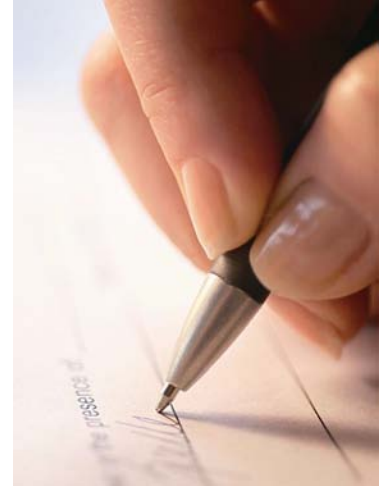


EEO Mediation

An Overview for Managers

EEO Mediation is a fair and efficient process to help employees and managers resolve employment disputes and reach a voluntary negotiated agreement.



The Department of Commerce offers EEO Mediation -- a form of Alternative Dispute Resolution (ADR) - to employees as an alternative to the traditional EEO and Sexual Orientation Discrimination Processes. It is available throughout the complaint process - from informal EEO Counseling up until the time that a final decision is rendered in the case by the EEOC or the Department. Employees who have raised allegations of employment discrimination (based on race, color, sex, religion, national origin, disability, age, or sexual orientation) or related retaliation charges may elect to use EEO Mediation if their cases are appropriate for this forum. Participation in EEO Mediation is entirely voluntary for employees. When employees elect mediation, the Bureau has the opportunity to select a management official to participate in the mediation. This must be someone with authority to resolve the dispute. Bureaus are strongly encouraged to make a serious effort to resolve the dispute in mediation.

EEO Mediation starts with the employee and management representative meeting together in a joint session with a mediator. The mediator will describe how the process works, will explain his/her role, and help establish ground rules and an agenda for the session. Generally, parties then make opening statements. Some mediators conduct the entire process in a joint session. Others will move to separate sessions with each party, shuttling back and forth between the employee and management representative. 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 agreement into a formal settlement agreement. If the parties reach an agreement, the mediator will help reduce the terms to a written contract, and obtain the necessary concurrences including signatures from the Office of General Counsel, Office of Human Resources, and the EEO Officer. Complaint processing is not suspended during mediation and will only be ended if a settlement agreement is finalized. An agreement reached through mediation is binding on both parties. For more information on mediation, contact Bonnie Worthy, Chief of the Client Services and Resolution Division at 202/482-8121. TTY users may call through the Federal Relay Service at 1-800-877-8339.

BENEFITS OF RESOLVING A COMPLAINT IN MEDIATION

Mediation is fast, fair, and efficient. There are many benefits of trying to resolve a claim through mediation, rather than waiting for the complaint process to run its course.

Mediation Saves Time and Money,

Mediation sessions are usually scheduled within a few weeks of a request and most sessions last only a few hours or a day, depending on the type of case and number of issues involved. In contrast, complaints often take many months, or even years, to resolve. In addition to time, mediation can save your bureau money in processing costs and salaries of witnesses and others involved in the complaint. This is especially true if the mediation occurs in the informal complaint process before an investigation is conducted.

Mediation is Confidential.

Mediation sessions are not tape-recorded or transcribed. Notes taken by the mediator are discarded and all parties sign an agreement of confidentiality.

Mediation Is Fair.

Mediators are neutral third parties who have no position on the case and no authority to make a decision. There is no settlement of the case unless both parties agree.

Mediation is Effective.

Mediation generally has a high success rate in achieving a mutually agreeable settlement between the parties and avoiding the burdens of a formal process.

Mediation Gives the Parties Greater Control Over the Resolution.

In Mediation, the parties themselves choose and agree on the resolution. You and the employee understand your dispute better than anyone and can address details that a third-party decision maker might not.

Mediation Preserves Relationships.

Mediation is a particularly good choice when you need to maintain a relationship with the other party. It tends to preserve relationships by improving communication. This makes it very suitable for resolving disputes involving employees who are still in your workplace. In contrast, complaint processes and lawsuits can polarize the parties and strain relationships.

Mediation Addresses Underlying Issues.

Mediation is designed to deal with divisive interpersonal issues that are generally not considered part of a legal dispute. Because of this, it often helps to provide a more complete solution and also prevent future problems.

Mediation Fosters a Problem-Solving Approach.

Mediation fosters a problem-solving approach to complaints and workplace disruptions are reduced. Parties share information, which can lead to a better understanding of issues affecting the workplace. Enhanced communications can lead to mutually satisfactory resolutions.

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