

## Mediation

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### Introduction

Mediation is essentially a form of assisted negotiation where parties attempt to resolve their differences with the assistance of an independent neutral known as the Mediator. The role of the Mediator is to facilitate these discussions which take place on a confidential and without prejudice basis. The process is voluntary; in other words the parties are not obliged to either attend or to partake in the process which is intended to allow for the exploration of a wide range of options, not necessarily confined to any contractual relationship between them, which means that there are solutions available in Mediation which are not available to a Judge or Arbitrator.

Mediation is generally seen as a speedy and relatively inexpensive process with many mediation hearings taking place over one day. The role of the Mediator is to help the parties explore their interests, strengths, weaknesses and needs in order to identify possible areas of accommodation or compromise. During the course of the mediation hearing the Mediator will normally meet with the parties either in joint session or privately. Information provided by a party in a private session is normally only to be divulged by the Mediator with the agreement of that party.

### Outcome

Normally, at the conclusions of a successful Mediation, that resolution is set out in writing and signed as an Agreement. Mediation is in many ways similar to Conciliation except that it does not provide for a recommendation in the event of an unsuccessful outcome; it is generally seen as purely facilitative without any element of evaluation.

In mediation each party is responsible for its own costs and the fees and expenses of the mediator are shared equally.

### Engineers Ireland Procedures

Engineers Ireland has just recently published a Mediation Procedure and will shortly establish a Panel of Mediators. The Mediation Procedure, together with accompanying documentation is available on this website and details of Panel members will also be made available there. When requested to do so, the President of Engineers Ireland will appoint or nominate a suitable Mediator, normally from that Panel.