

Why Would a Company Want to Mediate a Charge of Employment Discrimination ?

“TOP 10 REASONS TO MEDIATE”

1. Saves Time – An investigation and court case can take a long time. Most mediations can be scheduled within 30 days.
2. Saves Money – Even having the corporate attorney or another company representative respond to the initial complaint in writing will cost money. You also have to pay legal fees and employees’ salaries when we look at evidence and subpoena witnesses, etc. This adds up over the time of an investigation and a court case. Mediation is a quick (typically 2-3 hour meeting) that can save all those costs.
3. Allows Respondent to Be Heard – Being charged with a discriminatory act can be frustrating and emotional for the company or organization too! This may be the only chance you’ll get to face the employee and share your point of view. It also may be an opportunity to explain a misunderstood situation and clarify your intent.
4. Less Formal Than Court – Mediation is a facilitated conversation between the disputing parties and their representatives. It is an informal way to communicate and try to reach a resolution. Court cases are public info for any one to see and read about – and it can ruin reputations.
5. Mediators are Neutral – Mediators don’t make decisions or suggestions. They are not hired by either side and are not employees of the Commission. They have no vested interest in the outcome and will not advocate for either side. Mediators do NOT represent the complainant.
6. Mediators Guide the Process – Mediators are trained to facilitate the mediation process to make sure everyone has an opportunity to speak, to clarify concerns and to discuss possible ideas for resolution.
7. Confidentiality – All participants will sign a Participation & Confidentiality Agreement at the beginning of each mediation session. It is agreed that mediators will NOT be subpoenaed and all notes taken during mediation sessions will be collected and destroyed at the end of the mediation. Court cases, on the other hand, are public info for anyone to see and read about – and it can ruin reputations. If mediation does not result in a successful resolution, discussions in mediation will not be shared with any future Commission investigator assigned to the case.
8. Thinking Outside the Box – You can be creative and have a chance to make your own suggestions on how to resolve the dispute rather than a judge or the Commission making a decision, which may not be the best resolution for everyone involved. Money is NOT the only option in mediation! Many mediations result in other outcomes that do not involve a monetary settlement.
9. No Fault Settlements – When a written agreement is reached in mediation, you do NOT admit any fault or violation of the law. A mediation agreement does not equal a “wrong-doing” in the eyes of the Commission. The Complainant is also required to sign a withdrawal form if resolution is reached in mediation.
10. Chance to End our Involvement! – The Commission has to continue to bother you for info, names, documents, etc. because you are required to comply with us if we go to an investigation. Now is the time to settle the dispute and get us “out of your hair”!