**Discrimination in the**

**Workplace**

Conflict is a normal part of daily life. But

when it happens in the workplace, it can

be stressful, painful, difficult and counterproductive.

Discrimination is one form of conflict. If

You Think You’ve Been Subjected to

Discrimination, What Should You Do? In the

past, an Equal Employment Opportunity

(EEO) complaint or a formal grievance were

two avenues for relief. Now, you have an

additional choice for resolving your EEO

complaints of discrimination—Mediation.

**What Is Mediation?**

Mediation is a voluntary, informal process

used to resolve all kinds of

disputes, including EEO complaints of

discrimination. In mediation, a train, impartial

third person helps the parties negotiate to

resolve their dispute. Mediation emphasizes

problem-solving, rather than gearing up for

protracted adversarial proceedings.

Mediation helps you to resolve issues

in a private, confidential and timely

manner. Mediation is fast—most cases

reach conclusion in a matter of weeks, rather

than months or years. Mediation has proven

to be successful in nearly half of all EEO

cases!

**How does mediation work?**

The actual mediation process varies in each

case generally, however, the Mediator will

first meet with each party individually to

explain the process, answer questions, and

hear each side of the dispute. (con’t)

Then, the Mediator will hold a joint session with

both parties to discuss the issues. The

Mediator will help the parties set ground rules, and

will assist them in exploring possible solutions to the

conflict.

In all cases, the decision to settle—or not to

settle—remains with the parties. The Mediator

cannot make decisions for the parties, and cannot

impose his or her own solution on the parties. The

role of the Mediator is simply to assist the parties in

reaching a mutually agreeable resolution.

**Who Participates in Mediation?**

There are 3 key participants in any mediation:

the Mediator, the complainant, and a management

representative. The management representative

will be someone with the authority and

willingness to resolve the complaint.

Either party is free to bring a legal representative

(or any other individual) to assess—but

keep in mind that mediation is designed to be

informal, and legal representation is not required.

**What Happens If the Parties**

**Reach an Agreement**

If the parties reach an agreement, the

agreement is reduced to writing, and becomes

binding on all parties. The Office of Civil Rights

and Diversity will assist in ensuring that the

agreement is honored by the department.

**How do I get started?**

Getting started is easy. Just contact the

Office of Civil Rights and Diversity by

phone or in writing, to request mediation on

your case once the parties agreed to mediate

their complaints, a trained Mediator will be

assigned.

Your EEO complaint will be put on hold

while mediation takes place, with no loss

of rights or benefits to you.

**What If I’m Not Happy in Mediation?**

What happens if you enter mediation, but

you are not satisfied with the process?

Of course, you should give the process every

chance to work, but if you aren’t satisfied, you

have the right to end mediation at any time, for

any reason. Simply inform the Mediator of the

decision, and mediation will cease. At that

point, your EEO complaint will resume

processing, with no loss of rights or benefits.

You risk nothing by giving mediation a try.

**Mediation—The Sensible Alternative**

Mediation is so effective that the Equal

Employment Opportunity Commission

now routinely requires it as a part of the EEO

process. It’s fast, effective, inexpensive and low

stress alternative to the standard EEO

complaint process. Best of all, it works. Make it

work for you.

**Reasons to use**

**Mediation:**

* It’s fast, saving months—or even

years—over the formal EEO

process

* It’s informal, and doesn’t require a

legal representative

* It’s confidential
* It reduces stress, and leads to

greater job satisfaction

* It helps the parties to reach their

own solution—one that works for them—rather than having a solution imposed by someone else

* It’s inexpensive
* It opens lines of communication

allowing the parties to better work together

**Mediation**

**Works!**

**Equal Employment**

**Opportunity**

It is the policy of the Department

of Energy, Environmental

Management Consolidated

Business Center to ensure equal

opportunity in employment for all

persons, regardless of race, color, sex,

religion, national origin, age, physical

or mental disability, or sexual

orientation. The Office of Civil Rights

and Diversity is committed to

assuring those complaints of

discrimination and sexual harassment

are promptly and thoroughly investigated

and resolved, without reprisal or

threat of reprisal to the employee or applicant filing the complaint.