

Choosing the Right Workplace Mediator

A checklist for leaders, human resources professionals, and counsel

Use these questions when speaking with a prospective mediator. Check each item once you are satisfied with the answer.

EXPERIENCE

- ☐ Has the mediator led teams or handled personnel issues inside an organization, not only advised from outside?
- ☐ Does the mediator have experience with conflicts like ours, for example manager and direct report, peers, or a team?
- ☐ Does the mediator understand the legal context of workplace conflict while remaining clear that no legal advice is given?

INDEPENDENCE AND NEUTRALITY

- ☐ Does the mediator have any stake in the outcome or any ongoing role with our organization?
- ☐ Will the mediator run a conflict check before accepting the matter?
- ☐ Is it clear that the mediator represents no one and does not investigate, decide who is right, or recommend discipline?

PROCESS AND BOUNDARIES

- ☐ Will each participant be told, before the session, what the mediator does and does not do?
- ☐ How will confidentiality work in our setting, and will that be explained before substantive discussion begins?
- ☐ How does the mediator handle a situation where mediation should not proceed, or where another process needs to come first?

HANDLING PARTICIPANTS

- ☐ How does the mediator make sure each participant has a real opportunity to be heard, especially where there is a difference in authority?
- ☐ Are brief individual conversations offered before the joint session?
- ☐ How are participants treated if they become upset, withdraw, or disagree with the direction of the conversation?

AFTER THE SESSION

- ☐ How are agreed actions, open questions, and responsibility for next steps documented?
- ☐ What does the organization receive afterward, and what stays with the participants?
- ☐ Is any follow-up offered to help the resolution hold?

RESPONSIVENESS AND LOGISTICS

- ☐ How quickly does the mediator respond to an inquiry and to scheduling requests?
- ☐ Are half-day and full-day sessions available, in person and virtually?
- ☐ Are fees, travel, preparation, and cancellation terms confirmed in writing before a date is finalized?

NOTES
