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Resolving Employment Disputes-Mediation

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With increasing costs of litigation, employers and employees continue to seek alternative ways to avoid litigation and resolve employment disputes. One way to do so is through mediation which can be a quick and cost-effective method of resolution if both parties are realistic and sincerely interested in resolving the dispute. Mediation is generally a voluntary, informal and nonadversarial process where the parties try to reach a mutually acceptable agreement through the assistance of a professionally trained mediator. One key to successful mediation is a mediator who is knowledgeable regarding employment laws and receptive to the concerns of the parties. An advantage of mediation is that the decision-making and authority remains in the hands of the parties. The mediator's role is not to make decisions for the parties nor does the mediator give legal advice. The mediator acts as a facilitator to help guide the parties in identifying issues and in engaging in resolving the problem by exploring settlement options. Because mediation is much quicker and less costly than litigation, the courts and governmental agencies have turned to voluntary mediation as an effective way to resolve employment disputes.

Specifically, in order to pursue a claim of employment discrimination in federal court, the law requires that within a specified time frame, that a Charge of Discrimination be filed either with the federal or state administrative agency. The federal administrative agency is the Equal Employment Opportunity Commission (EEOC) and the Illinois state agency is the Illinois Department of Human Rights (IDHR). In either agency, after the charge is filed and if both parties agree, the charge may be submitted to mediation for possible resolution. Participation in mediation is free, voluntary and confidential. During mediation, the mediator will address issues of potential relief for violations which may include, back pay, hiring, promotion, reinstatement and/or front pay. Because this is only a brief discussion of the many considerations involved in whether to consider mediation in the resolution of an employment dispute, consultation with legal counsel is highly recommended. For further information, please visit my web site at www.joettedoran.com.

**This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.*

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