

Facts About Mediation

Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by the U.S. Equal Employment Opportunity Commission (EEOC) as an alternative to the traditional investigative or litigation process. Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination. The decision to mediate is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into resolutions. A mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. The mediation process is strictly confidential. Information disclosed during mediation will not be revealed to anyone, including other EEOC employees.

How Mediation Works

An EEOC representative will contact the employee and employer concerning their participation in the program. If both parties agree, a mediation session conducted by a trained and experienced mediator is scheduled. While it is not necessary to have an attorney in order to participate in EEOC's Mediation Program, either party may choose to do so. It is important that persons attending the mediation session have the authority to resolve the dispute. If mediation is unsuccessful, the charge is investigated like any other charge.

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 settlement terms, not the mediator. There is no determination of guilt or innocence in the process.
- **Saves Time and Money**

Mediation usually occurs early in the charge process, and many mediations are completed in one meeting. Legal or other representation is optional but not required.

- **Confidential**
All parties sign a confidentiality agreement. Information disclosed during mediation will not be revealed to anyone, including other EEOC investigative or legal staff.
- **Avoids Litigation**
Litigation, which can be lengthy and expensive, can be avoided. Mediation also avoids the uncertainty of judicial outcome.
- **Fosters Cooperation**
Mediation fosters a problem-solving approach to complaints and it reduces workplace disruptions. If a charge is investigated, other employees in the workforce and human resources staff may be come involved, tying up resources. And even if the charge is dismissed, this time cannot be recaptured and the underlying issues may remain unresolved.
- **Improves Communication**
Mediation provides a neutral and confidential setting where both parties can openly discuss their views on the underlying dispute. Enhanced communication can lead to mutually satisfactory resolutions.
- **Discover the Real Issues in your Workplace**
Parties share information, which can lead to a better understanding of issues affecting the workplace.
- **Design your own Solution**
A neutral third party assists the parties in reaching a voluntary, mutually beneficial resolution. Mediation can resolve all issues important to the parties, not just the underlying legal dispute.
- **Everyone Wins**
An independent survey showed 96% of all respondents and 91% of all charging parties who used mediation would use it again if offered.

For additional information about the mediation program at EEOC, you may contact the EEOC field office nearest you.