



U.S. Equal Employment Opportunity Commission FACT SHEET

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. 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 solutions. A mediator does not impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution.

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 or other representation 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 an agreement of confidentiality. Information disclosed during mediation will not be revealed to anyone, including other EEOC investigative or legal staff.

FIND THIS ARTICLE ON THE WEB AT:

Facts About Mediation
<http://www.eeoc.gov/eeoc/publications/index.cfm>

SEE ALSO:

Filing a Charge of Discrimination
<http://www.eeoc.gov/employees/charge.cfm>

AVOIDS LITIGATION

- Lengthy litigation CAN be avoided. Mediation costs less than a lawsuit and avoids the uncertainty of judicial outcome.

FOSTERS COOPERATION

- Mediation fosters a problem solving approach to complaints and workplace disruptions are reduced. With investigation, even if the charge is dismissed by EEOC, the underlying problems may remain, affecting others in the workforce and human resources staff.

IMPROVES COMMUNICATIONS

- Mediation provides a neutral and confidential setting where both parties can openly discuss their views on the underlying dispute.

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 the 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.

What Employers Say

“Once the employer gets past the myth of “If we didn’t do anything wrong, we shouldn’t go to mediation” and decides to participate, the real issues in the dispute become clear. Through mediation, we have had the opportunity to proactively resolve issues and avoid potential charges in the future. We have seen the number of charges filed with EEOC against us actually decline. We believe that our participating in mediation and listening to employees’ concerns has contributed to that decline.”

Donna M. Gwin, Director of Human Resources, Eastern Division, Safeway Inc.

“Regardless of the issue or whether it has merit under Title VII, if it is draining resources, weighing on the mind of the employee, or having a negative impact on productivity, then getting the issue out on the table, mediating it and resolving it is often the smartest and most expeditious way to ensure workforce effectiveness.”

Linda I. Workman, Vice President, Workforce Effectiveness, ConAgra Foods, Inc.

For further information, visit our website at www.eeoc.gov or contact:

1-800-669-4000 (voice)

or

1-800-669-6820 (TTY)