



IMI Certification in E-Mediation

Annex 2

E-Mediation Core Competency Practical Skills

The following areas of practical skills are required for effective use of mediation integrated with ICT (Information and Communication Technology). This list is intended to aid e-Mediation QAPs in designing skills assessments. The list is not necessarily exhaustive or mandatory and is offered as guidance.

1. **General skills in mediation (IMI Certification)** include but are not limited to ethical obligations, neutrality, awareness of potential biases (conscious and unconscious), and confidentiality.
2. **Skills related to technology:**
 - 2.1. Basic computer skills and basic mobile computing skills;
 - 2.2. Working with ICT platform set-up, operation, and trouble-shooting;
 - 2.3. Ability to manage efficiently any technology challenges;
 - 2.4. Ability to use the technical equipment and environment (e.g. lighting, sounds, distractions) in order to deliver a high-quality experience to participants of the respective e-Mediation;
 - 2.5. Ability to convey clear and effective messages in verbal and non-verbal communication synchronously and asynchronously;
 - 2.6. Ability to use the ICT platform in such a way that the platform does not take away the focus from the content of the conversation with/among the parties;
 - 2.7. Ability to show confidence and critical self-awareness in working with technology to address parties' issues;
 - 2.8. Ability to simultaneously address people who are in different countries and regions and different time zones – understanding the impact that this can have on the dynamics of the communication;
 - 2.9. Understanding implications for privacy in storing digital information and communicating with parties and others online;
 - 2.10. Ability to combine asynchronous communication and videoconferencing in order to manage caucuses;
 - 2.11. Ability to use specific options of the ICT platform such as (i) meeting planning, (ii) screen sharing, (iii) online caucus, (iv) giving mouse controls, (v) muting and unmuting, (vi) multiple webcams (vii) multiple modes of communication simultaneously.
3. **Skills related to the e-Mediation process**
 - 3.1. Assessing suitability of the dispute/disputants to e-Mediation
 - 3.2. Determining which approaches are likely to add value to e-Mediation;
 - 3.3. Determining and explaining to the parties the impact of the use of ICT in terms of process and potential impact on the outcome of mediation;



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- 3.4. Dealing with the different levels of readiness of the parties to accept the implication of using ICT in the mediation process, evaluating and securing equal access to ICTs for all parties involved.
- 3.5. Determining special costs or fees associated with the use of ICT in e-Mediation.
- 3.6. Preparing for e-Mediation
 1. Considering parties' knowledge of mediation process and impact of ICT;
 2. Understanding the level of technical knowledge of the parties and their capacity to communicate effectively using ICT platforms;
 3. Guiding parties and all participants through the ICT (the process and information management);
 4. Identifying possible outcomes, risks and consequences associated with e-Mediation;
 5. Identifying and explaining to the parties (in common-language) the potential risks in relation to privacy and confidentiality while using online or computer-based platforms or applications;
 6. Identifying and communicating common technical issues, problems or questions that may arise during an e-Mediation process and providing parties with possible protocols to address them;
 7. Identifying reasonable industry standards for security and privacy protection of a determined online or computer-based platform, and refraining from using or recommending the ones that do not meet those standards;
 8. Creating a protocol agreement that defines the parties' understanding of the process, the use of any ICT, the potential risks to their information, and the responsibilities of an e-Mediator (including responsibilities related to confidentiality and ability to provide protection to data transmitted online);
 9. Choosing the online platform that is going to be used during the e-Mediation;
 10. Getting agreement regarding who will be present during the different audio and/or video sessions of the e-Mediation;
 11. Getting agreement regarding who will have access to any information stored online as part of the mediation process and define how that access is going to take place;
 12. Creating an atmosphere where the use of ICT by the e-Mediator outside of the mediation does not create the perception of a conflict of interest by the parties;
 13. Identifying and getting agreement on the procedure to follow in case of technology breakdown;
 14. Disclosing the appropriate information so the e-Mediation can be conducted without any conflict of interests; ensuring transparency with regard to the e-mediator, the institution, the 4th party and the online procedure.
 15. Identifying the parties' understanding of the sources of the dispute, their interests, rights and options, and the other party/ies' interests, rights and options.
- 3.7. During e-Mediation**
 1. Effectively using technology and outside assistance if needed;
 2. Conducting a high-quality process within the online environment;
 3. Deciding on the best online process that meets the needs of the parties despite personal preferences or bias in favour or against the use of ICT;
 4. Monitoring of the parties' perceptions and attitudes towards the e-Mediation and adjusting the process respectfully;
 5. Being aware of the different features of the ICT platform, their corresponding advantages and constraints to be able to discern which feature to use in which context;
 6. Understanding and dealing with technology impact in power imbalances (e.g. typing capabilities of the parties, imbalance due to computer power and internet speed, others);



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7. Monitoring to ensure that parties deal with the online process on equal ground and competence;
8. Being self-aware to avoid becoming biased by party's performance using ICT;
9. Taking advantage of the change of communication type provided by online dispute resolution mechanisms to help the parties take the most out of the situation (e.g. create space for brainstorming, time to reflect, etc.);
10. Understanding how to adapt text/audio/video based communication to the kind of issue parties are discussing;
11. Applying emotion management techniques;
12. Understanding how to use active listening online that also includes attentive and active reading;
13. Using ICT to facilitate negotiations in an efficient way;
14. Ensuring that impartiality is maintained;
15. Exhibiting lack of bias related to considerations of geographical location or cultural orientation of e-Mediator or use of facilities;
16. Ensuring that the e-Mediator's conduct is always professional and appropriate (respecting the protocol agreement regarding the access to parties, responsiveness to parties' requests, taming tempers);
17. Managing the continuation and the termination of the e-Mediation (addressing parties' hanging up, technical failure, automated processes, etc.);
18. Understanding how to translate face to face mediation techniques into the online environment.

3.8. Reaching agreement

1. Ensuring parties have given their informed consent;
2. Ensuring that agreement addresses issues, interests and rights as identified throughout the process.

3.9. Post-mediation process

1. Encouraging parties to provide feedback on their experience in e-Mediation;
2. Conducting follow-up when needed.