

Mediation: A Better Solution

by Elizabeth Gotthelf

"John," a real movie buff, applied to work at a video store. John is hearing-impaired and able to lip read. In the interview, he was told that they could not hire him because they needed him to answer the phone. John, who would never have worked a shift alone, didn't feel that answering the phones was a necessary part of the job and felt discriminated against.

John decided that he didn't really want to work for this company, but he also didn't want anyone else to face the same problem. He decided to file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) at no cost to himself.

Once the EEOC receives any complaint, they notify the employer, investigate the charge and determine if there is a valid discrimination case. If both parties agree, a meeting will be set up with a mediator. The mediator is a neutral party who does not give advice but instead assists the people in solving their own problems.

"I start by explaining that the goal of mediation is to try to resolve the complaint and move forward with a solution," says Elizabeth Marcus, a mediator with the EEOC. "I turn to the person who filed the charge, and ask them to explain how they see the situation. And then I turn to the employer and ask them to explain their side. Then I go back and forth between the parties trying to help them figure out what the heart of their problem is and what they want to do about it."

After John's mediation with the video store,

the owner of the store decided to hire John to do trainings with staff on how to interact with hearing-impaired customers.

"I thought that was such a great resolution," says Marcus. The employer just had had no idea how to deal with the problem and instead of talking about how they could work around the phone issue, they had just said, 'No, we won't hire you.' Through mediation, we were able to

educate the employer on how John could have been hired and done the job well."

Marcus says her goal as a mediator is to "help people come up with the ideas and solutions for themselves." Because of this, Marcus sees

mediation as a good alternative to court, where a judge or jury makes the decisions for people. Since both parties are actively working to create the solution, they can make a decision that they both agree to. "Both people should come out of a mediation feeling like they were heard, and that they have a solution that they can both live with," Marcus says, adding, "It's really empowering to people, because they realize they can make a change."

You can find more information in both English and Spanish about filing a claim with the EEOC at www.eeoc.gov.



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