

What is ADR?

ADR is a process in which a third party neutral assists disputants in reaching an amicable resolution through the use of various techniques. ADR describes a variety of approaches to resolve conflict which avoid the cost, delay, and unpredictability of the traditional adjudicatory processes while at the same time improving workplace communication and morale.

In 1990, the Administrative Dispute Resolution Act (ADRA) required each federal agency to adopt a policy on ADR use. In 1996, ADRA was reenacted as the Administrative Dispute Resolution Act of 1996 (ADR Act). In 2000, the Equal Employment Opportunity Commission (EEOC) required all federal agencies to establish or make available an ADR program during the pre-complaint and formal complaint stages of the EEO process. Additionally, EEOC's regulation, 29 C.F.R. § 1614.603, requires agencies to make reasonable efforts to voluntarily settle EEO discrimination complaints as early as possible in, and throughout, the administrative process.

What's In It For You?

Conflict, which comes in different forms and degrees, is inevitable in the workplace. If mismanaged, minor irritations may escalate to be disputes that divert management's and employees' attention from carrying out the Agency's mission. Research consistently shows that managers and employees spend a significant amount of time dealing with workplace conflict.

Research also shows that it pays to address and manage conflict in a timely manner to harness the benefits it offers all, regardless of one's rank in an organization. Engaging in an ADR technique or otherwise incorporating conflict management principles into how we conduct our business will likely produce the following benefits:

- ◆ Increased productivity and efficiency
- ◆ Preservation of working relationships
 - ◆ Building trust



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Alternative Dispute Resolution (ADR)



*A Constructive Way to
Address Differences and
Resolve Disagreements*

10 Reasons to Use Alternative Dispute Resolution

1. SAVES TIME

Alternative Dispute Resolution (ADR) can result in a just resolution significantly faster than other forums used to resolve disputes, such as grievance and EEO complaint processes that can take months or even years to reach an outcome.

2. COST EFFECTIVE

Various studies on negotiations confirm that the later in the process settlement is reached, the higher the cost. Resolution through ADR enables the parties to eliminate or minimize the expenses of litigation and reach an acceptable resolution earlier in the process.

3. FAIR AND NEUTRAL

A facilitator or mediator is assigned to each case. These individuals have no vested interest in the dispute, can be objective, encourage active listening, promote understanding, and generate options. When opinions begin to form and emotional responses surface, the parties can benefit from a third party's skills.

4. MULTIPLE BENEFITS

ADR processes such as mediation and facilitation also help the participants:

- Separate the people from the problems;
- Explore all interests to define the issues clearly;
- Brainstorm a variety of possibilities and opportunities;
- Establish a fair process and objective criteria; and
- Focus on effective communication and relationships

5. STRUCTURED DIALOGUE

Ineffective communication can cause workplace disputes. Facilitation and mediation are opportunities to improve communication through structured dialogue where conversations can be more meaningful and productive.



6. INCREASED KNOWLEDGE AND AWARENESS

When lines of communication are opened or improved, all parties can gain new insights and more easily determine how to address the issues in dispute with an enhanced understanding of each other's concerns.

7. MULTIPLE OPTIONS

ADR generally refers to a continuum of processes and approaches that are designed to resolve disputes in a manner which avoids the cost, delay, and unpredictability of more traditional adversarial and adjudicatory processes, such as, litigation, hearings, and appeals. Numerous types of ADR techniques exist, including mediation, facilitation, fact finding, early neutral evaluation, the use of an Ombudsman, settlement conferences, mini-trials, and peer review.

8. CONFIDENTIALITY

ADR typically involves the parties in dispute and their designated representatives, if any. An individual with authority to make decisions may also attend or be available to the parties if needed. Witnesses are not called and evidence is not produced. The facilitator is bound by strict confidentiality to keep anything shared in confidence unless required by law to be disclosed.

9. BETTER RELATIONSHIPS

ADR is a professional way to deal with workplace disputes. Although disagreements will occur, how we choose to deal with them lays the foundation for our working relationships with others and how we serve our customers. Even if agreements cannot be reached, one can build a relationship of respect by trying to talk and work things out instead of avoiding or doing nothing, and allowing the matter to escalate.

10. RESULTS

Many high-stakes cases of great complexity have been resolved through ADR. Even in cases where the parties themselves doubted a resolution was possible. Either a mutually acceptable settlement is reached, the scope of the issues is narrowed, or a pending action is withdrawn. In most cases, the parties leave benefitting from the process.

Dispute
Resolution

