

Code of Conduct for Mediators

Introduction

This Code shall apply to every Mediator registered with Karachi Centre for Dispute Resolution (KCDR). All such mediators must adhere to this Code as a minimum. KCDR may suspend or revoke the registration of a mediator or refuse to let him/her conduct mediations at KCDR if he/she is in breach of this Code. It will be the objective that any such step is taken after complaints are investigated thoroughly and fairly, and that no mediator is arbitrarily suspended or removed.

Objectives of the Code

The main objectives of the Code of Conduct are as follows:

- (a) To provide guiding principles for the mediator's conduct;
- (b) To provide a means of protection for the public; and
- (c) To promote confidence in mediation as a process for resolving disputes.

Provisions of the Code

The mediator shall:

- (1) At all times act, and endeavour to be seen to act, independently, fairly and with complete impartiality towards the parties in Mediation without any bias in favour of any party or any discrimination against any party;
- (2) Not carry on any activity or conduct which could reasonably be considered as conduct unbecoming of a mediator;
- (3) Provide accurate information about his or her education, background, Mediation training and experience, in any representation, biographical or promotional material and in any oral explanation of same.
- (4) uphold the integrity and fairness of the mediation process;
- (5) Have an obligation to acquire and maintain professional skills and abilities required to uphold the quality of the mediation process.
- (6) Conduct himself/herself professionally at all times, and shall not engage in behaviour that will bring disrepute on the Mediator or the KCDR.

- (7) Provide information about the procedural aspects of the mediation process and about his or her role in the mediation before mediation commences, including the fact that authority for decision making rests with parties, not the mediators.
- (8) Recognize and respect the principle that parties in Mediation have the right to make their own voluntary, non-coerced decision regarding the possible resolution of any issue in dispute.
- (9) Not provide legal or professional advice to the parties in Mediation.
- (10) Disclose any interest or relationship likely to affect impartiality or which might give rise to an appearance of partiality or bias;
- (11) Disclose to the parties, any matter which could be regarded as involving a conflict of interest (whether apparent, potential, or actual) in the Mediation. This disclosure shall be made in writing to all parties as soon as the Mediator becomes aware of it. In these circumstances the Mediator will not act (or continue to act) in the Mediation unless all the parties specifically acknowledge the disclosure and agree, in writing, to the Mediator acting or continuing to act as Mediator.
- (12) Not act for any of the Parties individually in connection with the dispute which is the subject of Mediation while acting as the Mediator or at any other time thereafter, without the written consent of all the other parties.
- (13) Not disclose to anyone any information or documents that are exchanged for or during the Mediation process except:
 - With the expressed consent of the parties in mediation
 - When required to do so by law
 - When the information/documentation discloses an actual or potential threat to human life:
 - Any report or summary that is required to be prepared by the mediator; or
 - Where the data about the Mediation is for research and education purposes, and where the parties and the dispute are not, nor may reasonably be anticipated to be, identified by such disclosure.
- (14) Maintain confidentiality in the storage and disposal of Mediation notes, record and files.

(15) Refrain from promises or guarantees of results.

(16) Withdraw from the proceedings, if he / she:

- Is required to do so by any of the parties.
- Is in breach of this Code.
- Is required by the parties to do something which would be in material breach of this code.

(17) Withdraw from the Mediation at his / her own discretion if:

- Any of the parties is in breach of the Mediation Agreement.
- Any of the parties is, in the Mediator's opinion, acting in an unconscionable or criminal manner.
- The Mediator decides that continuing the mediation is unlikely to result in settlement; or
- Any of the parties allege that the Mediator is in material breach of this Code.