



## Alternative Dispute Resolution Program

**F**ederal Occupational Health's (FOH) Alternative Dispute Resolution (ADR) Program provides a trusted resource that can help federal agencies effectively manage tough issues. FOH helps agencies resolve disputes by offering an alternative to the formal complaint process.

FOH is a non-appropriated agency that provides occupational health and wellness services exclusively to federal employees. FOH was created by Congress in 1946 by an amendment to the Public Health Service Act (42 U.S.C.), and is a service unit within the Department of Health and Human Services (HHS), Program Support Center. Our **mission** is to improve the health, safety, and productivity of the federal workforce.

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.

The 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 utilizes 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

An impartial 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 third party recommendations 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 utilizes 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 will train 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 can otherwise consume time and attention and create unpleasant work environments

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## FOH, the Occupational Health Provider of Choice for the Federal Government

**T**he mission of FOH is to improve the health, safety, and productivity of the federal workforce. Created by Congress in 1946, FOH is a non-appropriated service agency within the Department of Health and Human Services (HHS), Program Support Center.

Federal agencies throughout the U.S. and overseas can access FOH services. FOH provides worksite health services, Wellness/Fitness, Employee Assistance Programs (EAP), Work/Life, Environmental Health and Safety, Organizational and Professional Development, and Training and Education.

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**.