

# MEDIATION

## RESOLVING WORKERS' COMPENSATION DISPUTES

### **What is mediation?**

Mediation is an informal, voluntary and confidential meeting provided at no cost by the Minnesota Department of Labor and Industry (DLI).

The meeting can take place at the department, at another location or by telephone. The mediator is a neutral person who helps the employee, employer and insurer try to resolve their workers' compensation dispute by agreement instead of going to court. Our trained mediators have many years of experience helping parties reach agreements. Mediation typically lasts two to four hours depending on the case. Mediation may also involve less time and fewer expenses than a court hearing.

### **What kind of disputes can be mediated?**

We help resolve all types of workers' compensation disputes at any time, even if there are other issues. You can mediate some or all disputed claims.

### **What happens during mediation?**

Typically, during mediation, the mediator meets with the employee, employer and insurer to better understand the dispute. The mediator talks separately to each side and communicates settlement proposals back and forth to try to help the parties reach an agreement. The mediator does not take sides and does not give legal advice to anyone. No one is required to have an attorney, but attorneys are welcome.

If an agreement is reached, the mediator or the attorney for the employer and insurer prepares paperwork to finalize the agreement. The agreement is then signed by the employee, employer and insurer, as well as any other interested parties, such as medical providers that have not been fully paid. The agreement must be approved by the mediator or a compensation judge, who signs an order called an award. The award is sent to all the interested parties and filed with DLI. After that occurs, the insurer must pay whatever has been agreed upon within 14 days.

### **Where can I learn more about settlements?**

If you have an attorney, he or she can answer your questions about settling your dispute. There is also an information sheet about settlements online at [www.dli.mn.gov/sites/default/files/pdf/infosheet\\_settlements.pdf](http://www.dli.mn.gov/sites/default/files/pdf/infosheet_settlements.pdf).

### **What's my next step?**

Get more information or schedule a mediation by calling 651-284-5005 or 800-342-5354. In the Duluth area, call 218-733-7810. Learn more at [www.dli.mn.gov/workers/workers-compensation/work-comp-alternative-dispute-resolution-services](http://www.dli.mn.gov/workers/workers-compensation/work-comp-alternative-dispute-resolution-services).

