



The Mediation Process

FREQUENTLY ASKED QUESTIONS

About Mediation

1. What is mediation?

Workplace mediation at the Air Force (AF) is a structured conversation in which disputing parties, with the help of a neutral third party, identify issues, uncover interests, and work jointly to reach a mutually satisfactory agreement.

2. How does a mediation work?

Parties in mediation usually work together in joint sessions and sometimes in caucus, or separate sessions, with the mediator. A typical mediation sequence includes the mediator's opening statement, the parties' opening statements, option-building (in joint discussion or caucus), and then it closes. Workable options are drafted into a settlement agreement which is submitted for review by legal and other appropriate offices before becoming final.

3. How much time does mediation take?

Most workplace mediations last 2-4 hours. More complex cases may require a day. Relatively few mediations require more than a day.

Mediator Qualification & Role

4. What qualifies someone to mediate for the Air Force?

AF mediators are trained in mediation processes and techniques, are experienced in mediating common AF workplace disputes, and they adhere to the AF Mediator Standards of Conduct.

5. What does it mean that a mediator is impartial or neutral?

Mediators do not have a stake in the outcome, do not give advice or judge actions or decisions of the parties, and they maintain a balance to allow both parties to represent their interests equally.

6. What does the mediator do?

Mediators create settings where parties can talk honestly and respectfully about their issues and interests and how to satisfy them. They manage the process, facilitate difficult conversations, help draw out and evaluate options, and assist in drafting settlement terms. Mediators are conflict and process experts. You are the expert of your own experiences and interests.

7. How do mediators help parties with tough conversations and decisions?

Mediators provide a structure for the discussion, work in caucus to draw out and address underlying issues, handle strong emotions to keep the parties focused, encourage the parties' progress, and help them identify when and how to get supporting information when needed.

The Parties and Representatives

8. Who will be in the room during mediation?

For most workplace mediations there will be three people in the room: A manager or management representative, an employee, and a mediator. Others who sometimes attend include attorneys, union representatives, subject matter experts or personal supporters.

9. What role do Air Force attorneys have in mediation?

Attorneys support and advise management in representing the Air Force's interests. They provide legal advice and guidance, make legal interpretations of policies, review the written settlement agreement, and answer questions about your ability or authority to agree to particular terms of the agreement.

10. What role do union representatives have in mediation?

Union representatives support bargaining unit employees who have opted for union support. They usually take a quiet role in joint sessions and are more active in caucuses, helping clarify management expectations, acting as trusted reality checks on employee assumptions and boosting employee confidence in reaching a resolution.

Management's Role in Mediation

11. If mediation is voluntary, why am I expected to participate?

The AF is the official party required to mediate, not you personally. If you mediate, you have been selected to represent the Air Force, because you are close to the employee in the chain of command, know the issues, and have had a previous positive experience with the employee.

12. What am I expected to do?

As the management representative, you set a tone that communicates respect and a good faith intention toward reaching a positive outcome. You offer an opening statement, brainstorm options, and work through complicated issues. Though your interests are different from the other party, your roles are the same – to work toward a mutually satisfactory resolution.

13. Can I have an attorney with me in mediation?

An attorney will be assigned to attend mediation whenever the other party will be represented by counsel, and they can be available, at least by phone, away from the table when needed.

Confidentiality

14. What can be disclosed about the mediation session?

The parties and their representatives must maintain the confidentiality of what is disclosed during Air Force mediations. That includes what is said or suggested, documents prepared for mediation, admissions or views expressed, proposals made, or whether the other party accepted proposals.

15. What is the mediator's confidentiality obligation?

Mediators are bound by their Standards of Conduct to hold what is disclosed to them in mediation in confidence unless they have the parties' permission, or in rare circumstances, where there is a credible threat of harm. Before mediation begins, all parties and representatives also agree not to try to compel the mediator's disclosure.