

Harassment and Violence at Work: Best and Promising Practices

Mediation – Dos & Don'ts

What is mediation?

Informal intervention facilitated by a neutral third party aimed at resolving a situation of harassment at work

Also known as conciliation or arbitration

How can mediation help?

Avoiding escalation of a situation and a formal report

Providing the victim-survivor with an opportunity to voice their experiences

Dos

Learn about...

- the advantages and disadvantages and under which circumstances mediation is most effective
- alternative forms of restorative justice
- differences in power between victim-survivors and those causing harm
- including ones that exist prior to and those that develop as harassment progresses
- harms from intersecting systems of oppression such as racism, sexism, homophobia, and transphobia

Use when...

- a situation is at an early stage
- the person being harmed does not think the behaviour is serious

Ensure....

- procedures are in place to prevent retaliation and negative consequences for participating in mediation, especially if the harasser is a supervisor or manager
- confidentiality is maintained and conditions where it is not possible are communicated
- facilitators are neutral and thoroughly trained
- all parties are extensively prepared
- a trauma- and violence-informed approach (TVIA)
- the needs of victim-survivors are prioritized

Don'ts

- Use when there is cumulative trauma and harm experienced by the victim-survivor as it could do more harm
- Force a victim-survivor to participate in mediation
- Use when there is malicious intent by the harasser

For more information, see our report: *Best and promising practices to end gender-based harassment and violence at work: A multi-pronged approach* available at <https://www.itsnotpartofthejob.ca/research-reports>

Berlingieri, 2015; Coker 2016; Hart, 2012; Hubert, 2003; Keashly & Nowell, 2011; McMahon et al., 2022; Namie & Namie, 2011; Vartia et al., 2003