**Arbitration**

Write down what happened.

Tell the arbitrator what happened.

Answer questions asked by the arbitrators, so they can understand what happened.

Arbitrators try to find the most honest and fair solution for both parties.

Arbitrators make a final decision.

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**Advantages of Each Method**

**Mediation**
- Mediation is private and confidential.
- Mediation is free.
- Mediation promotes cooperative problem-solving and communication. The opponents are likely to have a better relationship after a successful mediation.
- Mediation is voluntary. It can be ended at any time by either party. Settlement is also entirely voluntary.

**Arbitration**
- Arbitration is private and confidential.
- Arbitration is free.
- The parties are able to use witnesses and present evidence, similar to the proceedings in a courtroom, but in an informal and private setting.
- Arbitration is efficient. The arbitrators always make a decision at the conclusion of a hearing.
Mediation and arbitration are two very good, and very different methods to resolve a dispute. In mediation, two people in opposition to each other are able to work out their differences themselves, with the help of a neutral third person. In arbitration, a neutral panel listens to both sides of an argument, and then makes a decision for the disputing people. Both methods are private and confidential.

Mediation demands the active involvement of both “parties” (the two sides having a dispute). If you choose to mediate, no one will make a decision for you. You and your opponent must come to an agreement that satisfies you both. There is no guarantee of success in a mediation. However, the process is so helpful that most people leave mediation with a common solution — even if they’ve been in conflict for months!

Arbitration is especially useful when both parties want to end their dispute, for sure, in one session. They agree to trust an experienced, neutral third party to hear their argument and make a fair decision about what to do. If you agree to arbitration, you are promising to end your argument with whatever solution the arbitrators decide upon. So is your opponent.

Given this brief description of mediation and arbitration, which is the right process for you? Which method will best help you to resolve your dispute?

Study the following steps while considering your particular problem. Read the chart that compares and contrasts the two methods. If you need more help to make your decision, consult a Public Service staff member at the CBA.

### STEPS TO TAKE FOR MEDIATION

1. You (the petitioner) will write a short statement of the problem you experienced; this becomes part of your Petition. Be specific and rely on facts that support your case. The opposing side (the respondent) will do the same. The mediator will read both of your statements before the mediation session.

2. At the mediation session both you and the respondent state your cases again. This gives everyone a chance to hear both sides. Anyone who uses accusing or insulting language is stopped.

3. Typically, the mediator will then meet privately with each party to explore more fully the facts and issues of each side. This allows people to say “what’s really on their minds”: they can vent their frustration without the other side hearing them.

4. The mediator helps people get to the heart of the problem. He or she can help sort out what went wrong, clear up misunderstandings and show people where they actually agree.

5. The mediator may go back and forth several times between the parties, obtaining compromises that bring them closer together. If an agreement is reached, it is written out and signed by both parties and the mediator.

6. After signing the written agreement, both parties must abide by its terms.

7. If no agreement is reached, the parties may end the process or proceed to binding arbitration.

### STEPS TO TAKE FOR ARBITRATION

1. You (the petitioner) will write a short statement of the problem you experienced; this becomes part of your Petition. Be specific and rely on facts that support your case. The opposing side (the respondent) will do the same. A panel of neutral arbitrators will read both of your statements before the hearing.

2. At the arbitration hearing both you and the respondent will state your cases again. This gives everyone a chance to hear both sides. Anyone who uses accusing or insulting language is stopped.

3. The arbitration panel is free to ask questions of you and the respondent. They try to understand exactly what happened by listening closely to both sides of the story, and putting together the “whole picture.”

4. At the end of the questioning, the hearing is over for you and the respondent. The panel of arbiters discusses your case in private. They come to a final decision.

5. The chair of the arbitration panel writes the decision and mails it to CBA for distribution to the parties.

### AT A GLANCE

**Mediation**

- Write down what happened.
- Tell the mediator what happened.
- Meet privately with the mediator to answer questions and consult about the issues.
- Try to find common ground with your opposing party.
- Compromise and sign an agreement, which is binding.

**Arbitration**

- Proceed to binding arbitration if agreed to by the parties.
- End the mediation without a solution.

**Mediation/Arbitration: What’s the Difference?**