



Virginia Workers' Compensation Commission

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Mediation Policies

Effective July 1, 2012, if a mediation scheduled by the Commission is cancelled, continued, or otherwise removed from the mediation calendar at the request of one or both of the parties, it may not be rescheduled with any Commission mediator unless the mediator to whom it is originally assigned agrees that good and sufficient cause for the removal is shown. In general, failure to obtain authority will not constitute good or sufficient cause for rescheduling mediation.

Effective July 1, 2012, the Commission requires that all parties to mediation participate in the mediation at the scheduled time either in person or by telephone conference call. Exceptions to this rule may be obtained only from the mediator to whom a case is assigned prior to the mediation, and upon agreement of the other parties. An employer and insurer may satisfy this requirement by having a joint representative participate in the mediation. Issue mediation may include all parties and counsel, or may be conducted by counsel on behalf of parties; provided, however, that if counsel lacks the authority to resolve the issues being mediated, a person with such authority is available by telephone. (As amended, February 19, 2013).

Effective September 1, 2014, representation by counsel is required of all parties participating in Full and Final Mediation.

Effective November 25, 2014, interpreters will be provided by the Commission for Orientation Sessions, Issue Facilitations, and Issue Mediations for cases in which an order has been entered pursuant to Rule 1.9 directing the parties to attend an Orientation Session.