



SHAW MEDIATION  
AUSTRALIA

# Preparing for Mediation Checklist

Workers Compensation & Claims Managers

Thank you for contacting SHAW Mediation to assist with your Workplace Dispute. To assist you in instructing a mediator to assist in the return to work of the injured worker and resolving ALL claims, we've put together a checklist of things to consider as you prepare for mediation. We want to help you to achieve your outcomes for the injured worker and employer efficiently and productively.

## PART 1—Is the Injured Worker ready for mediation?

Has the injured worker's claim been excepted?

Does the GP support mediation for the injured worker?

Does the Psychologist support mediation for the injured worker?

Does the Lawyer/Advocate agree to mediation for their client?

How would you describe the injured worker?

What are your main concerns about mediation?

How long has the problem existed?

Does the injured worker like their job and does the injured worker want to return to their job and job location?

Does the employee understand the organisational structure of their workplace?

What are the barriers in getting this resolved?

What questions do I have?

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## **PART 2—Is the Employer ready for mediation?**

Is there any communication between the employer and employee?

How long has it been since the injury/incident?

How is the employer currently covering the injured worker's job/role and position?

Does the employer understand their obligations to the injured worker?

Does the employer have legal representation?

Does the lawyer support mediation?

Is the problem between the employer and the injured worker?

Is the problem between co-workers or with line management?

Who are you dealing with for the employer?

Are they directly involved in the problem?

Who is the real problem between, and what are their job roles?

Is there a performance management problem as well?

Can you think of any strategies that could be implemented to prevent this problem re-occurring in the workplace?

## **PART 3—The Outcome**

What are you hoping will be achieved for the injured worker at mediation?

How do you think the injured worker will respond?

How do you think the employer will respond?

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## **PART 4—Other considerations before mediation**

What is your worst case scenario?

What is your best case scenario?

In a perfect world, what outcome would you like?

Is there anything about the injured worker's culture or religion that is relevant to the mediation?

Is there any urgency or timing considerations that are relevant?

Has a claim been lodged in a fair work commission by the injured worker, where is that at?

Has the injured worker lodged a claim within the Employment Tribunal, where is that at?

What is the claim for?

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