**Applying for Mediation Services**

1. Mediation services is a free voluntary process, and therefore you may only make an application to mediation if the other party has provided agreement.
2. If the other party does not provide agreement, you will be required to apply to the Employment Relations Authority, where you will likely be directed to attend mediation.
3. You can apply for mediation services here:

<https://dispute.employment.govt.nz/app/Extra/Employment/Default.aspx?sid=637477781551977698>

1. You must log in with your RealMe account, and select the option “I am an individual representing myself …”
2. You will then need to select the “Work Related Problem” tab.
3. You will then fill in the relevant areas. Note that you are the “Applicant”, and your employer is the “other party.”
4. When inputting details for your employer, you should insert the details of the person you have been communicating with; this may be a senior manager, the director, a person from the Human Resources department or someone else.
5. You should provide mediation services with detail of your claim. If you have any emails or letters which substantiate your position, upload them in the document section.
6. If you do not have additional documentation, please detail your claim in the “additional information” section.
7. Click “submit.” You should receive a confirmation email.
8. A Disputes Resolution Coordinator will then be assigned to your file. If there are any issues with your application, they will contact you.
9. It can take up to six weeks for mediation services to contact you with proposed dates.

**Structure of Mediation Services**

1. Mediation services is an informal process. It is not a Court, and the process is designed to allow the parties to agree on a resolution.
2. The Employment New Zealand Website contains a significant amount of information on mediation services:

<https://www.employment.govt.nz/resolving-problems/steps-to-resolve/mediation>

1. In terms of the process, I usually advise my clients that:
   1. The parties start in separate rooms.
   2. The mediator will introduce themselves to the parties separately. The mediator will provide an introduction to the mediation process, and you will have an opportunity to highlight any preliminary concerns.
   3. The parties will then join in one room (sometimes the other party will move into your room, sometimes you will move into their room).
   4. The party that made the application to mediation will generally start by providing their view of the situation. The parties have a right to speak freely and without interruption.
   5. The other party will have an opportunity to respond uninterrupted.
   6. The parties can ask questions or make any clarifying remarks.
   7. The parties will then separate into separate rooms.
   8. The mediator will usually start with the employee. The mediator may discuss their view of the case, and may wish to highlight any perceived risks. The purpose of the mediator is to assist in resolution, and in doing this they will help guide you to understand your legal position.
   9. Everything you say to the mediator will be held in complete confidence, unless you request otherwise.
   10. The mediator will then ask you what your first offer for resolution will be.
   11. The mediator will then take your offer to the other party. They will similarly discuss their view of the case with the other party, and will allow them some time to consider the offer.
   12. The mediator will then ask if the other party accepts the offer, wants to provide a counter-offer, or wishes to end the mediation.
   13. This process continues until either the parties settle, or they don’t.
2. If mediation is unsuccessful and you wish to continue your claim, you will be required to progress to the Employment Relations Authority.

**Preparing for Mediation Services**

1. I encourage that you prepare for mediation.
2. It is absolutely OK to read from a prepared document. In fact, many representatives will conduct their mediations this way.
3. Employment New Zealand provide a workbook for preparing for mediation:

<https://www.employment.govt.nz/assets/Uploads/tools-and-resources/publications/284276d11a/preparing-for-employment-mediation-workbook.pdf>

1. It is your mediation, and you may talk about whatever you want. However, I recommend that you:
   1. Thank the other party for attending mediation.
   2. Discuss the main points of contention.

There is no point in repeating what you have claimed in your personal grievance. Hopefully, you will have received their response, so you will be able to see exactly what they disagree with.

You should have uploaded these documents with your application to mediation, so the mediator will have already read them.

* 1. Discuss the impact that this has had on you.

It is important that you talk about the “hurt and humiliation” you have experienced: not only for your legal claim for remedies, but also for your own wellbeing. Participants of mediation often discuss a sense of empowerment by being able to share how they have been impacted by the unfair behaviour.

1. Remember: This is your mediation.
2. If you would like your mediation preparation reviewed, you may engage me to review this at $50 + GST per review. Alternatively, you may wish to utilise the free services of Community Law, Citizens Advice Bureau, or Raise the Bar (for hospitality employees).

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