

Alternative Dispute Resolution (ADR)

The DON's policy is to use ADR to resolve conflict
"to the maximum extent practicable."

(SECNAVINST 5800.13A)

Training Objectives

At the end of this online training, participants should have a better understanding of:

- The definition of Alternate Dispute Resolution (ADR)
- Benefits of ADR
- When ADR can be used to Resolve Workplace Disputes
- ADR Procedures
- What to Expect During ADR

What is ADR?

A dispute resolution approach that provides individuals an avenue to resolve their issues and concerns instead of using lengthy legal or administrative processes.

Emphasis is placed on parties working together to obtain a mutually agreeable resolution.

An impartial Neutral, such as a Mediator, helps the parties foster open communication, creativity, and cooperation that can lead to early resolution of workplace conflicts.

ADR is for **ALL** types of workplace disputes:

**Administrative/Negotiated
Grievances**

**MSPB
Appeals**

**Individual/Group
Workplace
Conflicts**

**EEO
Complaints**

ADR can be used for any type of dispute within the workplace—not just for the more common administrative complaint processes such as EEO, grievances, etc. ADR is also very successful in resolving disputes between supervisors, between employees and/or between and employee and a supervisor. Facilitations are also very helpful when a “group” within an Activity is not acting cohesively.

If not properly managed, disputes can become toxic to the work environment:



- Morale declines
- Teamwork diminishes
- Relationships deteriorate
- Productivity declines
- Attendance declines
- Physical and emotional health of employee can be adversely impacted
- Result in prolonged EEO complaints, grievances, appeals, MSPB actions and court actions

Types of ADR

Mediation

Generally for two-party disputes. Third-party Neutral (Mediator) facilitates discussion; mediator has no decision-making authority; parties develop/author agreement; no written record (except settlement agreement); confidential; this is Navy's preferred ADR. Navy mediations are interest-based and follow a facilitative approach.

Facilitation

Third-party Neutral (DRS) facilitates discussion; frequently used with working groups; flexible; parties decide whether information/agreement is confidential; often involves more than one session.

Settlement Conference

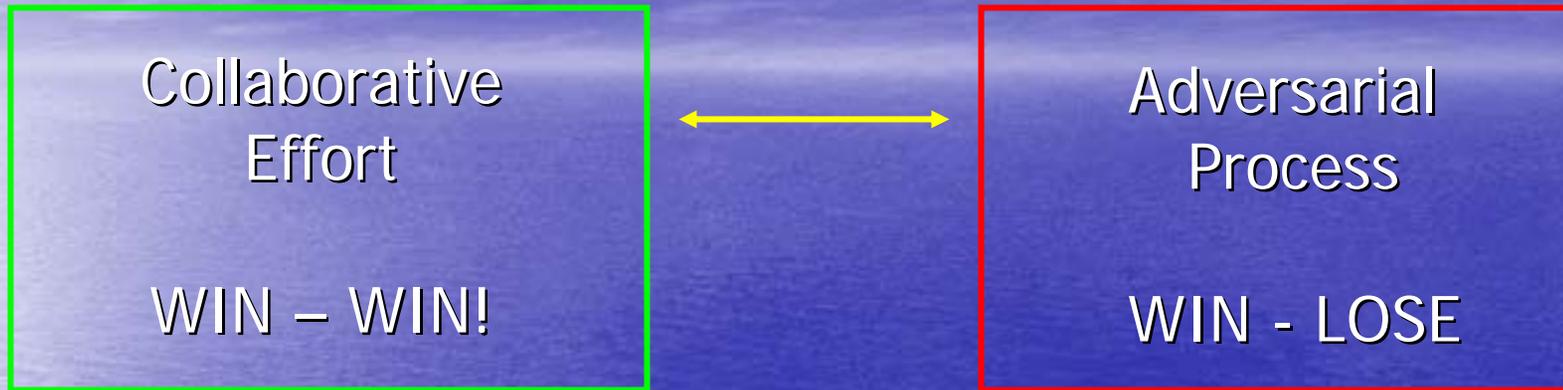
Third-party Neutral facilitates discussion and presides over conference; pre-conference briefs; neutral provides analysis of relevant law and evidence; discovery; written record; by this time, parties are much more positionalized; resolution more difficult.

ADR is...

- Collaborative Problem-Solving
- Confidential
- Fast
- Voluntary
- Informal



ADR is an alternative to the traditional redress processes...



All activities have conflict.
But how those conflicts are managed
is the difference between a
healthy work environment or an
escalation of unhealthy conflict.

Benefits of ADR

- Clears up Misunderstandings
- Less Stress
- No Determination of Fault or Blame
- Solution to Conflict not Imposed by a 3rd Party Decision Maker



Why People Hesitate to Mediate

- I have to give up something if I settle
- A fear of the unknown or exposing weaknesses
- Distrust (“hey, it’s management’s process”)
- To settle means to compromise on strongly held principles
- We don’t need mediation...we can work it out ourselves
- I prefer to ignore the conflict...for now

There's nothing mysterious about ADR



- ❁ No rights are waived by either party
- ❁ Private setting with a trained facilitator
- ❁ Early intervention has higher likelihood of resolution
- ❁ More resolution options available at early stage of conflict
- ❁ Allows for exploration of issues, yet is also forward-focused
- ❁ Parties determine terms of the agreement
- ❁ Strengthens individual accountability
- ❁ Opens lines of communication
- ❁ Relationships are mended
- ❁ Non-adversarial

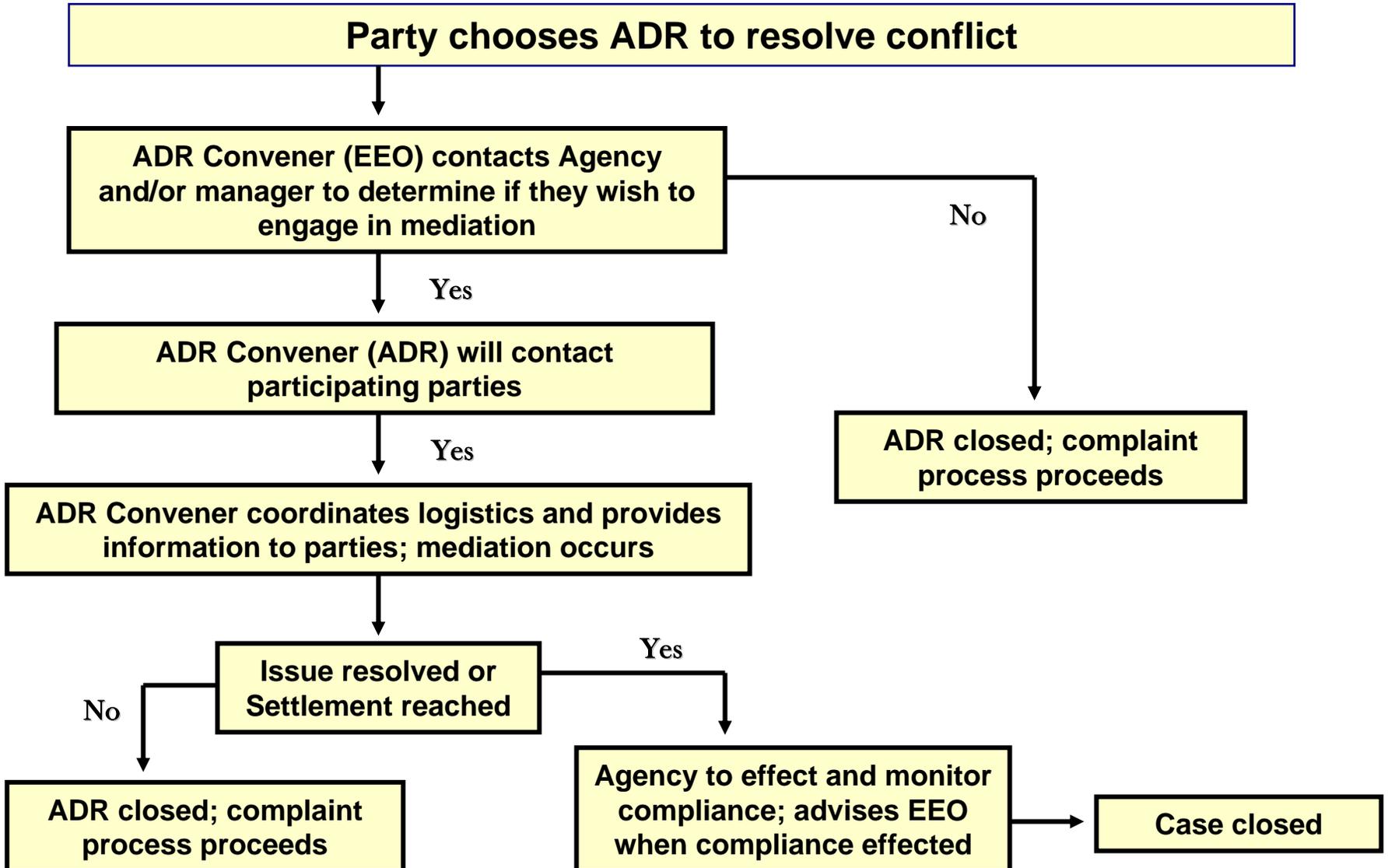
Does ADR Work?

- In FY07 the DON had a 77% resolution rate (500 workplace cases that used various forms of ADR)
- 89% of participants would use mediation again?

ADR

So now we know it works...but
how does the process work?

ADR Logistics



ADR Procedures

- Prior to ADR session, intake Neutral explains ground rules and procedures
- All parties are notified in writing of those attending session
- At the ADR session, the Neutral again goes over the ADR process.
- During joint sessions, parties are asked to explain in their own words what concerns them
- Options for resolution are discussed
- If the parties reach resolution involving an EEO complaint, the party alleging discrimination would withdraw his/her complaint
- If resolution is not reached, all administrative and civil processes remain available to parties

The Mediation Process



The Mediation Process

- Mediator's opening comments includes ground rules and procedures
- Opening comments by both parties on issues
- Joint discussion held to explore the issues, ask questions and/or seek clarification
- Caucus (a separate, private meeting the mediator holds with each party to discuss other issues and explore possible resolution)
- Reconvene with all parties to explore everyone's options
- Resolution and/or closure of session

Alternative Dispute Resolution

Allow it to work for you!

Your ADR Coordinator: Human Resource Office – Yokosuka
Equal Employment Opportunity Office: 243-9579

Or visit: <http://adr.navy.mil> for more information on the ADR process.