

Mediation Fact Sheet

What is Mediation?

Mediation, an Alternative Dispute Resolution (ADR) process, is now available to employees for early resolution of workplace disputes. Mediation is a problem solving process that focuses on the future. It is a process designed to assist individuals experiencing conflict with creating a mutually satisfactory resolution of their differences. It is also effective in improving communications and building relationships. Mediation is the most popular technique for resolving workplace conflicts and just one of the Alternative Dispute Resolution (ADR) methods used to achieve consensual resolution of disputes. While mediation is offered as an early intervention process to resolve workplace concerns that do not fall within parameters of the Grievance and the Equal Employment Opportunity (EEO) complaint process, mediation may be offered within these processes as well. Mediation differs from litigation in that it is not designed to determine who is right or wrong. In mediation, the parties work to create their own agreement with the assistance of the mediator. Unlike litigation, where a judge imposes a decision, nothing is decided in mediation unless all parties agree to the terms. Mediation is a confidential process to the extent allowable by law.

What is a Mediator?

A Mediator is an unbiased, neutral third party who assists parties in resolving their conflict. A mediator is someone who is trained in resolving disputes and has no direct authority to impose a decision on the parties in conflict.

What is the Process?

Mediation is a multi-stage process designed to meet the needs of the participants. It begins with introductions and the mediator's opening statement that explains the mediation process. Following the introductions, each participant is afforded an opportunity to state the issues in his/her own words and explain the personal impact. Generally, the party who initiated mediation will make his/her remarks first. After the initial statements are presented, the mediator may "caucus" with each party separately. It is in the caucus that the parties may express other interests, needs, and issues confidentially to the mediator. The parties may then meet jointly, or they may have a second caucus. The parties may begin to develop options or steps they may each take to resolve the issues. If the parties reach a mutually acceptable resolution, the agreement is generally reduced to writing and each party signs. The agreement is then binding upon the parties. Should the mediation not result in an agreement, the mediator review progress and advise parties of options available through other processes.

How Long Will I Be In Mediation?

A workplace dispute may take anywhere from 3 hours to all day. In some cases a second or third meeting might be necessary, especially if the dispute has a long history or involves multiple parties and multiple issues.

What About My Rights?

By agreeing to mediate, you do not give up your right to file a formal complaint or grievance. If mediation does not result in a mutual agreement, you may pursue more formal avenues to resolve your issue.

Why Should I Mediate?

- ⇒ Mediation offers parties an opportunity to communicate directly in a non-threatening forum.
- ⇒ Mediation offers a private place available to discuss issues.
- ⇒ Emotional involvement in a conflict can cloud one's ability to think creatively and objectively; mediation can help parties move beyond the barriers created by these emotions.
- ⇒ Mediation can be healing; it offers an opportunity for participants to face each other and tell each other how the conflict has affected them personally, how they feel, how they have been hurt.
- ⇒ Mediation is brief, cost effective, and efficient. Formal processes are lengthy, expensive, and often have an adverse effect on the relationship.