

What Should I Expect From The Mediator(s)?



When feasible, the Department of Veterans Affairs (VA) uses the co-mediation model, where two mediators assist the parties through the process. The parties can request a VA certified mediator from a list of approved neutrals or request a non-VA mediator. In those instances, VA obtains mediators from local Sharing Neutrals Programs. Mediators are impartial with no personal interest in the dispute they are mediating. They do not judge or assess blame.

A mediator is expected to guide the negotiations and communications between the parties. In cases where the issues are clearly defined, the mediator may simply facilitate discussions. However, because mediators are specially trained and experienced in conflict resolution techniques, they are able to help the parties work through strained or emotional communications, distrust, and long standing conflict.

Mediators help parties explore creative solutions to problems, but it is the parties who agree upon the solution as the mediator does not have the power to force a decision on either party. Private conversations held separately with the mediator are confidential, and mediators do not disclose information to individuals not involved in the dispute resolution proceeding.

Mediation can be requested at any time by a VA employee to address a workplace dispute. Mediation may be used in lieu of, prior to, or after engaging an administrative process such as the EEO complaint process, negotiated or administrative grievance procedure, or filing an appeal with the Merit Systems Protection Board.

For more information on mediation contact:

- ▶ Local ADR Coordinator listed below
- ▶ Office of Resolution Management (ORM) **1-888 737-3361**
- ▶ Local bargaining unit
- ▶ Visit VA's ADR website at www.va.gov/adr

Your local ADR Coordinator or ORM will ensure that the appropriate parties are willing to mediate, advise everyone on who will participate in the process, schedule the session, and oversee compliance with any agreement reached.

- M**utually acceptable solutions
- E**mploys third party neutrals
- D**evelops greater understanding
- I**nformal problem solving process
- A**dvances both parties interests
- T**imely
- I**n place to support you
- O**pen to alternatives
- N**on-judgmental

DEPARTMENT OF VETERANS AFFAIRS	
ADR Coordinator Name	
Facility Location	
Phone	
Fax	
E-mail	

PROMOTES A BETTER WORK ENVIRONMENT CONFIDENTIAL

WORKS FOR EMPLOYERS AND EMPLOYEES CONFIDENTIAL FAIR AND NEUTRAL SAVES TIME AND MONEY AVOIDS UNNECESSARY LITIGATION

DEPARTMENT OF VETERANS AFFAIRS



OFFICE OF RESOLUTION MANAGEMENT (ORM)



Mediation

A Solution to Workplace Disputes.

It Can Work for You!

SAVES TIME AND MONEY FAIR AND NEUTRAL CONFIDENTIAL

WORKS FOR EMPLOYERS AND EMPLOYEES CONFIDENTIAL FAIR AND NEUTRAL AVOIDS UNNECESSARY LITIGATION

What Is Mediation?



Mediation is an alternative dispute resolution (ADR) process that can be used to resolve problems between individuals or groups. In this process, an impartial person referred to as a neutral or mediator, helps facilitate communication between the parties. During the mediation session, the mediator helps the parties discuss the problem, identify the real issues, and explore options to create a voluntary, mutually acceptable solution.

Mediation is recommended when:

- ▶ There is interest in resolving the dispute quickly.
- ▶ There is a need for a private setting to discuss the issues.
- ▶ The parties want someone not involved in the dispute to facilitate their communication.
- ▶ The parties want to either preserve their relationship or end the relationship in the least adversarial way.
- ▶ The parties are interested in retaining control of the outcome.

Mediation is not recommended when:

- ▶ The parties want someone to determine who is right and who is wrong.
- ▶ The dispute involves waste, fraud, patient abuse, criminal activity, or allegations of sexual harassment.

How Does The Mediation Process Work?



The mediation process typically involves five stages:

Preparation – Parties entering into mediation should prepare in advance by assessing their interests and expectations before arriving at the mediation table.

Introduction – The mediation session begins with the mediator:

- ▶ Making introductions.
- ▶ Explaining the role of the mediator.
- ▶ Reminding the parties to the mediation of the confidential nature of the session.
- ▶ Setting up the ground rules for the session.

Overview of the Issues – This stage of the process gives each party an opportunity to listen to and really hear the other person's perspective. Each party:

- ▶ Describes the factual situation from his or her perspective.
- ▶ Shares their thoughts, concerns and feelings about the issues involved.

Problem Solving – During this stage, the parties, either jointly or separately:

- ▶ Build common interest.
- ▶ Narrow the differences between them.
- ▶ Help each other explore the most promising options.

Agreement – The agreement is a written document describing:

- ▶ Who is agreeing to what?
- ▶ When the agreed upon actions will take place.
- ▶ How the agreement will be carried out.

For additional information on the stages of the mediation process, please view the Mediation Zone Video at <http://www.va.gov/orm/ADR.asp>

Why Should I Consider Mediation?



Mediation is a form of dispute resolution that encourages the individuals involved in the dispute to talk with each other and resolve their differences. The mediator helps the parties communicate but has no independent decision making authority.

In mediation, the parties can:

- ▶ Informally communicate their thoughts and concerns.
- ▶ Identify and clarify miscommunications and misunderstandings.
- ▶ Acknowledge differences of perspective and opinion.
- ▶ Better understand the origins of the dispute.
- ▶ Share their respective interests.
- ▶ Examine ways to address dissatisfaction and unmet expectations that may have occurred.
- ▶ Develop ways to work together and improve the employment relationship and working conditions.
- ▶ Collaborate on ways to manage future conflicts and prevent disputes from arising.
- ▶ Retain the right to pursue the matter through another process such as the EEO complaint process, negotiated or administrative grievance procedure, or litigation, if an agreement can not be reached.