

Department of the Treasury
ADR Program

Mediation



Answers To Frequently Asked Questions About Mediation

What is mediation?

Mediation is a popular form of alternative dispute resolution (ADR). In mediation, the mediator, a specially-trained third-party neutral, helps people in a dispute discuss their situation and resolve it together.



Why is mediation so popular?

Mediation has many qualities that make it appealing. It is usually:

- ✓ *Quick*
- ✓ *Inexpensive*
- ✓ *Voluntary*
- ✓ *Confidential*
- ✓ *Conciliatory*
- ✓ *Creative*
- ✓ *Fair*

Using mediation also has several key benefits.

Mediation promotes:

- ✓ *Greater participant control*
- ✓ *Customized agreements*
- ✓ *Workable decisions*
- ✓ *Mutually satisfactory outcomes*
- ✓ *Improved relationships*
- ✓ *High rates of compliance*

When can you use mediation?

Treasury promotes the use of mediation to resolve external conflicts as well as disputes within the Department.

Mediation can be used to resolve disputes between two or more people, or between multiple groups or even organizations. It is most likely to succeed when the parties have an ongoing relationship and have an interest in resolving the dispute.

How does mediation work?

Treasury offers mediation through its EEO Offices. If an EEO official decides mediation is appropriate, an official will meet with the parties to organize the process. The parties will sign an agreement to use mediation by a certain date.

Mediation involves four stages, which together may take as little as an hour and often take less than one day:

- ✓ *Introduction*
- ✓ *Discussion of issues*
- ✓ *Development of options*
- ✓ *Agreement writing*

In a mediation session, the parties discuss the dispute with the assistance of the mediator. In most cases, the parties and the mediator (or co-mediators) are the only people present, although parties may choose to have a representative with them.



What does the mediator do?

The mediator assists the parties in their negotiations by facilitating communication and by helping them identify and overcome any obstacles to settlement. The mediator does not render a decision and has no power to force a settlement.



Will I lose any rights?

Choosing mediation typically does not prevent you from pursuing formal grievance or complaint avenues when an agreement is not reached. However, those avenues may have deadlines that are unaffected by attempts to use mediation. Please contact your EEO Office for more information.

Who pays for mediation?

Often, there is no cost associated with mediation because bureaus use internal mediators. If bureaus contract with other sources for mediators, a cost may be incurred. However, the employee does not pay for mediation.

What is my role?

Your role in the mediation process is to negotiate with the other party in good faith and with the assistance of the mediator. To improve the chances of success, do the following:

- *Look at the other party when speaking to them, and acknowledge that you have heard what they have to say.*
- *Listen calmly to the other party, even if you disagree.*
- *Keep your participation professional and cordial.*
- *Show empathy for the other person.*
- *Look for ways to improve communication.*
- *Demonstrate a commitment to fairness and to resolution of the issue.*

How can I prepare?

To help prepare for mediation, it is useful to consider the following:

- *What are your interests? What is it that you really want or need?*
- *What do you think the other party wants or needs?*
- *What is it realistic to ask for?*
- *What creative options might satisfy both your needs and theirs?*
- *What are your alternatives to settling the dispute in mediation? What is the best and most realistic alternative? What are the likely costs?*
- *Compare your best, most realistic alternative against what is offered.*
- *If you cannot get everything you want, think about what you can live with in order to resolve the situation now.*

How can I request Mediation?

Contact your local EEO Office or your Bureau
ADR Coordinator.

Workforce Development and
Equal Opportunity Division
1500 Pennsylvania Avenue NW
Metropolitan Square, Room 6067
Washington, DC 20220
Phone (202) 622-1180
Fax (202) 622-0367
TTY (202) 622-7104



September 2003