



RECOURSE MECHANISMS: THE MEDIATION PROCESS

Adjudication, expedited adjudication and mediation are three ways in which grievances may be ultimately resolved for our members employed by Treasury Board.

Grievance Mediation is a process that allows the parties to resolve workplace disputes with the assistance of an impartial third party. The purpose of mediation is not to determine who is right or wrong, but rather to reach a mutually satisfactory resolution of the grievance at issue. It can arrive at creative solutions acceptable to both parties that are not always available through the formal adjudication process.

Mediation is an informal process. As such, it can be used at any stage of the grievance process. There are no witnesses to be sworn in or formal evidence to be presented.

The mediator does not decide the outcome. The parties talk about the dispute. With the mediator's help, they seek a settlement both can accept and live with. There are no minutes taken of the proceedings or reports issued by the mediator. When a dispute is settled in mediation, the parties will normally sign a memorandum containing details of what has been agreed to.

The greatest advantage of mediation is that the parties can agree on the outcome of the grievance. The settlement meets their needs and interests. It is a mutually acceptable resolution to the conflict.

Unlike the formal adjudication procedure, mediation can address the issues and interests surrounding and underlying the matter in dispute. Problems can be looked at in a broader perspective than is possible at adjudication, where the emphasis is on the adjudication of rights and the answer to relatively narrow questions.

Mediation, to be effective, relies on the willingness of the parties to make an effort to resolve their dispute. As such, it is a voluntary process. Participants should approach a mediation session with open minds and be prepared to explore ways of settling the dispute. If one or both parties enter a mediation session with no intention of moving from a pre-set position, mediation will be a waste of everyone's time. If a party is unwilling to reconsider and modify its position in a dispute, it is preferable to proceed, directly to the formal grievance procedure.

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