

## *Alternative Dispute Resolution Program*

Alternative Dispute Resolution (ADR) is the use of nonlitigation processes such as mediation and facilitation to resolve issues in dispute. ADR techniques often use a neutral individual such as a mediator to assist disputing parties in resolving their disagreements. ADR increases opportunities to resolve disputes prior to or during the use of formal administrative procedures and litigation, which can be very costly and time-consuming. One of the key objectives is to reduce conflict while preserving the relationship between the parties involved in the dispute.

Federal Occupational Health's (FOH) ADR Program is in the forefront of efforts to create alternative systems that respond to the needs of federal employees involved in disputes. FOH's ADR professionals work to promote an environment that allows parties to simply request advice or "vent" their feelings about a situation, thus encouraging and enabling parties to resolve their own conflict. The ADR process supports a cooperative atmosphere in which conflicting parties can gain insight and work together to avoid escalation of the dispute. In reasonable accommodation situations, ADR processes can be used to maximize the successful resolution of the dispute. ADR techniques can create mutually satisfactory win-win solutions. These techniques are not adversarial, so when agreements are reached they are based on common interests and/or goals.

FOH's network of trained and experienced ADR professionals utilize a variety of ADR techniques, including:

### *Facilitation*

A process in which a neutral third party assists a group of individuals or parties with collaborative problem solving of one or more issues. A facilitator focuses on the procedural process involved with resolving the dispute. The difference between mediation and facilitation can be marginal with facilitation more common for complex or contentious topics.

### *Mediation*

Mediation seeks to help parties improve communication, identify interests and explore the possibilities for a mutually agreeable resolution. The mediator, a neutral third party, has no authority to make decisions or impose a settlement upon the parties. The mediator's role is to help the disputants find areas of common ground, understand their alternatives and to develop win/win solutions to resolve disputes.

### *Mediation-Arbitration (Med-Arb)*

A dispute resolution process in which a neutral third party is authorized by the disputing parties to mediate their dispute until the disputants reach an impasse. When an impasse is reached, the third party is authorized by the parties to issue a binding opinion on the cause of the impasse and/or the remaining issues in dispute.

---

## *Neutral Fact-Finding*

A neutral third party investigates the issues or facts in a case and issues a report or recommends a settlement. This process is recommended when technical facts are included in the dispute. Parties may decide whether the recommendations made by the neutral third party will be binding or advisory.

## *Partnering*

A preventative form of ADR used primarily between the Federal Government and contractors. Partnering seeks to redefine the working relationship between the Government and contractor so they collaborate as a team.

## *Ombudsman*

An ombudsman is a dispute resolution practitioner who uses a variety of techniques, including ADR processes, to deal with complaints, concerns, and questions. The ombudsman offers informal and formal processes to deal with conflict. An ombudsman brings systemic problems to an organization's attention and develops conflict prevention strategies.

FOH's ADR experts will meet with you to help determine which of these techniques will best meet your Agency's needs, provide the appropriate expertise and organize the ADR process.

## *Effective Uses of ADR Training*

FOH conducts training for Federal supervisors and managers about the benefits of an ADR program. Training familiarizes them with a variety of ADR techniques that may help resolve workplace issues that may be draining employees' time and attention and creating unpleasant work environments.

**F**or over half a century, FOH has delivered high quality occupational health services to Federal managers. FOH's knowledge of the Federal workplace, combined with strategic partnerships with professional health, environmental and safety organizations, enables FOH to help other Federal organizations maintain a safe and healthy workplace. FOH has created a team of professionals that is unparalleled in its ability to work within the Federal structure, yet remains as flexible and innovative as any private sector provider.

Through convenient interagency agreements, FOH's Clinical Services, Wellness/Fitness Programs, Environmental Health Services, and Employee Assistance and Work/Life Programs can provide your agency with a comprehensive occupational health program that saves you time and money. Our ability to customize services enables you to integrate components of our services with existing programs, enhancing their impact and ensuring that your agency meets its obligation to provide a safe and healthy workplace.

Make Federal Occupational Health your partner in building a healthier, more productive work force. For more information, please visit us at [www.foh.dhhs.gov](http://www.foh.dhhs.gov) or call us today at **1-800-457-9808**.

Because you need a healthy work force. And we can help you build one.

*healthy bodies* ❖ *sound minds* ❖ *a safe place to work*

---