



Codes of Conduct

Mediators are public servants. They must act by the Ministry of Business Innovation and Employment code of conduct, the State Services Commission standards of integrity and conduct and this code of ethics.

Responsibilities

Ministry of Business Innovation and Employment mediators provide a professional service to help resolve disputes between parties in employment relationships, residential tenancies, Unit Titles and weathertight homes. They have ethical responsibilities to all parties in the dispute resolution process and system.

The mediator's role

A mediator is an impartial third party who helps people to resolve disputes. A mediator promotes communication and understanding, assists in identifying needs and interests and uses problem solving techniques to help parties in a dispute reach their own resolution. Mediators provide processes and make suggestions to help parties consider options for resolution.

Mediators will respect the culture and beliefs of the participants and help to let all parties participate fully in the mediation.

Ministry of Business Innovation and Employment mediators perform other functions, which support dispute resolution and positive relationships. This Code of Ethics also applies to mediators when they are performing those functions

Principles

This section outlines a number of principles that mediators must observe.

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 only participate in matters in which they can remain impartial and even-handed. If at any time the mediator is unable to ensure the process is carried out in an impartial manner the mediator must withdraw.

A mediator must avoid bias, and conduct that could be seen as biased.

2. Participation in Mediation

Mediation is a voluntary process. Mediators must make sure that parties are able to make informed decisions. Parties have a right to end their participation in mediation at any time. A mediator may end the mediation if any party is abusing the process, or if the mediator thinks there is no reasonable prospect of a resolution, or if they believe the case is inappropriate for mediation.

3. Limits to Confidentiality

Mediators and parties in a mediation are bound by confidentiality as set out in the Employment Relations Act

2000, the Residential Tenancies Act 1986, The Unit Titles Act 2010, the Weathertight Homes Resolution Services Act 2006, and other relevant legislation. Confidentiality does not apply to collective bargaining mediations. The mediator may only release information about the mediation in very limited situations, such as possible threats to personal safety.

4. Conflicts of interest

Mediators must let the parties know of any relationship, past or present, with anyone involved in the mediation. A mediator must disclose any relevant financial interests. The mediator must disclose these conflicts as soon as they are aware of them. Where there is a conflict of interest or an appearance of bias, mediators must be prepared to withdraw from the mediation, particularly if requested by the parties.

5. Quality of mediation process

A mediator must be well prepared for the mediation and be able to manage it effectively. For there to be an agreed outcome, all parties must give free and informed consent. The mediator must uphold the integrity of the mediation process and act according to legislation. A mediator must not mediate if they will not be able to 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.