



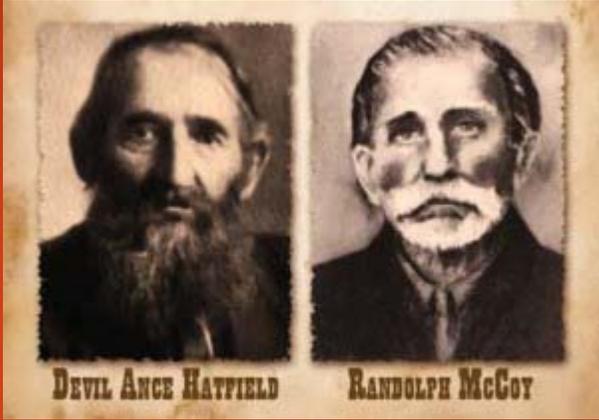
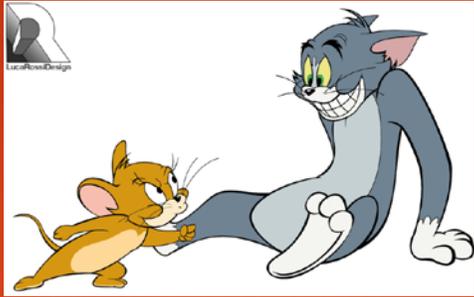
The EEOC's Mediation Process

UTILIZING MEDIATION TO RESOLVE EMPLOYMENT DISPUTES

Happy Conflict Resolution Month!



FAMOUS CONFLICTS



Conflict in the Workplace



Conflict in the workplace

SOURCES OF CONFLICT

- ▶ Poor Communication
- ▶ Changes in the workplace
- ▶ Interpersonal Relationships
- ▶ Differing Values
- ▶ Scarce Resources
- ▶ Poor Leadership

COSTS ASSOCIATED WITH CONFLICT IN THE WORKPLACE

- ▶ Loss of Productivity
- ▶ Absenteeism
- ▶ Low morale
- ▶ Strained Relationships
- ▶ Employee Turnover

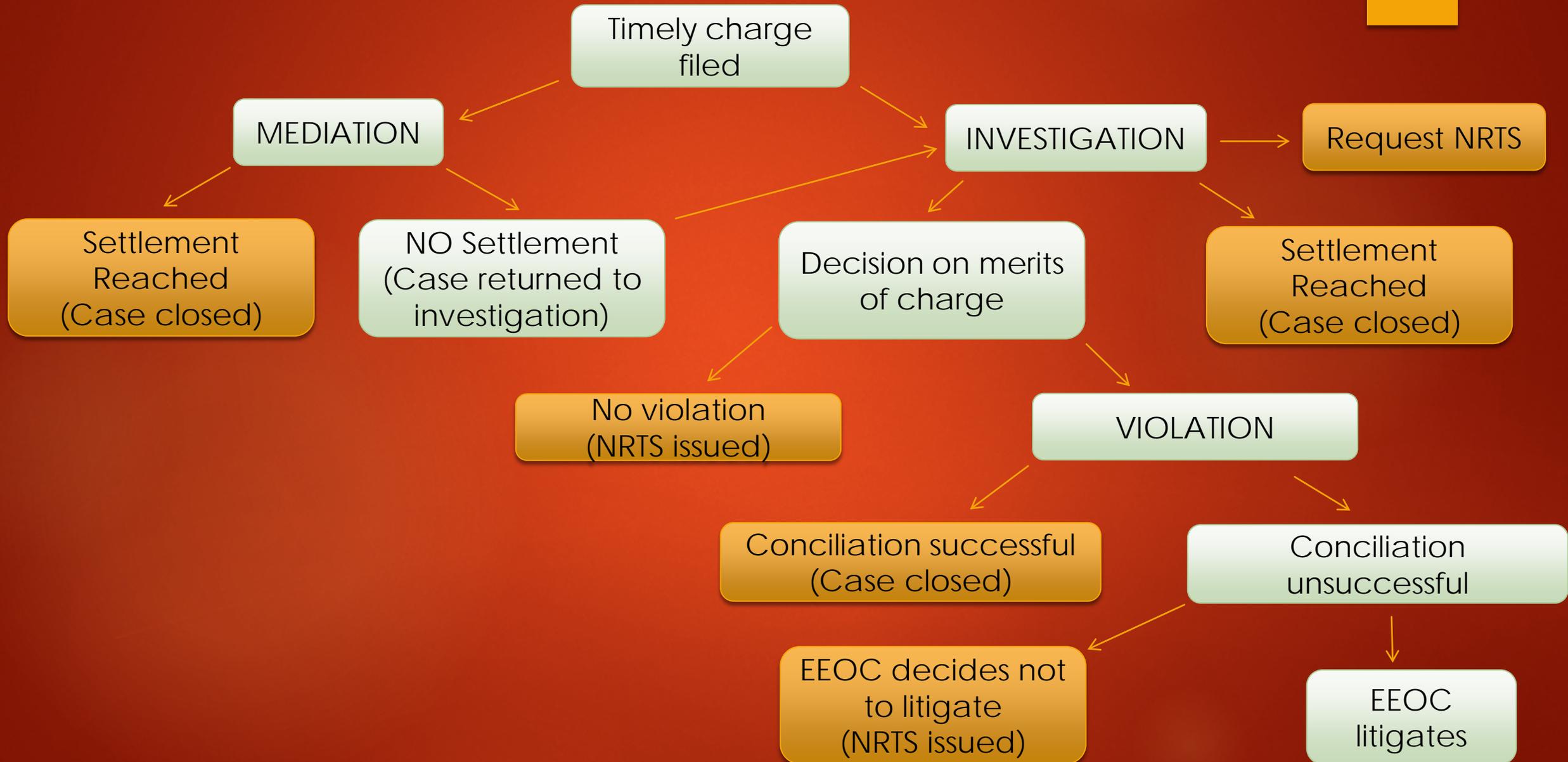
M E D I A T I O N

A process where parties in dispute agree to discuss ways to resolve the dispute with the assistance of a neutral third party who is trained to help people discuss and resolve their differences.

EEOC's Mediation Process

- ▶ Began as a pilot program in 1991. Fully implemented in 1999.
- ▶ Voluntary
- ▶ Confidential
- ▶ Effective – 96% of participants would participate again
- ▶ Occurs early in the process – prior to investigation
- ▶ Most cases resolve in only one meeting

EEOC CHARGE PROCESSING

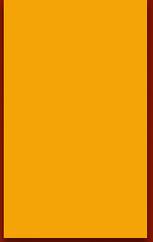


EEOC's Mediation Process

- ▶ Determine eligibility of case for mediation
- ▶ Assign to a mediator (internal or external)
- ▶ Pre-mediation counseling
 - ▶ Discuss the mediation process
 - ▶ Explain expectations
 - ▶ Identify potential obstacles to settlement
 - ▶ Identify mediation participants
 - ▶ Verify authority
 - ▶ Answer any questions
- ▶ Schedule date for mediation

Stages of the EEOC's mediation process

- ▶ Joint session
- ▶ Opening Statements
- ▶ Caucuses
- ▶ Explore options for resolution
- ▶ Reality checks
- ▶ Reach agreement: Obtain signatures on settlement agreement
- ▶ Explain next steps in process if resolution is not reached



Tips for a Productive Mediation

Check your mindset.

Keep the mediator informed.

Have key people at the mediation.

Be prepared to share your side of the story.

Refrain from using inflammatory language.

Expect questions from the mediator.

Negotiate in good faith.

Acknowledge obvious weaknesses.



Don't take it personal.

Come with realistic ideas for resolution.



Listen!

DON'T GIVE UP!



Types of Resolutions

- ▶ Termination changed to resignation
- ▶ Accommodations
- ▶ Compensation
- ▶ Letter of reference (neutral or positive)
- ▶ Reinstatement
- ▶ Apologies
- ▶ No contest of unemployment compensation
- ▶ Training (for employee, agency or company)
- ▶ Removal of disciplinary action from personnel file
- ▶ Union representation
- ▶ Offer of employment
- ▶ ... and many other creative resolutions

Numbers don't lie... FY 2014 Statistics



82.5%

CHARGING PARTY'S
ACCEPTANCE RATE



24.2%

RESPONDENT'S
ACCEPTANCE RATE



96 days

AVERAGE CLOSURE AGE

Numbers don't lie... FY 2014 Statistics



10,421

MEDIATIONS
CONDUCTED



7993

RESOLUTIONS



76.7%

PERCENTAGE
RESOLVED

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