PA Federation of Injured Workers ADR—Alternative Dispute Resolution



What is Alternative Dispute Resolution?

In alternative dispute resolution (ADR), the injured worker and employer representatives talk informally with the help of a workers' compensation judge. The judge helps the parties settle the case by talking through their differences. ADR may take the form of mediation, a settlement conference or an informal conference.

How can ADR help me?

ADR can provide several advantages over litigating a case decision. These include:

- Saving time, money and aggravation. If used at the right time, ADR can save one or both parties some of the costs and stress that come from trying a case to decision.
- Informality. ADR involves "off-the-record" conversations instead of sworn, recorded testimony and exhibits.
- *Improved communications*. Both sides have the chance to talk about their needs and interests. This can help the parties better understand one another, and find common ground for building an agreement.
- Results that are more predictable and better centered on your needs because you have some control. A judge's decision is limited by evidence presented and the law. A negotiated settlement can be tailored to suite what the parties need, rather than what one party cam prove.
- Finality with out repeated petition filings or appeals. If the judge approves a settlement agreement, the areas of disagreement are reduced or eliminated. This makes it less likely that appeals or more petitions will be filed.

Do I have to use ADR?

The decision whether to settle you case is always yours. However, if either you or your employer files a petition with the Bureau, the law requires the workers' compensation judge to schedule mediation. This mediation is mandatory unless the judge concludes that it would be futile.

May I use ADR if I don't settle ager mandatory mediation?

If the case does not settle at mandatory mediation, the parties may resume mediation later in the proceedings. The parties may also request ADR later in the proceedings if the judge had previously found it futile.

Do I have to have an attorney?

The law does not require you to have an attorney in ADR. You may find, though, that having an attorney makes ADR easier and gives you're a better end result. Note regarding informal conferences under Section 402.1 of the Workers' Compensation Act: Each party may be represented but the employer many only be represented by an attorney at an informal conference in the employee is also represented by an attorney.

Who would conduct the ADR session?

The judge assigned to hear your case will schedule an mandatory mediation with a judge designated by the Office of Adjudication.

Department of Labor & Industry Bureau of Worker's Compensation Office of Adjudication

The Office of Adjudication provides settlement conferences, mediations and informal conferences in litigated workers' compensation cases. These services are provided by workers' compensation judges at no cost to the parties.

If either party files a petition with the Bureau, the assigned workers' compensation judge will schedule the case for mediation. This mediation is mandatory unless the judge concludes that it would be futile.

If the case does not settle through mandatory mediation, the parties may later request additional mediation sessions, a settlement conference or an informal conference. To schedule an additional mediation session or a settlement conference, the parties should jointly contact the assigned judge's office. Requests for informal conferences must be made by filing a Request for Informal Conference form available from any judge's office.