



Office of the
Ombudsman
for United Nations Funds and Programmes

GUIDE FOR PARTIES ON HOW TO PREPARE FOR MEDIATION

Mediation Unit of the Office of the Ombudsman for
United Nations Funds and Programmes

HOW TO:

**EFFECTIVELY
PREPARE FOR
MEDIATION**

© Office of the Ombudsman for United Nations Funds and Programmes

The Office of the Ombudsman for United Nations Funds and Programmes (the “Office”) is a confidential, neutral, independent, and informal resource for all members of the UNDP, UNFPA, UNICEF, UNOPS, and UN Women workforce. The Office helps to prevent and resolve workplace disputes regardless of the type of contract or position of the involved personnel.

Please feel free to reach out to the Mediation Unit if you have any questions.

Mediation Unit of the Office of the Ombudsman for United Nations Funds and Programmes

304 East 45th Street
6th Floor, Room FF-671
New York, NY 10017
Telephone: +1 646 781 4083
Fax: +1 212 906 6281
Email: mediation@fpombudsman.org

Mediation is a valuable process for resolving conflicts in a **collaborative** and **constructive** manner. It holds the potential to **transform** a confrontational situation into an opportunity for **mutual understanding** and **resolution**. Mediation is not only an avenue to express your concerns but also an opportunity to actively listen to the other party. It is a space where creative solutions can be designed, allowing both parties to find common ground.

Mediation can be a **powerful tool** to facilitate communication and foster a more **positive** work environment. In this process, **solutions** can be designed collaboratively, leading to outcomes that are often more **satisfying** and **sustainable** than those imposed through formal means, e.g., litigation or investigation.

PREPARATION FOR MEDIATION

Preparation is a key component of successful mediation. The mediation services offered by the Office of the Ombudsman for UN Funds and Programmes (“Office” or “Office of the

Ombudsman”) focus on the **future**, indeed based on meaningful reflection on the past. This guide provides insight into how parties can **efficiently** prepare for mediation, thereby increasing the chances of finding a solution to the conflict.

By following this guide and adequately preparing for mediation, you can maximize the chances of finding **mutually acceptable solutions** and resolving workplace conflicts in a constructive and collaborative manner.

Before we dive into the details of how to prepare, **two foundational points** need to be considered in preparation for mediation:

1. AIM FOR GENUINE ENGAGEMENT

To harness the full potential of mediation, it is crucial that all participants **genuinely engage** in the process with the common goal of finding solutions to the problems they face in the workplace. True engagement involves active and **good-faith participation**, a willingness to explore new perspectives, and a commitment to seeking mutually beneficial

resolutions that work not only for you but also for the other party.

2.THE MEDIATION MINDSET

Mediation is a process in which participants explore different options with an **open mind**, **flexibility**, and **creativity**. It encourages parties to move beyond rigid positions and engage in constructive dialogue that can lead to **innovative solutions**. By embracing this mindset, participants can enhance the effectiveness of the mediation process and work together to resolve workplace conflicts.

DURING MEDIATION

1. EXPLAINING THE PROCESS

At the outset of the mediation, the mediator will offer a brief explanation of what the mediation process entails. This introduction serves to set the stage and ensure that all parties have a common understanding of how the process will unfold. The mediator will outline the ground rules, principles of the

process, and the role they will play in facilitating the discussions.

2. SHARING YOUR PERSPECTIVE

Following the initial briefing, each party involved in the mediation process will be given an opportunity to share their perspective on the conflict at hand. To ensure a structured and constructive exchange, it is advisable to prepare an **opening statement** in advance. This statement should succinctly present your story, concerns, and goals for the mediation process and ideally be delivered within a timeframe of **10 to 15 minutes**. Following the process of hearing each party's perspectives, the mediator will develop an agenda of all the raised concerns and guide the parties to find solutions to each of them.

3. MEDIATION FORMATS

The mediation process may take different formats, depending on the circumstances and the preferences of the parties involved:

* **PRE-MEDIATION MEETINGS.** Pre-mediation sessions are a standard practice in the mediation process. Before the main mediation session, the mediator will hold **separate confidential meetings** with each party involved. Your active participation and candid communication during these sessions are crucial to the success of the mediation process. These sessions serve several purposes:

- ***Understanding Perspectives.*** In these meetings, the mediator seeks to gain a deep understanding of each party's perspective, concerns, and interests.
- ***Building Trust.*** Pre-mediation sessions provide a private and confidential environment where parties can express their views openly and honestly. This helps build trust between the mediator and each party.
- ***Identifying Key Issues.*** The mediator uses pre-mediation sessions to identify the key issues that need to be addressed during the mediation

process. This information helps in structuring the discussions and guiding the process toward a resolution.

- ***Tailoring the Approach.*** Learning more about and understanding each party's needs and concerns allows the mediator to tailor their approach and techniques to suit the specific dynamics of the case.

*** JOINT SESSIONS.** Joint sessions, while not the norm in all cases, can be beneficial in fostering direct communication between the parties. In a joint session facilitated by the mediator, all parties gather together to discuss the issues and explore potential solutions collaboratively. It can be a constructive way to address differences and work toward a resolution. In a joint session, all parties are present at the same time, and discussions are facilitated by the mediator. This format encourages direct communication and collaborative problem-solving among the parties.

The decision to conduct a joint session is contingent on the unique circumstances of each case. The mediator, as a neutral facilitator, will discuss with the parties whether a joint session would be helpful in the specific context of the dispute.

*** CAUCUSES.** Caucuses involve private meetings between one party and the mediator. These confidential discussions allow you to speak candidly with the mediator, addressing your concerns, goals, and any confidential information you prefer not to disclose in front of the other party. Often, mediation involves a combination of joint sessions and caucuses tailored to the specific needs of the case.

USEFUL TIPS FOR PREPARATION

1. BE PREPARED TO LISTEN

- Focus on respectful and constructive communication during the mediation sessions. Practice active listening skills, which involve giving your full attention to the other party and seeking to understand their point of view.
- Remember that discussions in mediation are confidential, and mediators cannot share information with anyone else.
- Be prepared to hear new information from the other party and use this opportunity for open and constructive dialogue.
- Try to understand the concerns and interests of the other party involved in the dispute. This can help you be more empathetic and open during the mediation process.

2. STAY OPEN TO CHANGE

Be open to the idea that mediation can lead to new insights and alternative solutions you may not have initially considered. Flexibility can be a key to successful mediation.

3. DEFINE YOUR INTERESTS

Understand that your position is what you want as an outcome, but your interests are the underlying concerns, needs, desires, or motivations driving your position. Consider the “why” behind your demands and ask yourself:

- What issues are most important to you, and why?
- What are the important issues for the other party, and why?
- Are there any common interests that you both share?

4. ORGANIZE YOUR CONCERNS

- When preparing your 10–15-minute opening statement, **categorize** your concerns into different **buckets** or groups. Make a **list** of the specific issues or concerns you want to

address during the mediation. Be **concise** and **specific** in outlining these concerns—for example, group communication issues, performance concerns, specific incidents that triggered the conflict, etc.

- Determine if there are any **non-negotiable elements** in your position that you are unwilling to compromise on. Be clear about these from the outset.

5. IDENTIFY THE INFORMATION YOU MAY NEED TO SHARE

Collect all relevant documents, records, and information related to the conflict. This may include emails, contracts, policies, or any other evidence that can support your position. Prepare these in advance to streamline the process.

6. BRAINSTORM WITH THE MEDIATOR

- Do not hesitate to schedule a call with the mediator following the pre-mediation meeting to discuss any concerns you wish to keep confidential from the other parties.

- Share any preferences you have regarding mediation logistics, such as the choice of language, joint or separate sessions, or any other specific details.

6. SET YOUR GOALS & EXPLORE POTENTIAL SOLUTIONS

- Clearly identify your goals for the mediation. What do you hope to achieve? Prioritize your objectives to have a clear sense of what matters most to you.
- Think about potential solutions to the issues at hand. Be open to compromise and creative problem-solving. Keep in mind that mediation is about finding mutually agreeable solutions, not proving one party right or wrong. Be open to multiple ways to resolve the problem, not just one.

7. UNDERSTAND THE BEST AND WORST ALTERNATIVES

- Consider what you will do if an agreement cannot be reached in mediation.

- Evaluate the potential **impact** and **cost** of these alternatives in terms of time, money, reputation, etc.
- Consider the alternatives the other parties might have in mind.

9. MANAGE YOUR EMOTIONS

Emotions can run high during mediation. Prepare yourself to manage emotions, stay calm, and maintain a respectful demeanor. Remember that the goal is to find solutions, not to engage in new confrontations.

10. REST WELL

Mediation can be emotionally taxing, so ensure you are well-rested to actively engage in the process and maintain a clear mind.

11. BREAKS

You may request breaks during mediation for food, prayer, or any other personal needs you may have. The Office of the Ombudsman may offer water, tea, and light snacks for in-person mediation.

12. TECHNOLOGY

If the mediation is online, please confirm a stable internet connection that allows quality video streaming. It is important to have the camera on during the mediation. For in-person mediation, if you need a Wi-Fi connection during a mediation session, discuss it with the mediator or their support staff.

13. PLAN FOR FOLLOW-UP

Consider how you will implement any agreements or resolutions that come out of the mediation. Discuss with the mediator the potential need for follow-up or ongoing communication.

CONTACTS

Mediation may be requested by emailing the Office at ombudsmediation@fpombudsman.org or mediation@fpombudsman.org with a brief description of the situation. Once a need for mediation is expressed and the Mediation Unit determines that mediation is appropriate, the Mediation Unit will obtain both parties' consent to the mediation process to start the process.

Mediation Unit of the Office of the Ombudsman for
United Nations Funds and Programmes
304 East 45th Street
6th Floor, Room FF-671
New York, NY 10017
E-mail: mediation@fpombudsman.org

RESOURCES & LINKS



[Office of the Ombudsman for the United Nations Funds and Programmes](#) – the Website of the Office of the Ombudsman

[Mediation Guide](#) – Office of the Ombudsman

[Mediation Guide for External Lawyers](#) – Office of the Ombudsman

[Mediation Advocacy Guide](#) – Office of the Ombudsman

[Mediation Process](#) – Office of the Ombudsman

[Formal Deadlines and Extension](#) – Office of the Ombudsman

[Global Mediation Panel FAQ](#) – Office of the Ombudsman

[Issue Definition](#) – Office of the Ombudsman

[Annual Reports](#) – Office of the Ombudsman

[Terms of Reference](#) – Office of the Ombudsman

[Code of Conduct of the Mediators of the Global Mediation Panel](#) – Office of the Ombudsman

[Agreement to Mediate](#) – Office of the Ombudsman

[A Staff Member's Guide to Resolving Disputes](#) – Office of Administration of Justice

[Staff Rules](#) – United Nations

[Rules of Procedure](#) – United Nations Dispute Tribunal

[Rules of Procedure](#) – United Nations Appeals Tribunal

[UN Internal Justice System Timelines](#) – Office of Administration of Justice

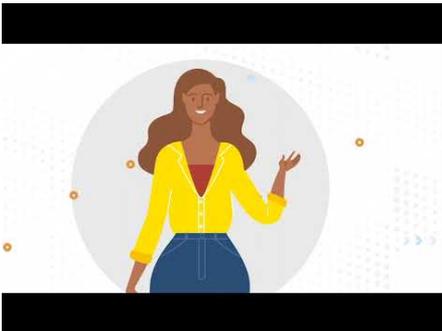
[OSLA](#) – Office of Staff Legal Assistance

MEDIATION VIDEOS



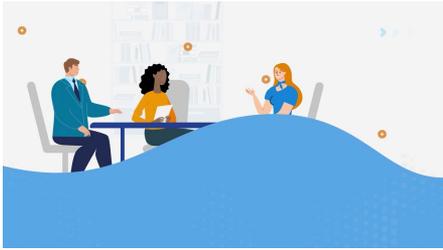
CASE 1

- Interpersonal
- Performance
- Stress
- Separation



CASE 2

- Office Reorganization



CASE 3

- Performance
- Harassment
- Interpersonal Misunderstanding



CASE 4

- Professional Services Performed but Subsequent Payment was not Issued



CASE 5

- Organization's Perspective on Mediation