

EEO Mediation

A Better Way to Resolve Disputes

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 Complaint Processes. It is available throughout the complaint process - from informal EEO Counseling until a final decision is rendered in the case by the Equal Employment Opportunity Commission (EEOC) or the Department. When you choose EEO mediation, you do not lose any of your rights in the complaint process. Processing of your complaint will not stop unless both you and management agree to a resolution of your complaint.

EEO Mediation is an informal process in which a trained mediator -- a neutral third party -- meets with the employee and management representative, both as a group and on an individual basis, and assists them in reaching a voluntary, negotiated resolution of an allegation of discrimination. 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. A mediator does not resolve the allegation or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution.

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. A case is usually appropriate for mediation when the preservation of a working relationship between the parties is important and the parties are unable to resolve the issue because of communication problems. Some situations in which mediation is not appropriate are cases in which the complainant is an applicant for a job or a former employee and cases involving harassment or violence. To find out if your case is appropriate for 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.

Mediation is fast, fair, and confidential. If you are unable to resolve your employment issues directly with the management officials involved, mediation may be the most efficient and effective way to solve it. These are some of the reasons to choose mediation.

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, a successful mediation can also save you money in attorney's fees and other costs of pursuing your complaint.

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 understand your dispute better than anyone and can address details that a court 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 your supervisor and others in your workplace. 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.