



Information about the Diversity and Inclusion Mediation Charter



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Introduction

At CEDR, we are committed to improving diversity and inclusion in civil and commercial mediation. We believe that mediation is best delivered by mediators who represent the full range of society, and that there should be no barriers to entering the profession based on individual characteristics. We recognise that commercial mediation does not currently have proportionate representation for gender, race and age and we are committed to increasing the diversity of mediator representation to more accurately reflect society.

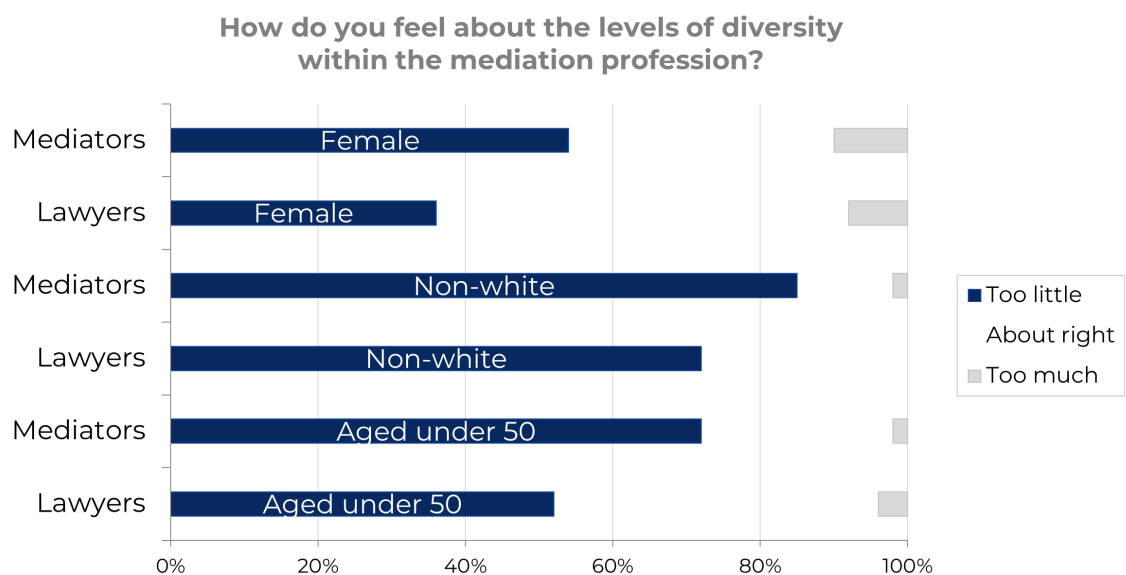
Rationale for a Charter

As an established profession supporting clients to resolve their disputes, it is important that mediation, as with all professions, reflects the society that it serves. The diversity of mediators in being able to bring different experiences, perspectives and styles can be an important factor in achieving resolution.

There is a clear need to increase diversity in mediation, particularly on the grounds of gender, age and race. The data from CEDR's 2020 Mediation Audit indicates:

- 41% of experienced mediators are female.
- Non-white mediators make up only 8% of the mediator profession compared with 17% of solicitors; and
- 75% of commercial mediators are over the age of 50 with the average age of a male mediator being 59 and a female mediator being 53.

This need for diversity is also reflected in the views of lawyers and mediators surveyed by the 2020 audit who saw a particular need for an increase in non-white mediators and those who are under 50.



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CEDR Mediation Audit 2020: Survey of Mediator Profession

The CEDR Audit identified an appetite for proactive work from mediation organisations and law firm clients to help improve the diversity of the mediation profession:

- 92% of lawyers surveyed said they would support a charter;
- 100% of lawyers said that where mediator recommendation lists are provided that they always include diverse candidates; and
- 92% of lawyers and 96% of mediators supported the use of junior mediators as assistants working with senior mediators to increase access to the field.

For law firms, therefore, this charter focuses on improving representation of these three protected characteristics, whilst recognising that there is work to do to improve diversity and increase the inclusion of people with all protected characteristics. We want mediators to be selected through fair and transparent processes that focus on their competence and experience as mediators, rather than any other factors. We acknowledge that Law Firms have a fundamental part to play in helping us to encourage the inclusivity of mediators from all backgrounds.

Our Approach

In our approach to improving diversity, we are not seeking to exclude any individual mediator. Rather, we seek to increase opportunities for all by removing direct and indirect barriers to progression and development.

Change does not happen in a vacuum and we are aware of the need for there to be a public acknowledgement of the importance of diversity in the mediation profession, from those working as mediators, mediator providers and mediation training providers, and clients. Mediation is a voluntary process by all involved and comes frequently with a large amount of choice. In committing to a charter, we are asking those who sign it to pledge to utilise that choice in a way which supports these values and improves commercial mediation.

For more information:

- CEDR 2021 Mediation Audit: https://www.cedr.com/wp-content/uploads/2021/05/CEDR_Audit-2021-lr.pdf
- Improving Diversity in Commercial Mediation Report: <https://www.cedr.com/wp-content/uploads/2019/10/Full-Report-CEDR-Foundation.pdf>

Following is a copy of the Diversity and Inclusion Mediation Charter.

CEDR Diversity and Inclusion Mediation Charter

This charter is designed to allow law firms, mediators and mediation providers to commit to supporting the mediation profession's initiatives to improve diversity and inclusion.

For CEDR Charter Signatories:

As a group of mediators, lawyers, representatives of corporates, states, public bodies, mediation service providers, academics and others involved in the resolution of civil and commercial disputes, we are committed to improving the diversity of mediators. In particular, we consider that mediators should be appointed based on their experience and that opportunities to gain experience should be made available to address accessibility within the profession.

I/we commit in my role or capacity to ensure that wherever possible:

1. There is a fair representation of mediators taking into account, gender, age and ethnicity, including when:
 - a. considering candidates to act as mediators;
 - b. compiling lists of potential mediators to be considered by advisors, clients and opponents;
 - c. composing committees, governing bodies, conference and presentation panels addressing mediation; and
 - d. delivering training on mediation and mediation related topics.
2. Encourage and supporting the practice of mediator development through mentoring/ sponsorship, encouragement and facilitating mediator assistantships (also known as mediation observerships), where a junior mediator attends a mediation to gain experience;
3. Agree a fair and proportionate price for mediation services that reflect the value and complexity of the case together with the experience of the mediator.
4. For organisations, assign named individuals as champions of diversity and inclusion; and where we have internal lists of mediators, reviewing that list annually to ensure it accords with our diversity & inclusivity values.
5. Record and report diversity statistics to CEDR for inclusion in the biennial mediation audit.



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