



**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 December 17, 2019, the Commission will provide interpreters for non-English speaking participants in all forms of Alternative Dispute Resolution and mediation proceedings, including orientation sessions, issue facilitations, issue mediations, and full and final mediations, whether in person or by phone.