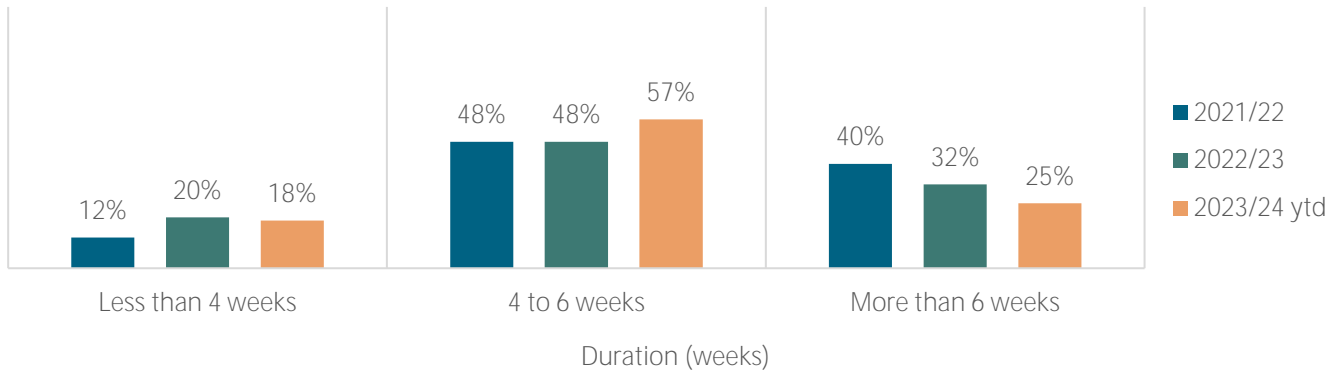
3.4 Average duration between acceptance and first hearing

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

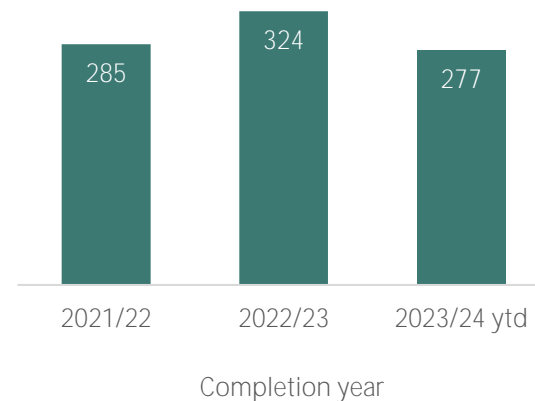
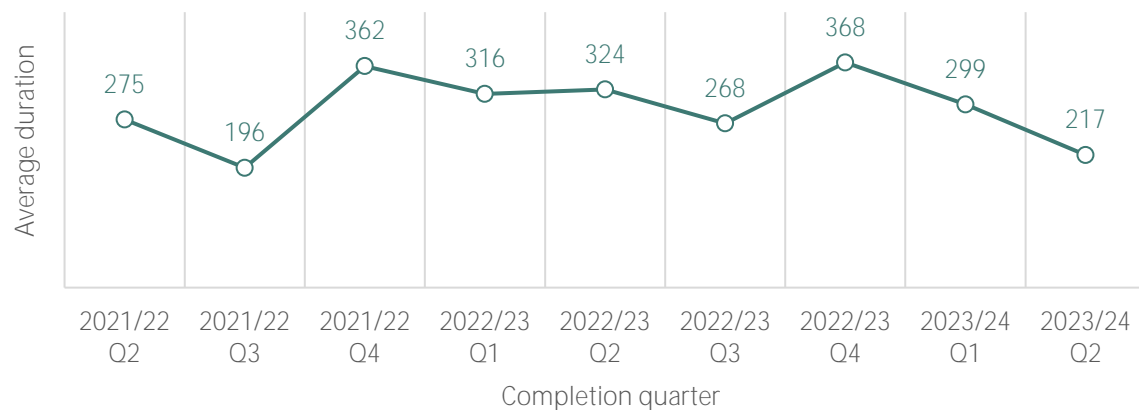
The proportion of arbitration applications by duration from acceptance to first hearing of any type



Hearings

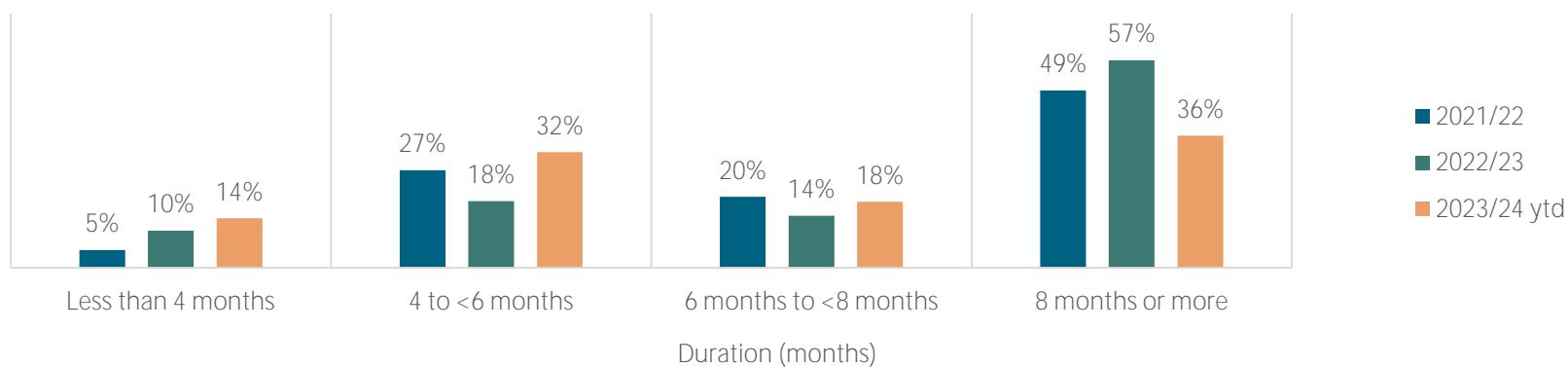
3.6 Average duration from acceptance to first formal arbitration hearing

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

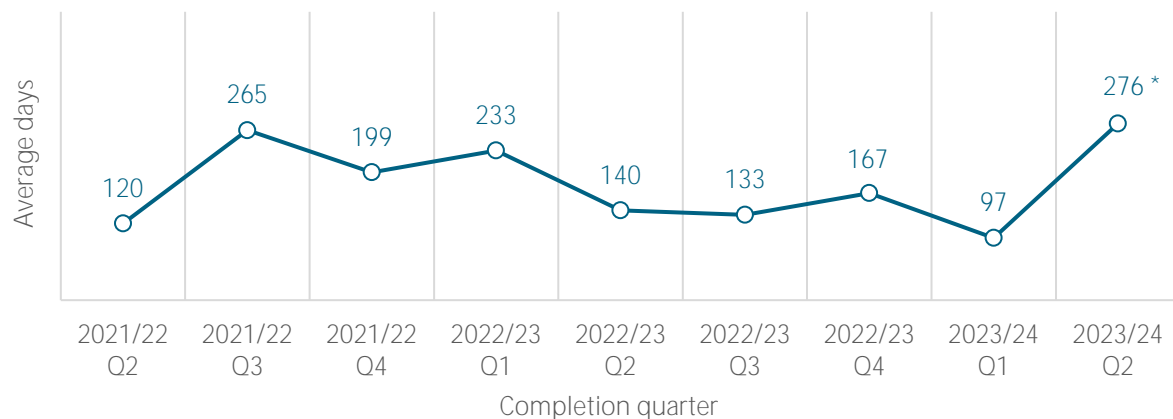
The proportion of arbitration applications by duration from acceptance to first formal arbitration hearing



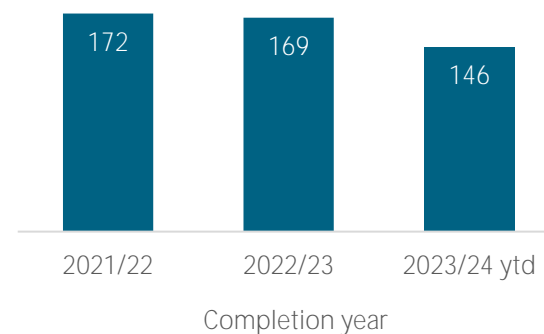
Hearings

3.8 Average duration from last formal arbitration hearing to completion

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

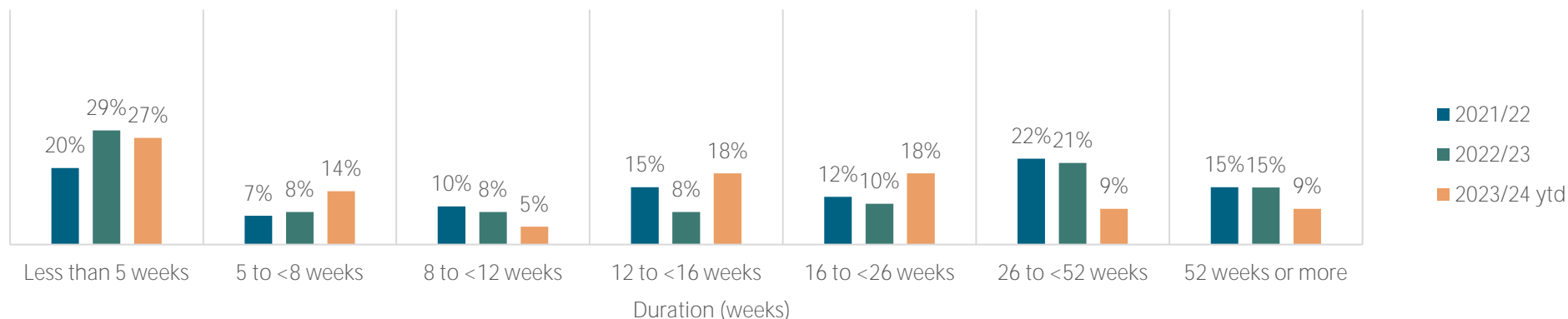


* In 2023/24 Q2, a dispute was identified as an outlier which caused the average to skew to 276 days. Excluding this outlier reduces the average to 140 days.



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 and self-insurers for the reporting periods indicated. Data users are responsible for ensuring by independent verification its accuracy, currency or completeness.
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- 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.