

COOPERATIVE RESOLUTION PROGRAM

FACTS ABOUT MEDIATION



WHAT IS MEDIATION?

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 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 the law allows.

WHAT IS A MEDIATOR?

A mediator is an unbiased, neutral third party who intervenes to assist parties in conflict. A mediator is someone who is trained in mediation skills, 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 mediators opening statement. 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.

At some point after the initial statements are presented and preliminary discussion has occurred, the mediator may caucus (meet) with each party separately. During the confidential caucus, the parties may express other interests, needs and issues openly to the mediator. The parties may then meet again together, or they may have follow-up caucuses. Throughout the process, the participants should focus on eventually developing options or steps they may each take to resolve the issues. If the parties successfully reach a mutually acceptable resolution, the agreement is generally reduced to writing and each party signs. Should the mediation not result in an agreement, the mediator reviews any progress made and advises the parties of options available through other processes.

HOW LONG WILL I BE IN MEDIATION?

A workplace dispute could 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. There are no set standards or duration limitations.

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 or follow-up stages to resolve your issues. The appropriate time-limits still apply.



ADVANTAGES OF MEDIATION

Free – Mediation is available at no cost to the parties.

Fair and Neutral – Parties have an equal say in the process and decide resolution agreement terms, not the mediator.

No guilt or blame – There is no determination of guilt or innocence in the process.

Saves time and money – Early intervention mediation usually addresses conflict much faster than conflict addressed through the traditional processes (i.e., EEO Complaint Process or Administrative Grievance Process). Conflict addressed through early intervention typically reduces the cost of the conflict in terms of morale, productivity, compensatory and/or punitive damages (if applicable).

Confidential – All parties sign a confidentiality agreement. Mediators are bound by confidentiality, except in the rare instances if they have to share information regarding a crime, or act of fraud, waste, and/or abuse or the threat of physical harm.

Fosters Cooperation – Mediation fosters a problem-solving approach (collaboration) to workplace conflict.

Improves Communication – Mediation provides a neutral, confidential setting where both parties can openly discuss their views on the underlying conflict.

Self-Determination -- Parties engaged in mediation design their own solutions. The mediator assists the parties in reaching a voluntary, mutually satisfactory resolution. Mediation is intended to resolve all the issues important to both parties.

COOPERATIVE RESOLUTION PROGRAM

301-504-1352/1450
coopres@ars.usda.gov