



U.S. Equal Employment Opportunity Commission

Press Release

06-01-2022

EEOC's Pivot to Virtual Mediation Highly Successful, New Studies Find

Agency Will Continue to Offer Virtual Option to Participants Even After In-Person Services Resume

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) today announced that two new independent **studies (<https://www.eeoc.gov/studies-mediation-program>)** report overwhelming satisfaction with the EEOC's mediation program as well as a successful transition from in-person to online mediation as a result of the COVID-19 pandemic.

Specifically, participants view the EEOC's voluntary mediation program to be highly effective, fair and neutral, and expressed strong satisfaction with the process. The studies also found "near unanimity" in participants' willingness to participate in the mediation program in the future.

"The new reports confirm the tremendous success of the EEOC's mediation program," said EEOC Chair Charlotte A. Burrows. "While our pivot to online mediation was necessitated by the pandemic, online mediation, like our in-person mediation program, has proven to be very popular and effective. The EEOC's mediation program has received consistently high marks from participants since its inception over 20 years ago and the agency's effective adoption of virtual mediation

during the pandemic is yet another success of the program. The EEOC will continue to offer virtual mediation as an option for those able to participate virtually even after we resume in-person service to the public.”

According to the **[first study \(https://www.eeoc.gov/equal-employment-opportunity-commission-mediation-participants-experience-online-mediation-and\)](https://www.eeoc.gov/equal-employment-opportunity-commission-mediation-participants-experience-online-mediation-and)**, more than nine out of 10 participants (98% of employers and 92% of charging parties) indicated that they would be willing to participate in the EEOC's mediation program again if they were a party to an EEOC charge. A majority of participants (nearly 70%) reported that they would prefer online mediation to in-person mediation in the future. Participants cited flexibility, convenience, cost savings, and a “safe space” as reasons for preferring online mediation.

The **[second study \(https://www.eeoc.gov/equal-employment-opportunity-commission-mediators-perception-remote-mediation-and-comparisons\)](https://www.eeoc.gov/equal-employment-opportunity-commission-mediators-perception-remote-mediation-and-comparisons)**, reported that EEOC mediators found that online mediation is easier to use and more flexible than in-person mediation; achieved similar or better quality and value of settlements for both parties; and increased access to justice for charging parties.

The independent studies, using data gathered from 1,234 online participant surveys and 139 mediator surveys, were prepared by E. Patrick McDermott, professor of legal studies and management and department chair at the Franklin P. Perdue School of Business at Salisbury University and his colleague Ruth I. Obar. Of the participant surveys, 782 were from employers and employer representatives and 452 were from charging parties and charging party representatives. The researchers compared the results with a **[2000 external evaluation \(https://www.eeoc.gov/newsroom/eeoc-mediation-program-scores-high-marks-major-survey-participants-0\)](https://www.eeoc.gov/newsroom/eeoc-mediation-program-scores-high-marks-major-survey-participants-0)** of EEOC's mediation program as well as EEOC-administered survey responses from June 2018 and July 2019.

“In 2000, we reported that the EEOC had ‘hit a home run’ in its in-person mediation program. Twenty years later, without a playbook on the transition from in-person mediation to online dispute resolution (ODR), there is a similar result with even greater import,” said McDermott. “This ODR program data suggests to the dispute resolution community and to the U.S. legal system that new and flexible online mediation procedures are seen by all the parties and representatives as efficient, flexible, cost-saving, attractive, and preferable to traditional in-person mediation.”

The participant study also found that online mediation significantly increases access to justice for charging parties. About 1 in 5 charging parties do not want to be in the same physical location as their employer and the virtual format provides “a safe space” for those participants. It also provides employers with more flexibility, which makes them more likely to participate in mediation. Nearly two thirds (62%) of employers reported that the availability of online mediation made it more attractive for them to participate in the EEOC’s mediation program.

About the EEOC’s mediation program

The EEOC launched its voluntary mediation program in February 1999, and it became fully operational at every agency district office nationwide in April of that year. Since its implementation through fiscal year 2021, the agency has held nearly 249,000 mediations, resolved almost 180,000 private sector charges, and obtained monetary benefits of more than \$3.15 billion for charging parties through this process. In fiscal year 2021 alone, the agency conducted 6,644 successful mediations resulting in \$176.6 million in benefits to charging parties—an increase in both the number of successful mediations and the monetary benefits recovered from the prior fiscal year.

Mediation is a form of **alternative dispute resolution offered by the EEOC** (<https://www.eeoc.gov/mediation>) early in the process to facilitate resolution without lengthy investigations or litigation. Mediation is voluntary and confidential. Unlike an arbitrator or judge, the mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator serves as a neutral third-party facilitator, helping the parties to arrive at a mutually acceptable resolution.

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov (<http://www.eeoc.gov>). Stay connected with the latest EEOC news by subscribing to our **email updates** (<https://public.govdelivery.com/accounts/USEEOC/subscriber/new>).