



MEDIATION FACT SHEET

Mediation is a voluntary and confidential process in which the mediator, an impartial third party, facilitates open and respectful communication between parties.

Mediation is not a contradictory process and is not meant to determine who is right or who is wrong.

In a mediation process, the mediator assists parties in reaching a solution but does not make decisions. Therefore, only parties can agree on a settlement.

Mediation allows parties to better understand and express their respective needs and interests, to share their concerns and to define the issues in dispute more clearly. As opposed to a formal hearing where a decision is imposed to parties, in a mediation process, parties are to find themselves options that could lead to mutually acceptable solutions.

Usually, parties that voluntarily accept to participate in a mediation process are asked to assist to mediation sessions. To maximize the potential for positive outcomes, it is recommended that the persons having the necessary authorities to settle the dispute also attend those meetings. Occasionally, other interested parties or experts might also be requested to participate.

The nature of the conflict, the personalities of the people involved and the intensity of emotions are some of the factors that may influence the mediator's approach.

Mediation allows to:

- encourage sharing of information;
- establish or re-establish communication between parties;
- establish or re-establish personal and/or professional relations between parties;
- identify and narrow the issues;
- clarify misunderstandings and perceptions;
- help parties understand each other's views, needs, interests and realities;
- encourage positive and productive exchanges between parties and shift the focus from the past to the future;
- encourage flexibility and creativity;
- help parties to realistically evaluate alternatives;
- in certain cases, resolve other issues attached to the main problem and
- reach an agreement in a shorter timeframe than in a formal hearing and at lower costs.

The Mediation Process

