

How to Choose a Mediator

If you have decided to use mediation to resolve a workplace conflict or dispute, the next important decision is to choose the right mediator. Mediators vary in style and approach, as well as experience and expertise. Choosing the right mediator requires an understanding of the nature of the dispute, the relationship between the parties, and what they seek to get out of the use of a neutral third party.

What do you want to get out of the mediation?

To begin, consider your goals for the mediation. Do you want a mediator who will actively engage in the process of reaching a solution, or one that will focus on self-determination by the parties?

Consider the nature and context of the dispute. Is it time sensitive, making availability of a mediator a priority? Is there an ongoing relationship between the parties that should be a focus of the mediation or is the dispute one that stands apart from any ongoing relationship?

Parties should also consider their own strengths and weaknesses, and any power imbalance between them to determine if the mediator's style and approach would be appropriate.

What is the subject matter in dispute? Some disputes are best mediated by someone who has specific expertise in the issues in dispute, but this is not always required. Are there cultural or other context considerations that might influence your choice?

Is the Mediator the Right Fit?

Every mediator approaches mediation in their own way. Finding the right fit can be important, particularly if the underlying relationship between the parties is a key consideration.

According to the **Harvard Law School Program on Negotiation**¹ there are three key attributes to consider when selecting a mediator to be the best fit:

1. **Rapport** – is the mediator able to develop a relationship of understanding, empathy, and trust with each of the disputing parties? A sense of rapport can encourage parties to communicate fully with the mediator, often providing her with the information she needs to find a mutually acceptable settlement. Rapport is essential to building the trust needed for parties to share their interests, priorities, fears and weaknesses with the mediator.

¹ "Beyond Blame: Choosing a Mediator" *Negotiation*, January 2006 (Harvard Law School Program on Negotiation)



2. **Creativity** – successful mediators have the ability to generate novel solutions. This ability clearly springs from a focus on interests. Only by understanding each party's interests can a mediator generate creative solutions that satisfy each party.

3. **Patience**- it is also important that your mediator be patient, giving both sides as much time as they need to fully express emotions and ideas, while at the same time focusing intently on the primary task of dispute resolution.

Mediator's Style

While all mediators can use different approaches to mediation, most have a preferred style, and you should consider style when determining if they are the best fit. Does the mediator frequently use caucus (private meetings with each party) or does she prefer the transparency of conducting all discussions in open session whenever possible? Will the mediator encourage the parties to communicate directly with each other, or does she control the exchanges?

You should also consider the mediator's values and ethics. Do they align with your organization and your goals for the mediation? Most professional mediators will adhere to an established code of ethics and will make it available to the parties.

Is Hulton Workplace Resolutions the right fit for your mediation?

Using the principles of empathy, equity and respect for all stakeholders, **Hulton Workplace Resolutions** can provide mediation and facilitation by building a relationship of trust and respect with the parties, generating ideas for resolution based on the underlying issues and interests of the parties, and provide the time and attention needed to help the parties get to resolution. Joy's style of conflict resolution and mediation is highly collaborative with a focus on identifying and addressing the underlying issues of any conflict of dispute. This approach is best suited for parties that wish to focus on mutual-gains and interest-based resolution.

To ensure that Joy is the best fit for your mediation, she can provide an orientation session with the parties at the outset of any engagement to introduce the process and allow the parties to be confirm that they both wish to continue. Joy can also provide a phone consultation, at no cost, to help parties make their selection.

For a phone consultation, or further information on mediation please go to www.hultonworkplaceresolutions.ca or contact Joy at joy@hultonworkplaceresolutions.ca