

*Mediation is based on the principle of collaborative problem-solving, with a focus on the future and rebuilding relationships, rather than assigning blame.*

## What does mediation seek to achieve?

- ◆ Exploring the issues, feelings and concerns of all participants and rebuilding relationships using joint problem-solving.
- ◆ Allowing those involved in conflict to understand other's perspectives and empathize with other's feelings.
- ◆ Giving participants insights into their own behavior and that of others and opening up opportunities for change.
- ◆ Helping participants develop the skills to resolve workplace difficulties for themselves in the future.
- ◆ Encouraging communication and helping the people involved to find a solution that both sides feel is fair and offers a solution that favors them.
- ◆ Using energy generated by conflict in a positive way to move forward.



**GENERAL SERVICES DEPARTMENT  
RISK MANAGEMENT DIVISION  
OFFICE OF ALTERNATIVE  
DISPUTE PREVENTION  
AND RESOLUTION**

**FOR FURTHER INFORMATION OR  
ASSISTANCE CONTACT US TODAY:**

**Mary Jo Lujan**  
ADR Bureau Chief  
(505) 827-0444  
[maryjo.lujan@state.nm.us](mailto:maryjo.lujan@state.nm.us)

**Stephanie A. Ellis**  
ADR Coordinator  
Mediation,  
Training & Development  
505-827-0421  
[Stephanie.ellis@state.nm.us](mailto:Stephanie.ellis@state.nm.us)

**C. Michael Patterson**  
ADR Program Analyst  
(505) 827-0576  
[clifford.patterson@state.nm.us](mailto:clifford.patterson@state.nm.us)

1100 St. Francis Dr., RM 2073  
P.O. Box 6850  
Santa Fe, NM 87502

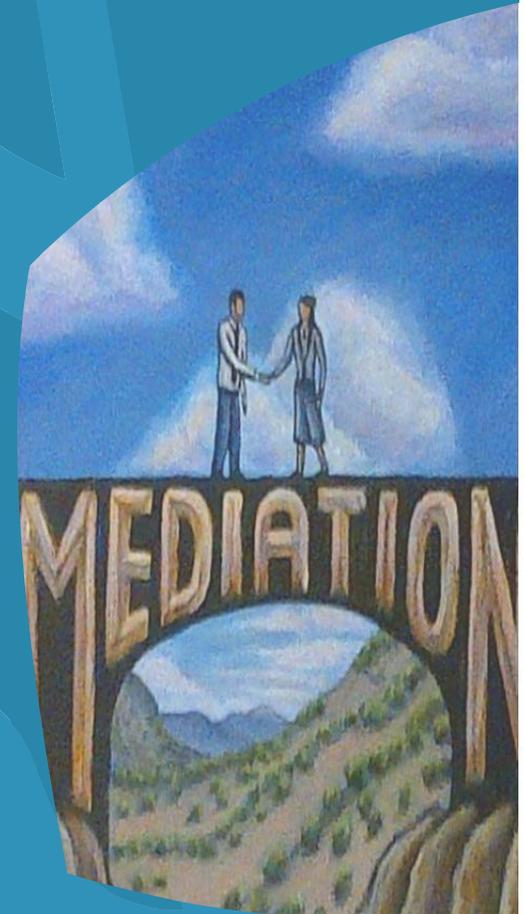
Website: <http://adr.gsd.state.nm.us>  
E-mail: [ADR.Bureau@state.nm.us](mailto:ADR.Bureau@state.nm.us)  
Fax: (505) 827-2747



Encouraging Communication  
Through Mutual Respect

## Alternative Dispute Resolution (ADR) Bureau

**“A Dialog Resource”**



*Mediation differs in a number of ways from other approaches to conflict resolution, such as grievance procedures and court process. Mediation is:*

- Less Formal
- Flexible
- Voluntary
- Confidential
- owned by the parties, who control the outcome and whether or not an agreement is reached. (there is no judge or arbitrator to make a decision for the parties)



## Mediation Can Help Participants Explore Agreeable Solutions

### WHAT IS MEDIATION?

Mediation is a voluntary and confidential process in which neutral facilitators (mediators) help conflicting parties communicate more productively to prevent or resolve problems together. Mediators are trained to guide participants through the dispute resolution process; they help the parties to come up with their own agreements by listening to all points-of-view, clarifying issues and interests, and facilitating open and honest discussion. Mediators do **not** take sides; the mediator has no personal interest in the outcome of the mediation.

### WHAT HAPPENS IN MEDIATION?

Generally, the mediators begin by describing the process and asking each party for a com-

mitment to participate. Each party is invited to discuss their perspective on the situation and what they hope to achieve through mediation. The mediator(s) help parties identify specific issues as they explore possibilities for settling differences. Parties then negotiate which ideas for resolution are mutually acceptable and satisfy the needs of all parties. Often, a written agreement ends the session, unless additional sessions are scheduled or parties decide a written agreement is not needed.

### BENEFITS OF MEDIATION

*Fair, Neutral, and Confidential*

Mediation is a voluntary process; it provides a neutral, respectful and confidential

setting where both parties can openly discuss their views on the underlying dispute. Parties in mediation have an equal say in the process.

### *It Lets Parties Determine the Solution*

Parties in mediation decide settlement terms, not the mediator. A neutral third party assists the participants in reaching a voluntary, mutually acceptable resolution. There is no determination of guilt or innocence.

### *It Saves Time and Money*

Mediation is available at no cost to the parties. Mediation usually occurs in the early stages of a conflict, is informal, and is often completed in one meeting.

### *It Avoids Unnecessary Litigation*

Parties can avoid the costs

and uncertainty of a lawsuit. Mediation can satisfactorily resolve all issues important to the parties.

### *It Improves Communication*

Mediation offers a problem-solving approach to complaints and reduces workplace disruptions. Parties share information, which can lead to a better understanding of issues affecting the workplace.

### *Creating positive, lasting solutions:*

More buy-in by the parties, and less incentive to undo what they themselves have worked so hard to achieve.

### *Improving agency efficiency:*

Enables agencies to put time, money, and resources to better use.

## Workplace Conflict – Organizational Costs

- ◆ Risk of time-consuming formal proceedings such as grievances and employment claims or lawsuits.
- ◆ Costs of sick-related leave as the individuals concerned take time off to deal personally with the affects of the conflict.
- ◆ Management time diverted to dealing with the conflict instead of focusing on managing other tasks.
- ◆ Staff turnover and re-recruitment and re-training costs, where conflict leads to the departure of those affected.
- ◆ Lower staff morale, less discretionary effort, and lower productivity.
- ◆ Poor working relationships within the teams affected.
- ◆ Loss of focus on organizational goals and common objectives as people are distracted by the disagreement.
- ◆ Potential for a culture of blame to develop, rather than one focused on innovation and problem solving.
- ◆ Organization's external reputation could be compromised.

