



### 3. Limits to Confidentiality

Confidentiality is a primary obligation in employment relationship problem mediations, with the exception of mediations in relation to collective bargaining, and mediators are bound by the requirements of the Employment Relations Act 2000 and any other relevant Acts.

### 4. Conflicts of interest

Mediators have a duty to disclose to the parties any known significant past or current professional or personal relationships with a party or representative involved in mediation. A mediator must disclose any relevant financial interests. All such disclosures must be made as soon as practicable after the mediator becomes aware of their relevance to the mediation. The duty of disclosure is a continuing obligation throughout the process. Where there is a conflict of interest or an appearance of partiality or bias, mediators must be prepared to disqualify themselves or withdraw at the request of any party.

### 5. Quality of mediation process

The mediator must prepare for and conduct the mediation diligently and competently, recognising that an agreed outcome requires the free and informed consent of the parties. The mediator should uphold the integrity of the mediation process and act in accordance with the Employment Relations Act 2000 and its amendments. A mediator must not mediate unless she or he can satisfy the reasonable expectations of the parties.

### 6. Responsibility to Colleagues and parties

Mediators must treat colleagues and parties with respect and courtesy and act in good faith towards them.

### 7. Responsibility to wider community

Mediators must respect the law and not do anything that would jeopardise the effectiveness and/or credibility of the mediation services provided by the Department of Labour.



If you would like to provide feedback on your mediation please email:

**[mediationfeedback@dol.govt.nz](mailto:mediationfeedback@dol.govt.nz)**

For further information on Mediation Services visit **[www.dol.govt.nz](http://www.dol.govt.nz)** or phone **0800 20 90 20**

Department of Labour  
TE TARI MAHI



# CODE OF ETHICS

FOR MEDIATORS EMPLOYED BY  
THE DEPARTMENT OF LABOUR



0800 20 90 20



## INTRODUCTION

This Code of Ethics outlines the ethical standards those using the services of a Department of Labour mediator may expect. It sets out the principles and nature of responsible practice for mediators and service users. It describes the standards and commitments that will provide high quality services and ensure the safety and protection of mediation clients. It establishes parameters for a process within which complaints will be carefully considered, giving due protection to the rights and interests of both clients and mediators.

The ethics of mediation are based on the principles of social justice and respect for all persons.

## Codes of Conduct

Department of Labour mediators are public servants. They are bound by the Public Service Code of Conduct and the Department of Labour's Code of Conduct as well as this Code of Ethics.

## Responsibilities

Department of Labour mediators provide a professional service to help resolve disputes between parties in employment relationships. They have ethical responsibilities to all parties in the employment problem resolution process and system.

## The mediator's role

Mediation is a process in which an impartial third party – a mediator – facilitates the resolution of a dispute. A mediator facilitates communication, promotes understanding, assists in identifying needs and interests, and uses creative problem solving techniques to help the parties in a dispute reach their own resolution. The mediator's role is active. Mediators make interventions and suggestions to help parties consider options for resolution.

The mediator will respect the culture, beliefs and entitlements of the participants, and enable a collaborative interaction between the parties.

Department of Labour mediators perform other functions which support conflict resolution and positive employment relationships. This Code of Ethics also applies to mediators when they are performing those functions.

Where requested by the parties and, if it is appropriate, the mediator may make a decision on the issues between the parties.

## PRINCIPLES

This section of the Code outlines a number of principles that mediators must observe. Further information regarding these principles can be found in the commentary section of this Code. The key principles are:

- Mediators are impartial.
- Mediation is a voluntary process.
- Mediation is confidential (unless agreed or required not to be).

## 1. Impartiality

A mediator may mediate only those matters in which the mediator can remain impartial and even handed. If at any time the mediator is unable to conduct the process in an impartial manner the mediator must withdraw.

A mediator must avoid partiality or prejudice, and conduct that gives any appearance of partiality or prejudice. Mediators should behave with integrity and honesty, and avoid impropriety or the appearance of impropriety.

## 2. Participation in Mediation

Mediators must uphold the voluntary nature of mediation. They must ensure that parties are capable of making unimpaired judgments. Parties have a right to terminate mediation at any time. A mediator may terminate the mediation if any party is abusing the process, if there is no reasonable prospect of a resolution or if the mediator believes the case is inappropriate for mediation.