

# Alternative Dispute Resolution

There are times when people have honest disagreements. These disagreements can generate more heat than light and cause tension and bad feelings to escalate. Confrontations often produce more losers than winners; they can be a waste of everyone's time and money. They can damage important, ongoing relationships.

Alternative Dispute Resolution (ADR), an umbrella term for any one of several approaches to settling disputes without going to court, is a strategy for producing winners on both sides of a conflict. Anytime people find themselves in conflict, ADR can help bring them together to create a sensible outcome.

In the BLM, ADR can be used, with a few exceptions, to resolve both informal and formal EEO matters. You should know that when you choose ADR, your rights to traditional administrative redress and due process systems are preserved, if ADR fails.

## Why Choose ADR

- P It promotes the early resolution of EEO disputes;
- P It reduces disruptions resulting from interpersonal conflicts the work place;
- P It promotes lasting solutions and reducing the potential for future conflict, by facilitating the active participation of the parties to the conflict in the problem solving process;
- P It fosters an environment of teamwork and cooperation among employees, supervisors, and managers.

## What ADR Can NOT Be Use For:

- ▶ Allegations of discrimination involving removal from Federal Service.
- ▶ Allegations of discrimination involving a class of employees or applicants, i.e., a Class Complaint.
- ▶ Allegations of discrimination brought by aggrieved parties who have elected to remain anonymous in the informal EEO Counseling process.
- ▶ Allegations of discrimination by applicants not employed by the BLM involving non-selection for a BLM position.

# Mediation

Mediation, a type of Alternative Dispute Resolution, is a confidential problem-solving process conducted in a neutral environment. Mediators are trained to facilitate communication and address difficult issues. They guide individuals in reaching mutually-agreeable solutions to disputes using a process which ensures that the concerns of all parties are understood and considered.

## Who Uses Mediation?

Depending upon the issues and circumstances involved, mediation may be available to employees of the BLM. Mediation can be appropriate where disputing parties want to resolve conflict and take responsibility for implementing agreed-upon solutions, and where the primary relationship between the disputants extends beyond the conflict at hand. Mediation can help you to attain a better understanding of the issues. It fosters dignity and respect through effective communication.



## Who Are the Mediators?

Since mediation is now widely used throughout the public and private sectors, mediators may be BLM or other-agency employees, private-sector practitioners, or qualified persons from other sources. Mediators act as facilitators; they do not take sides with either party, and they do not render judgement or decision.

## What Are the Benefits of Mediation?

Mediation can be a timely, cost-effective and less stressful alternative to other processes. Mediation levels the playing field between disputants and demonstrates a commitment to resolve issues in a positive manner.

Mediation encourages people to sit down and talk and listen to each other. The ultimate goal is to have everyone agree on a course of action that is fair and workable. Common sense, persuasion, and good-faith compromise are the keys to reaching a solution.