



Mediation

Infomercial

You've probably all been up late and have seen the used car style ads for the 'Ginsu knife', the 'George Foreman grill', or the how to 'Make-a-Million-With-No-Money-Down scheme'. And at times the products sound pretty good. But, there is usually some reluctance to part with your hard earned pay for something that you haven't experienced firsthand.

Mediation is something like these late night offers. Mediation *sounds* like it would work, but because you probably don't know anyone who has gone through a mediation or don't know enough about the process itself, you may be reluctant to participate in one.

So, here's the late night mediation pitch...

"What if I told you that with mediation, not only will you have the opportunity to tell your story, you will also be able to act quickly, be part of the resolution AND will be able to do all of this in a comfortable, constructive way!

Phone now and we will hook you up with the Amazing Ronco Mediation Machine and voila! - your conflict is gone!

Operators are standing by."

Now of course there is no magic Machine, so let's look at what mediation is really all about...

What is mediation?

Mediation is an opportunity for two or more people to meet and share information about an issue within a safe, private, confidential, impartial environment.

Who takes part in a mediation?

Traditionally there are the participants, a mediator and possibly a co-mediator involved.

The mediator and co-mediator are accredited through rigorous training and testing. A potential mediator must have experience as a co-mediator and a minimum of 75 hours of mediation training before reaching full mediator status.

When does a mediation take place?

Mediation can occur at any time during a dispute. Most people believe that mediation is a 'last resort', when in fact, a mediation can occur at any time when there is a conflict.

The determining factor for choosing mediation can simply be that the participants don't want the conflict to escalate further.

Or another sign that mediation may be worth a try is anytime a person says,

- "This isn't working, we need to do something different."
- "We haven't been able to resolve our differences in the past, and here we are again."

Where does a mediation take place?

Anywhere where the participants feel that the discussion will be confidential and private.

Why choose mediation?

This process offers many benefits.

Mediation:

- Is voluntary, confidential and respectful
- Allows you to stay in control throughout the process
- Allows you to express yourself, to feel heard and to work on a plan for preventing future conflicts
- Allows you to negotiate the terms of your resolution
- Re-establishes trust and dialogue
- Maintains open channels of communication
- Saves relationships, time, and money

How is a mediation arranged and conducted?

A mediation is sometimes suggested by a third person who has heard both participant's stories. That third person might be a supervisor, a co-worker or a mutual friend.

Sometimes the participants themselves feel that they need some assistance to work through the conflict.

Once the participants agree to a mediation, they or a third person need to contact a mediator.

The process of the actual mediation involves a few steps:

Pre-Mediation Meeting

The mediators meet with each participant individually before the mediation. This is a time for:

- The mediators to describe their role and to outline the mediation meeting.
- A discussion about the attitudes, approaches and goals of the participant.
- Some background information as to what brought the participant to this point.
- Presenting the 'Agreement to Mediate' form. This document outlines various responsibilities of the participant - confidentiality, etc. - and is a sign of commitment by the participant that they are willing to move forward with the mediation.

The Mediation Meeting

Once pre-mediation meetings are done, the participants are brought together (usually the following day) for the mediation.

- The participants sign each other's Agreement to Mediate form.
- The role of the mediators is again described:

- The mediators are there to help the participants have the best conversation they can.
- The mediator will:
 - Be impartial
 - Help establish 'conversation guidelines' that everyone agrees to.
 - Help the participants stay focused on their goals.
 - Ask questions to ensure that the participants understand each other.
 - Will ensure that all issues are discussed.
 - Will organize the brainstorming of solutions.
 - Will prepare a "Resolution Agreement" that details agreements made by the participants.
- Available time and appropriate breaks are outlined.
- Guidelines for an effective conversation are discussed and written on a flipchart.
- Participants then discuss their goal for the mediation meeting.
- Participants then talk about the "what happened" details.
- The mediator then helps identify the issues, and encourages the participants to work on solutions.
- Once a solution(s) is agreed to, the mediator will prepare a resolution agreement that both participants and the mediators sign.

And there you have it - a mediation.

What Now?

The rest is up to the participants. They have made a commitment to work together better than they have in the past and usually, the participants choose to stick to that commitment.

A brief summary of mediation benefits:

- Mediation is confidential.
- Mediation is available on short notice.
- You speak directly to the other person instead of receiving interpretations from a third person or making your own assumptions.

Hopefully after reading this outline of what mediation is all about, you will feel more comfortable with the concept.

Mike Lund
Conflict Resolution Practitioner