MAKING REFERRALS TO THE ADR BUREAU

When is Mediation the Best Choice?

Mediation is likely appropriate when:

- There is a clear understanding of the mediation process through our program including expectations, any agreements made, what mediation can offer and its limitations
- The issue is relationship-based or a breakdown in communication; our program cannot mediate compensation, disciplinary actions, policies/procedures, etc.
- When a formal process (such as a grievance, investigation, EEOC Charge, lawsuit, etc.) ISN’T already in place
- The issues are NOT repetitive violations of policies/procedures that should be addressed by management and/or HR
- There is NO history of violence, threats of harm or substance abuse

Factors that help make resolution more easily achievable:

- Parties are sincere in making a good faith effort at resolution and are forward-thinking
- Mediation is being considered as an early resource; the dispute has not been allowed to fester for a long period of time
- Those who are directly involved are those at the table and have the authority to negotiate on their own behalf
- Hostility towards one another is low or moderate
- Parties previously had a positive working relationship
- All are competent and in control of their actions and behaviors, can make and keep agreements and are not influenced by alcohol, drugs or instability
- Management encourages mediation and supports conflict resolution
- There are NOT any personal issues that might be best handled first before mediation (personal counseling, training, etc.)