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Frequently asked questions about Mediation

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South Carolina Workers' Compensation Commission

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Frequently asked questions about Mediation

Effective June 28, 2013, workers' compensation cases may be required to be mediated by Regulations 67-1801 through 67-1809.

What is Mediation?

Mediation is a process for parties to find a resolution prior to having the matter set for a hearing. Mediation is a meeting between you, your employer's representative; and a certified mediator.

Why are we having mediation?

Certain Workers' Compensation cases may be required to be mediated. If you are a pro se claimant, meaning you are not represented by an attorney, you are not required to mediate the case unless it is ordered by a Commissioner or if it is requested by the parties. In cases mediated by regulation, the parties have sixty (60) days to complete the mediation or the parties may agree on a time period to complete the mediation.

What happens if the parties cannot reach an agreement at mediation?

If the issues are not resolved at the mediation, your case will be set for a hearing before a Commissioner.

What happens at the mediation?

The mediator will review the case with you and the employer's representative. You will discuss the issues in your claim and discuss how to resolve those issues. The mediator will try to help each side try to reach an agreement on what needs to be done in the case.

What is a mediator?

A mediator is an individual who is certified by the South Carolina Bar to conduct mediations. The mediator is a neutral party and does not advocate for either side. The mediator serves to help both parties understand the issues of the case and attempt to reach a settlement agreeable to all parties.

Where can I obtain a list of Certified Mediators?

A list of certified mediators, may be obtained from the South Carolina Workers' Compensation Education Association website at www.scwcea.org, or South Carolina Bar at www.scbarsc.org.

For more information, visit
www.wcc.sc.gov

Is there a record of the mediation?

Everything discussed in mediation and all evidence presented is confidential. There will be no record of what is said or offered. No information about what was discussed at the mediation will be presented to the Commissioner if the mediation is not successful. If a hearing is required after an unsuccessful mediation, the Commissioner hearing the case will be hearing only the issues that are presented at the time of the hearing.

Do I need an attorney to represent me?

You are not required to have an attorney present, but you may have one if you choose. The choice is yours. The employer or representative is required to have a lawyer under the law.

Who pays for the mediator?

The parties share the cost of mediation equally, unless otherwise agreed by the parties.

Questions about mediation should be directed to the Judicial Department at mediation@wcc.sc.gov or 803-737-5675.