

THE DISPUTE MANAGEMENT UNIT'S MEDIATION PROCESS HAS PROVEN TO BE:

A successful method to resolve
differences

Cost effective, resulting in savings of
expenses

A risk free environment for
airing concerns and addressing
expectations of the parties

A method for improving employee
and employer relations through
focused negotiations

A process in which the parties to
the dispute are the active decision-
makers

An opportunity to confidentially
explore risks and dispute resolution
options.

FOR MORE INFORMATION:

www.labor.mo.gov/DWC

573-526-4951



Missouri Division of Workers' Compensation is an
equal opportunity employer/program.

Auxiliary aids and services are available upon request
to individuals with disabilities.

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DISPUTE MANAGEMENT

For Injured Workers
and Employers

An Alternative Dispute
Resolution Process



WHAT IS THE MEDIATION PROCESS?

Mediation is a form of alternative dispute resolution. Mediation is a process in which a neutral person facilitates communication between the parties. The mediator does not decide issues or impose a solution on the parties. Rather, the mediator helps the parties understand and resolve their dispute concerning medical treatment or temporary total disability issues. This is an informal process that helps disputing parties arrive at mutually satisfactory agreements without the necessity of litigation.

Mediation is voluntary and is conducted only when all disputing parties desire to participate. Mediation is confidential and parties may not testify or compel testimony about what was actually said in, or in connection with, the matter being mediated.

The Division's mediators conduct the sessions. Mediations will not be conducted if the issue concerns permanent disability, if a Claim for Compensation has been filed, or if the case is docketed for a conference. Requests for help in these cases will be referred to the appropriate local adjudication office.



WHAT IS A MEDIATOR?

Mediators are trained neutral professionals who intervene to assist the parties in resolving disputes. The mediator may provide information about the process, assist the parties to identify issues, reduce obstacles to communication, and help explore options. The primary role of the mediator is to facilitate a voluntary resolution of a dispute. The mediator does not provide legal advice. Each party to the mediation has the opportunity to consult with or be represented by legal counsel at any time and is encouraged to do so if they so wish. As employees of the Division of Workers' Compensation, the mediators receive no compensation from the parties. The mediators have no personal or professional relationship with any of the parties.

WHAT HAPPENS WHEN MEDIATION RESULTS IN AN AGREEMENT?

Any agreement regarding medical or temporary benefits is reduced to writing and signed by the parties. The agreement is a record of the understanding of the parties and is not binding as a settlement of the benefits or rights of the employee. The agreement becomes a part of the Division's file. If the discussion of the parties focuses on a compromise settlement, the mediator will coordinate the discussions with the appropriate administrative law judge who can approve the settlement.

ALL PARTIES MUST AGREE TO MEDIATION BEFORE THE PROCESS CAN OCCUR.

Use of the dispute management unit for mediation is available and may be requested by employees, employers, or their representatives.

This service may save time and money, but it is not a prerequisite to requesting a conference with a judge or filing a formal claim for compensation.

Every decision maker, including representatives of the parties necessary for the resolution of the dispute, may participate in the mediation.

The parties may use affidavits, written statements, and exhibits in the mediation, though no formal or legal testimony is given at these sessions.