

Equal Employment Opportunity

Alternative Dispute Resolution (ADR) - Dispute Resolutions

What is ADR?

Alternative Dispute Resolution (ADR) encompasses a range of problem solving processes whose basic purpose is to resolve disagreements without litigation. The U.S. Equal Employment Opportunity Commission encourages using ADR during the counseling stage. We have instituted mediation as a method of ADR to resolve disputes.

What is Mediation?

Mediation is a fast inexpensive way to resolve disputes. The mediation process uses third parties known as mediators to facilitate resolution. Mediators have been trained to help both parties reach a voluntary agreement. Mediators cannot make decisions or force decisions on the parties to the dispute.

How Does Mediation Work?

The process usually begins with a joint session. During the first meeting, the lead or co-mediator explains the process and answers questions. After the parties have told their side of the story, the mediator may ask for clarification or elaboration on particular issues. Following the joint session, the lead or co-mediator may meet with each party separately to discuss the issues in greater detail and to gain a better sense of how the parties would like to resolve the dispute. In these meetings, the lead or co-mediator helps the parties try to find an appropriate way to solve their problems. If successful, at the end of the process, a detailed written agreement is developed and signed by both parties. If unsuccessful, the documents are destroyed and the mediators are not allowed to testify in later proceedings.

Why Should You Use Mediation?

While conflict is a normal part of our daily lives, it is often uncomfortable and counterproductive in the workplace. When you find yourself in a dispute with a fellow employee, manager, or other colleague, mediation can help you resolve issues in a private, confidential, and timely manner.

Reasons for Using ADR/Mediation Include:

- Maximizes cost effectiveness
- Reduces stress
- Opens lines of communication
- Resolves conflict without formal complaint activity
- Promotes organizational effectiveness
- Reduces processing time allowing employees to return to a productive work life faster
- Empowers parties to take an active role in the resolution process
- Provides confidentiality
- Retains your rights to pursue the EEO dispute formally
- Achieves justice and fosters equal opportunity in the workplace

How Does Mediation Work in the EEO Complaint Process?

When you want to file a complaint, the first step is to seek an EEO counselor. After the initial interview and some management contact, the counselor or you may decide that this case is one that may be appropriate for mediation. The counselor will look at several factors, including whether: (1) the situation involves continuing relationships, (2) the desire of the parties to settle the dispute informally, (3) the parties' expressed interest in taking part in shaping an agreement, (4) the subject matter of the case, and (5) the potential for setting a precedent.

Who Should Be at the Table During Mediation?

In addition to the mediator, there will be a management representative and the aggrieved party. Either party can represent themselves or may have a legal representative present. However, the parties who participate in the mediation session should have the authority and ability to enter into an agreement that would lead to a resolution of the dispute.

If you have any questions, please contact the EEO Office 206-764-3501