



## MEDIATION

- Definition** Mediation is a process managed by a mediator who assists participants to present points of view and facts. They also assist participants to identify the disputed issues, develop options and try to reach an agreement. The mediator does not give advice or make a decision on the facts of the dispute or its outcome. They may give advice on or choose how the process of mediation is conducted. Mediation may be undertaken voluntarily, under a court order, or as part of a requirement in an existing contract.<sup>1</sup>
- Outcomes** Either a consensus agreement that resolves the dispute, an agreement as to how to manage the dispute in the future or an agreement to disagree that allows people to pursue other options such as arbitration or court determination.
- Features** Low cost, low impact and fair way to determine if agreement is possible. No need to “give in” or lose face if an agreement can be achieved that makes sense to all parties.
- Method** Parties agree to engage a mediator who then manages the process/es. Mediator works with the parties to understand what is important to them and to discover options for resolution or change.

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<sup>1</sup> NADRAC definition see [www.nadrac.gov](http://www.nadrac.gov)