

## WHAT IS MEDIATION?

Mediation is a form of alternative dispute resolution (ADR). In mediation, the mediator, a highly trained third-party neutral, works with the parties to discuss conflict and provides assistance to find a resolution all parties can agree upon. Mediation is the most popular form of ADR because it is:

- quick
- inexpensive
- confidential
- conciliatory
- creative
- fair

Mediation also provides participants with:

- greater participant control
- customized agreements
- mutually agreed upon outcomes
- improved communication
- improved relationships

Treasury promotes mediation to resolve equal employment opportunity (EEO) matters as well as grievances or other issues causing conflict between two or more people, multiple groups, or even organizations. Mediation is successful when parties have ongoing relationships and an interest in resolving the dispute.

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

In the majority of instances, there is no cost associated with using a mediator through the Treasury Shared Neutrals (TSN) Program. Costs can be incurred for third-party/external contract mediators or when travel is required. However, employees do not pay for mediation/mediators.

FOR ANY QUESTIONS REGARDING  
MEDIATION, PLEASE CONTACT  
THE FOLLOWING OFFICE:



## FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION



## TREASURY SHARED NEUTRALS PROGRAM

## WHAT CAN I EXPECT?

If you contact an EEO Counselor to begin the EEO counseling process, the EEO Counselor may offer mediation. If you do not have an EEO issue, you may contact your ADR Program Office to see if mediation is available. Once all parties agree to participate in mediation, a mediator will be assigned and a date, time, and location for the mediation will be established. The mediator does not render a decision and has no power to force a settlement at the mediation. The mediator is there to facilitate communication and help parties overcome obstacles. Mediation involves three stages and usually takes as little as an hour to less than a day to complete.

### Introduction and Opening Statements

The mediation session begins with a mediator introducing parties and providing an opening statement regarding his/her role as a neutral. The mediator will ask each party to explain in his/her own words the workplace dispute and remedy sought.

### Discussion and Problem Solving

Participants will enter into a joint discussion during which the mediator may ask clarifying questions and discuss potential solutions. The mediator may ask to meet privately (caucus) with each party. Following discussions and/or caucusing, the mediator will determine if there is an area of agreement on any issue. If not, the parties will continue to discuss the issues, possibly re-caucusing until it is clear whether a settlement can be reached.

### Written Agreement

If the parties agree to a resolution, the mediator will summarize the terms that are mutually acceptable to the parties. If applicable, each party may want to discuss the terms of the settlement with their representative or advisor prior to signing the agreement. A signed settlement agreement is binding on the parties.

## WHAT IS MY ROLE IN MEDIATION?

Your role in the mediation process, regardless of your title, interest, or position on the matter, is to negotiate with the other party and mediator in good faith. 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 party.
- Look for ways to improve communication.
- Demonstrate a commitment to fairness and resolution of the issue.



## HOW CAN I PREPARE FOR MEDIATION?

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 realistic to ask for?
- What creative options might satisfy both your needs and the other party's?
- 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.

## CAN I BRING A REPRESENTATIVE TO MEDIATION?

A representative of your own choosing can accompany you to the mediation session, as long as there is no conflict of interest or position. A representative can be an attorney, a friend, or a technical expert who can provide you with assistance or advice during the mediation session. If you wish to be represented, it is your responsibility to complete a Designation of Representative and Limited Power of Attorney Form prior to the mediation session. The form can be obtained from the EEO Office or your bureau's ADR coordinator.