



CONFLICT DYNAMICS
GUIDE TO ONLINE MEDIATION
FOR
PARTIES AND THEIR
REPRESENTATIVES



**CONFLICT
DYNAMICS**

TRAINING
& DISPUTE
RESOLUTION
SERVICES

A GUIDE TO ONLINE MEDIATION FOR PARTIES AND THEIR REPRESENTATIVES

Mediation is a flexible process and mediators are able to innovate using a variety of online platforms to provide mediation services.

Conflict Dynamics had extended its mediation services from a face-to-face service to offering mediation services using Zoom, a secure online platform which has the ability to replicate the face-to-face mediation experience very effectively.

The way it works is that the mediator, who is trained to use Zoom, arranges to meet the parties online. The mediator is able to bring the parties together in virtual joint meetings and to meet with them in separate private side meetings.

Conflict Dynamics will firstly facilitate the process of choosing the mediator, the arrangements for the mediation meetings and the signing of the Agreement to Mediate. Once this has been done the mediator will take over and contact the parties to arrange the mediation meetings. After a private preparation online meeting with each party, the mediation day will be arranged.

Parties will need a steady broadband connection and a PC/laptop with a camera.

The mediator will use a secure Zoom account to connect with the parties and will host the meeting, keeping control of the process and guiding the parties each step of the way. Parties do not need to have a Zoom account; the mediator will have this and will invite the parties to a meeting which they can join by simply clicking a link provided by the mediator.

Confidentiality is key in mediation. It is possible to maintain confidentiality online using the breakout room facility. The mediator may choose to use a variety of additional channels of communication during the mediation for conversations in different formats, including WhatsApp and telephone calls. A specially prepared Agreement to Mediate that addresses questions of confidentiality online and data protection is used to ensure that the parties and the mediator work within a safe and legal framework.

It is even possible to share documents during the mediation using the usual method of email, but also using screen share functions that the mediator controls. The Settlement Agreement can be signed in this way with very little difficulty.

The mediator will help parties prepare for the mediation by giving tips on the use of the technology and best practice guidelines on how to come across well considering that non-verbal communication and body language is such an important aspect of our interactions online. The mediator will also assist the parties prepare for each stage of the mediation process, including making opening statements, exploring and bargaining, and moving towards conclusion.

The experience of mediators in the South Africa who are now regularly using Zoom to mediate is very positive.

Conflict Dynamics' mediators have experience of handling a variety of types of conflicts and disputes in a variety of industries both in South Africa and internationally. Many of our mediators have experience of working in complex multi-party industrial disputes, as well as high-value commercial disputes.

FOR FURTHER INFORMATION AND TO DISCUSS MEDIATION

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