

DIVERSITY NEWS

August 2007

Yvonne: The mission of VA's Office of Resolution Management, or ORM, is to promote a discrimination-free work environment—focused on serving veterans—by preventing, resolving, and processing workplace disputes in a timely and high-quality manner.

ORM provides workplace dispute resolution services to VA employees, applicants for employment, and former employees.

Thomas: ORM also offers programs for the prevention and early resolution of workplace disputes.

ORM has recently integrated into its responsibilities delegated responsibility for VA's Alternative Dispute Resolution program or ADR.

This is expected to result in a more effective and consistent ADR program, with Workplace ADR policy and oversight responsibility in ORM.

Yvonne: In this edition of Diversity News, we'll be looking at VA's ADR program and how it assists in VA's commitment to providing a work environment that enables VA employees to deliver quality care and services to our nation's veterans and their beneficiaries.

Yvonne: In their vision statement, ORM describes VA as being “recognized as the leader in promoting a discrimination-free environment for those who serve our Nation's veterans.”

To help establish this kind of positive workplace environment, VA employees have access to effective and efficient mechanisms for managing conflict and resolving workplace disputes through the ADR program.

ADR processes further VA's core values, including open communication and respect in the workplace.

ADR is also both efficient and cost-effective.

In fiscal year 2006, the average processing time for ADR was 33 days while the average processing time for Equal Employment Opportunity, or EEO, complaints was three hundred and one days!

And, within VA, an estimated 30 million dollars were spent on approximately 3,719 complaints in fiscal year 2006. That's about eight thousand dollars per complaint!

In the same year, an estimated 800 ADR processes were completed and only 214 thousand dollars were spent. That's less than 300 dollars per process!

There are additional benefits of using the ADR process: it minimizes disruption to organizations; it preserves internal and external relationships; and it assures mutually acceptable outcomes.

Thomas: Mediation is the primary ADR process used at VA to address disputes.

VA's policy encourages the use of mediation to resolve EEO complaints, when the issues are appropriate for mediation.

Typically, mediation will not be used in cases where there is an indication that fraud, waste, or abuse has been committed, or an allegation of patient abuse, sexual harassment, or removal for cause occurred.

Mediation is an ADR process that can be used to resolve problems between individuals by encouraging them to talk with each other and resolve their differences.

In this process, an impartial person referred to as a neutral or mediator helps the parties find a mutually acceptable outcome to issues in dispute but has no independent decision-making authority.

During the mediation session, the mediator helps the people involved discuss the problem, identify the real issues, and explore options to create a voluntary, mutually acceptable solution.

When feasible, VA uses the co-mediation model, where two mediators assist the process.

Yvonne: Mediation is recommended when: there is interest in resolving the dispute quickly; there is a need for a private setting to discuss the issues; the parties want someone not involved in the dispute to facilitate their communication; the parties want to either preserve their relationship or end the relationship in the least adversarial way; and the parties are interested in retaining control of the outcome.

In mediation, you can: informally communicate your thoughts and concerns; identify and clarify miscommunications and misunderstandings; acknowledge differences of perspective and opinion; better understand the origins of the dispute; share your respective interests; examine ways to address dissatisfaction and unmet expectations that may have occurred; develop ways to work together and improve the employment relationship and working conditions; collaborate on ways to manage future conflicts and prevent disputes from arising; and retain the

right to pursue the matter through other processes if mediation does not resolve the dispute.

Thomas: ADR Coordinators ensure that the appropriate parties are willing to mediate, advise everyone on who will participate in the process, schedule the session, and oversee compliance with any agreement reached.

The mediation process typically involves five stages:

Preparation: parties entering into mediation should prepare in advance by assessing their interests and expectations before arriving at the mediation table.

Introduction: the mediation session begins with the mediator making introductions; explaining the role of the mediator; reminding the parties to the mediation of the confidential nature of the session; and setting up the ground rules for the session.

Overview of the issues: this stage of the process gives each party an opportunity to listen to and really hear the other person's perspective.

Each party describes the factual situation from his or her perspective and shares their thoughts, concerns, and feelings about the issues involved.

Problem solving: during this stage, the parties, either jointly or separately build common interest; narrow the differences between them; and help each other explore the most promising options.

And Agreement: The agreement may be a written document describing who is agreeing to what; when the agreed upon actions will take place; and how the agreement will be carried out.

For additional information on the stages of the mediation process, you can view the Mediation Zone Video at the web address on the screen (www.va.gov/orm/ADR.asp).

Yvonne: Mediation can be requested at any time by a VA employee to address a workplace dispute.

Mediators are impartial with no personal interest in the dispute they are mediating. They do not judge or assess blame.

A mediator is expected to guide the negotiations and communications between the parties.

In cases where the issues are clearly defined, the mediator may simply facilitate discussions.

However, because mediators are specially trained and experienced in conflict resolution techniques, they are able to help the parties work through strained or emotional communications, distrust, and long standing conflict.

Mediators help parties explore creative solutions to problems, but it is the parties who agree upon the solution as the mediator does not have the power to force a decision on either party.

Private conversations held separately with the mediator are confidential, and mediators do not disclose information to individuals not involved in the dispute resolution proceeding.

Thomas: Facilitation is an ADR process less formal than mediation.

Facilitation involves a neutral third party, referred to as a facilitator, to assist employees, managers, and groups exchange information, obtain answers to questions, discuss decision making, and otherwise support efficient and effective communication.

The ultimate goal of facilitation is to open lines of communication; thereby promoting awareness and understanding and preventing or resolving disputes.

Facilitation can involve a face-to-face meeting or meetings between individuals or groups or it can involve relaying information through the facilitator.

Facilitation should be considered when individuals or groups are unable to communicate effectively; thereby adversely affecting the mission of the organization.

In facilitation, the parties can share or obtain information that is important to the working relationship; identify and clarify miscommunications and misunderstandings; develop processes for group interactions that will enhance performance; and they retain the right to pursue other processes if facilitation does not resolve the dispute.

Yvonne: Facilitation may be requested at any time by any VA employee or manager to address communication or relationship problems in the workplace.

Facilitation is recommended when an employee or manager is having difficulty communicating with another employee or manager; a conversation or meeting needs to take place about a matter where one or both parties fear the discussion could become emotional or unproductive; something has occurred in the workplace leading to gossip, rumors, or suspicions and an employee or manager wants to initiate a conversation to clear up the matter; a question needs to be asked and answered but the employee or manager is concerned about saying

anything without another person present; a new employee or manager has joined a group and changes are about to be initiated and there is concern about how the changes will be received; or morale is low within a team and there is interest in having a discussion about the situation and developing ways to improve the environment.

Facilitation is not recommended when the individuals or group members want someone to decide who is right and who is wrong or the issues causing the conflict involve allegations of waste, fraud, patient abuse, or criminal activity.

Thomas: The facilitator is trained and experienced in active listening and managing conflict.

Facilitators: provide structure for effective discussions and meetings; ease group interactions and assist with the flow of information and ideas; focus on procedural assistance and remain impartial to the topics under discussion; assist parties in working through strained relationships, long-standing conflict, distrust, and emotional communications; and hold information in confidence unless disclosure is required by law or authorized by the parties.

Yvonne: Facilitation and mediation both involve a neutral third party, and in neither process does the neutral party exercise decision-making power.

Facilitation can address issues affecting both individuals and groups while mediation is designed mainly to address disputes between two people.

VA certified mediators can be requested from a list of approved neutrals or a non-VA mediator may be requested.

A VA facilitator may be requested through a local ADR Coordinator or EEO Manager or through the Workplace ADR Program. Alternatively, non-VA facilitators may also be obtained.

In addition, facilitation: does not have formal steps or stages; keeps conversations or meetings on track so that everyone is allowed to be heard; provides an opportunity to talk about something that has or is about to happen so that conflict can be prevented from escalating; may or may not involve face-to-face discussion; and has the goal of improving communication and understanding.

Mediation, on the other hand: has formal steps and stages; is a structured process designed to identify issues and solve problems; provides an opportunity to talk about the past and bring closure to a dispute; involves a face-to-face session with the mediator; and has the goal of reaching a mutually acceptable outcome to a dispute.

Thomas: If you are experiencing unproductive conflict and you are interested in using facilitation or mediation to address the issue, contact your local ADR coordinator or the VA Workplace ADR Program.

The ADR coordinator can provide information on available options, assist in identifying who should participate in the process, determine if the individuals involved in the dispute are willing to mediate and, if so, obtain the facilitator or mediator, schedule the session, and see the process through to completion.

ORM offers guidance and support to ADR programs throughout VA. ADR staff can assist Administrations in designing, implementing, and improving programs at their facilities, regions, and networks, including assisting with obtaining mediators, marketing, and training.

Yvonne: Speaking of training, ORM offers web-based tools to increase ADR awareness, as well as instructor-led training courses.

They have also developed several marketing tools to inform and educate the workforce on VA's workplace ADR program.

You can find these tools as well as other information on VA's ADR program at www.va.gov/adr or on the ORM website at www.va.gov/orm.

You can contact VA's Workplace ADR Program at 202-501-2800.

Thomas: But that's all we have time for in this edition of Diversity News. We appreciate your watching, and we hope you'll tune in again next month.

Until then, for more frequent updates of diversity news, sign up for our free weekly e-mail news service: NewsLink. Just send an e-mail message to dmeeo@va.gov, with the words SUBSCRIBE NEWS in the subject line.

Yvonne: And check out our bimonthly newsletter, Diversity@Work, available as a download on our Web site or by e-mail from our office.

Also, we want to hear from YOU! If you'd like to share your story ideas, comments, or suggestions, please e-mail us at dmeeo@va.gov with the words "Diversity News" in the subject line.

Until next time...

Both: Have a great month!