

## Chapter Four

### Profiling Mediation Trainer-Practitioners in Canada

#### *Introduction*

This chapter paints a portrait of mediation trainer-practitioners in Canada during the late 1990's<sup>37</sup>. Personal demographics, education, work status, fee structure, and incentives to mediate are compared and contrasted using four contextual variables: 1) gender; 2) dispute sector; 3) educational background; and, 4) number of years working as a mediator.

Three general conclusions have been drawn from the analysis presented in this chapter. Firstly, individuals who work in this occupation are a diverse group and characteristic of other mediators in Canada. Secondly, what attracts an individual to work as a mediator has changed over the last number of years. And thirdly, how long an individual has worked as a mediator is more likely to be an indicator of what drew them to work as a mediator than their gender, the dispute sector in which they work, or their educational background. To illustrate this, respondents who have worked as

---

<sup>37</sup> The information is based on a sample of 88 mediation trainer-practitioners from across Canada who completed an eighteen-page written questionnaire consisting of mostly open-ended questions. The data set was compiled from the following sources: 1) the Network: Interaction for Conflict Resolution 1997 membership list; 2) a 1996 list compiled by Family Mediation Canada; 3) a list of names suggested by the Canadian Foundation for Dispute Resolution; 4) the 1997 Arbitration and Mediation Institute of Ontario Directory of Members; 5) the Ontario Bar Association 1996 list of ADR practitioners; 6) the Alberta Arbitration and Mediation Society 1997 Directory; and, 7) the Mediation Development Association of British Columbia. These sources were supplemented with data contained in the 1995 Department of Justice report entitled, *Dispute Resolution in Canada: A Survey of Activities and Services*. Any individual who self-identified as a mediation trainer and practitioner was included in the sample.

mediators ten or more years are highly motivated by the ideological goals of social change and empowerment. Respondents who have more recently come to do the work of a mediator are more likely to be drawn to mediation for personal career goals. Finding the work personally challenging and satisfying is what sustains the interest of most respondents', whether newcomer or veteran, in continuing to work as mediators.

For the most part, the findings presented in this chapter are descriptive. More complex analysis, which examines the combinations and patterns of differences, are carried out in Chapters 5, 6 and 7. The principle goal of this chapter is to present the characteristics of Canadian mediation trainer-practitioners as a group. It is worth noting once again that eligibility for inclusion in the sample for this study required that individuals be both practicing mediators and mediation trainers. No other study in the extant literature used a similar study group.

While the above requirement may set respondents apart from the general mediation population in Canada<sup>38</sup>, based on the results of previous research there appears to be considerable similarity between the two groups. Kruk (1998), for example, found family mediators to have considerable life and professional experience; to be on average forty-six years of age; and, the

---

<sup>38</sup> The population of mediators in Canada includes anyone who practices as a mediator in an organizational or institutional setting.

majority of family mediators to have either a masters level degree or law degree. Almost two-thirds of the mediators in Kruk's study work in private practice; the others work in court or community based programs. Less than ten percent (10%) of family mediators worked full-time as mediators – most devote only about one third of their time to the practice of mediation.

Research carried out by the Network: Interaction for Conflict Resolution and the Department of Justice Canada (1995) also found that dispute resolvers favored private practice and that many viewed their dispute resolution activities as a sideline to their main source of income.

Respondents in the study being reported on here were also found to be mostly self-employed and working full time, devoting about one-quarter of their professional work to mediation activities. Similar to family mediators in Canada (Kruk, 1998), almost equal proportions of men and women work as trainer-practitioners. They offer mediation services in a range of dispute sectors, and the majority mediate in more than one sector. No notable demographic differences were found to exist in this sample of mediators when compared to the other two Canadian studies reported above.

There does not appear to be an existing profile of Canadian mediation trainers. Finding that they are demographically similar to the general mediation community is a useful insight. There is no reason, however, to

expect that they would be different given that new occupations commonly train “their own”.

What follows is a detailed description of the eighty-eight individuals who participated in this study. Each were working as mediation trainers and practitioners in Canada in 1998. The first section of the chapter examines personal demographics including age, gender, background, education, training, experience, and work status. The second section examines what attracts individuals to become mediators and what sustains their interest in the work. Knowing the incentives for working as mediators may provide insights into the current practice of mediation and allow us to make predictions about mediation in the future.

## I. Personal Demographics

### *Age, Gender and Background*

#### *Highlights*

- ❑ *Most respondents are in their mid to late forties.*
- ❑ *Most were born in Canada, as were their parents.*
- ❑ *As a group, lawyers are the youngest.*
- ❑ *Individuals with business backgrounds are the oldest.*
- ❑ *A relatively equal number of men and women work as trainer-practitioners.*

Trainer-practitioners tend to be in their forties and fifties (Table 6). The mean age is forty-eight years and the range is thirty to seventy years.

Table 6. Age Groups

AGE GROUPS	FREQUENCY (n)	VALID PERCENT
30-39	10	12%
40-49	48	55%
50-59	23	26%
60-70	6	7%
Total	87	100%

87 valid cases; 1 missing case

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Respondents with a business background tend to be slightly older than the rest of the sample (Table 7). Lawyers tend to be the youngest. These findings are not that surprising given that the Canadian Bar Society only endorsed the use of ADR in 1989<sup>39</sup> while alternative dispute resolution processes have been used in commercial and community disputes for some time.

Table 7. Age Groups and Educational Background

AGE GROUP	LAW	SOCIAL SCIENCE	BUSINESS	TOTAL
30 to 39	8% (2)	13% (6)	15% (2)	12% (10)
40 to 49	73% (19)	52% (25)	31% (4)	55% (48)
50 to 59	19% (5)	29% (14)	31% (4)	26% (23)
60 to 70		6% (3)	23% (3)	7% (6)
TOTAL	100% (26)	100% (48)	100% (13)	100% (87)

87 valid cases; 1 missing case

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

<sup>39</sup>See the Canadian Bar Association, Report of the Canadian Bar Association Task Force on Alternative Dispute Resolution: A Canadian Perspective, 1989.

Almost equal proportions of men (47%) and women (53%) in this study work as mediation trainer-practitioners. The gender split in Ontario and Alberta is relatively even while in British Columbia slightly more than half (62%) of trainer-practitioners are women.

Most (80%) of the trainer-practitioners in this study were born in Canada, as were many of their parents (65%). Another ten percent were born in the United Kingdom while the remaining respondents were born in Europe (5%), the United States (3%), the Caribbean (1%), and in South America (1%). When asked if they identified with a minority group, three-quarters (76%) of respondents said “no”. Those who answered “yes” to this question were asked to indicate the group to which they most identified. The distribution was as follows: Jewish (6%), French Canadian (3%), women (3%), First Nations (2%), and physically disabled (2%).

#### *Provincial Breakdown*

##### *Highlights*

- ❑ *Close to half of the respondents live in Ontario.*
- ❑ *Another third live in British Columbia and Alberta.*
- ❑ *There is representation in the sample from all provinces except Prince Edward Island, New Brunswick, and the Territories.*

Close to half of the respondents in this study are from Ontario (Table 8). Another third live on the West Coast, either in British Columbia or Alberta.

Table 8. Questionnaire Distribution and Return by Province

PROVINCE	MAILOUTS	PERCENT	RETURNS	PERCENT
ALBERTA	36	10%	16	17%
BRITISH COLUMBIA	63	17%	18	20%
MANITOBA	19	5%	6	7%
NEWBRUNSWICK	4	1%	0	0%
NEWFOUNDLAND	7	2%	1	1%
NOVA SCOTIA	6	2%	1	1%
NORTH WEST TERRITORIES	0	0%	0	0%
ONTARIO	190	51%	38	43%
PRINCE EDWARD ISLAND	4	1%	0	0%
QUEBEC	21	6%	4	5%
SASKATCHEWAN	17	5%	4	6%
YUKON	0	0%	0	0%
TOTAL	370	100%	88	100%

88 valid cases; 0 missing cases

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

These numbers are not all that surprising given that slightly more than half of the questionnaires were mailed to Ontario residents (Table 8). Few questionnaires were sent to trainer-practitioners living in Quebec<sup>40</sup>. The numbers also reflect the fact that Ontario and the West Coast have been hubs for mediation activity in Canada for some time. This was confirmed in the Department of Justice study, which reported that the provinces of Ontario,

<sup>40</sup> The instrument used to collect the data was in English only limiting the number that could be sent to French speaking Canadians in Quebec. There were a number of requests for a French version of the questionnaire. A similar study should be carried out in French.

British Columbia and Alberta had the most dispute resolution activities (1995:45). Furthermore, British Columbia formed one of the first professional mediation associations in 1984. *Family Mediation Canada* was incorporated a year later, as was *The Network: Interaction for Conflict Resolution*. Both of these national organizations are located in Ontario.

### *Dispute Sectors*

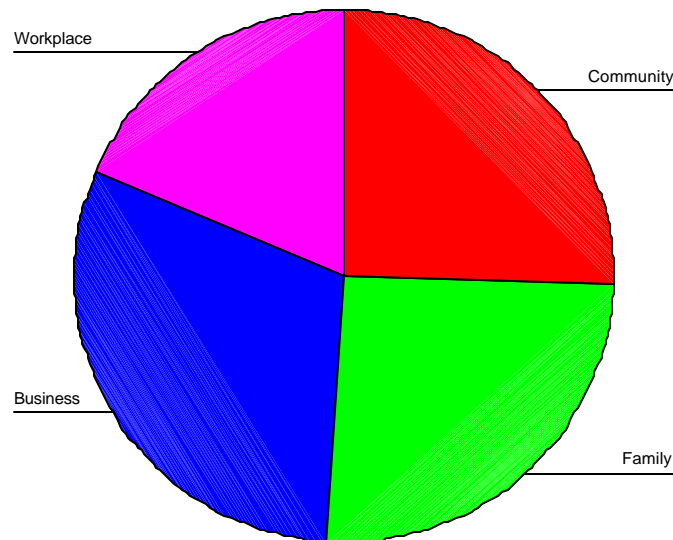
#### *Highlights*

- ❑ *Respondents work in four dispute sectors: community, family, workplace, and business.*
- ❑ *Most trainer-practitioners work in more than one dispute sector.*
- ❑ *Men more typically work in the business sector and women in the community sector.*
- ❑ *For both men and women, family mediation is their second most active sector.*

Mediation trainer-practitioners work in various conflict arenas. This was also noted in the Kruk (1998) and Justice (1995) studies. Based on the responses of those who completed the research questionnaire, the various types of disputes were organized into four distinct sectors: 1) business, 2) family, 3) community, and 4) workplace (Diagram 1). The *Business Sector* comprises the largest proportion of respondents – thirty percent (30%). It includes trainer-practitioners who handle commercial, construction, public policy, environmental, landlord-tenant, motor vehicle insurance, small claims, and other civil disputes. The *Family Sector* makes up twenty-six percent (26%) of respondents. They handle custody, access, property and other

issues relating to separation and divorce, as well as other family related conflict situations. The *Community Sector*, which includes victim-offender, school and church programs, and First Nations issues, also comprises twenty-six percent (26%) of respondents. The *Workplace Sector* accounts for eighteen percent (18%) of respondents and includes disputes that arise between union and management and within organizations, as well as human rights complaints.

Diagram 1: Distribution by Dispute Sectors



Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Most members of the study group mediate in more than one dispute sector. For example, community mediators mediate in schools and universities, they mediate criminal and civil court cases as well as church

disputes; they rarely mediate labour disputes, public policy or environmental issues. Respondents who work in the family sector mediate some business, workplace and community disputes but they rarely mediate criminal cases, labor disputes, or public policy issues. Individuals who work in the business sector tend to be the most eclectic in their practice. They mediate workplace-based issues, civil court cases, public policy, labour and environmental issues, and in the educational and community sectors. They rarely, however, mediate family/divorce cases. Respondents in the workplace sector mediate community, business, family and educational disputes.

Male mediators more typically mediate in the business sector and they work least often in the community sector (Table 9). The reverse is true for women mediators.

Table 9. Dispute Sector and Gender

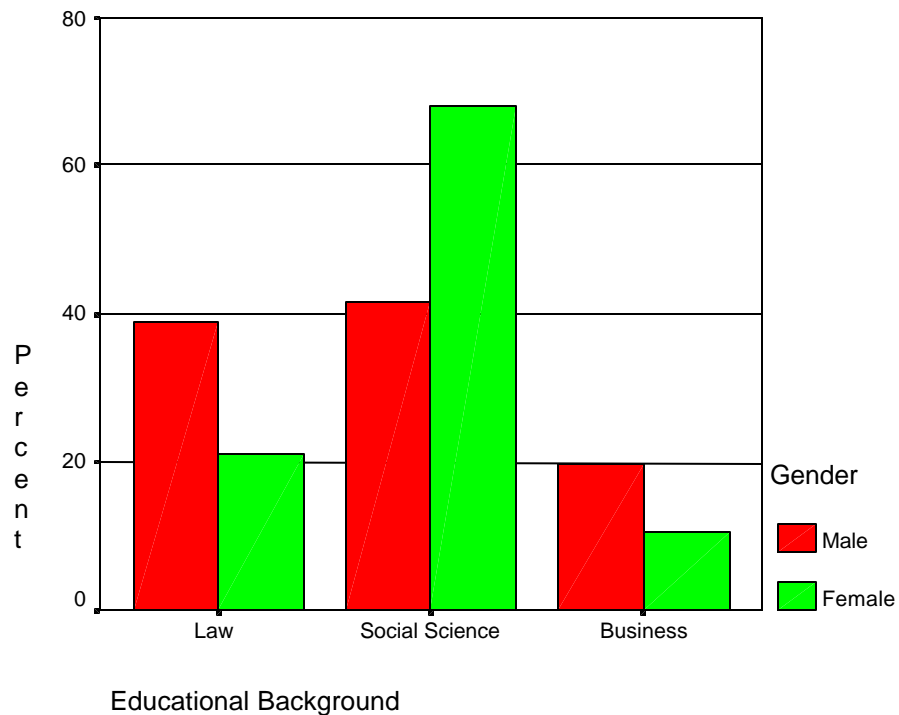
SECTOR	MALE	FEMALE	TOTAL
Community	15% (6)	35% (16)	26% (22)
Family	23% (9)	28% (13)	26% (22)
Business	45% (18)	17% (8)	30% (26)
Workplace	18% (7)	20% (9)	18% (16)
TOTAL	100% (40)	100% (46)	100% (86)

86 valid cases; 2 missing cases

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Some of the differences in where men and women more commonly mediate may be accounted for by the fact that more than half (58%) of the men have a law (39%) or business (19%) background (Diagram 2). This is in contrast to only twenty-one percent (21%) of women with law degrees and eleven percent (11%) with business backgrounds. Almost two-thirds (68%) of the women in this sample have social sciences backgrounds. For both women (28%) and men (22%), mediating family/divorce disputes is their second most active dispute area.

Diagram 2: Gender and Educational Background



Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Two-thirds of respondents with business backgrounds and one-half of those with law backgrounds work in the business sector. Individuals with social science backgrounds are more eclectic - one-third work in the community sector, one-third in the family sector, one-quarter in the workplace sector. Only twelve percent (12%) work in the business sector. This study also shows provincial differences in the use of mediation services (Table 10).

Table 10. Dispute Sector and Province

DISPUTE SECTOR	ALBERTA	BRITISH COLUMBIA	ONTARIO	OTHER	TOTAL
Community	25% (4)	17% (3)	25% (9)	38% (6)	26% (22)
Family	19% (3)	33% (6)	22% (8)	31% (5)	26% (22)
Business	44% (7)	22% (4)	36% (13)	13% (2)	30% (26)
Workplace	13% (2)	28% (5)	17% (6)	19% (3)	19% (16)
TOTAL	100% (16)	100% (18)	100% (36)	100% (16)	100% (86)

86 valid cases; 2 missing cases

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

### *Education, Mediation Training and Experience*

#### *Highlights*

- ❑ *Two thirds of respondents have started or completed a graduate degree.*
- ❑ *Only 7% of the sample do not have university degrees.*
- ❑ *More men than women have law degrees.*
- ❑ *More women than men have graduate degrees.*
- ❑ *Most individuals received their mediation training within the last 10 years.*
- ❑ *Most were trained in Canada.*
- ❑ *Two-thirds of the sample have worked as a mediator 7 or more years.*
- ❑ *Lawyers are the most recent group to become mediators.*
- ❑ *Mediators with business backgrounds have worked the longest.*

Mediation trainer-practitioners are well educated - two-thirds (66%) have completed or done some graduate studies, or have completed a law bachelor degree. Only seven percent (7%) of respondents do not have university degrees. Thirty-three percent (33%) of respondents have master's degrees, while twenty-three percent (23%) have law degrees.

Two-thirds of respondents with social science backgrounds are women (Table 11). Men comprise two-thirds of those with law backgrounds and two-thirds of individuals with business backgrounds.

Table 11. Educational Background and Gender

	LAW	SOCIAL SCIENCE	BUSINESS	Total
MALE	62% (16)	35% (17)	62% (8)	47% (41)
FEMALE	39% (10)	65% (32)	39% (5)	53% (47)
Total	100% (26)	100% (49)	100% (13)	100% 88

88 valid cases; 0 missing cases

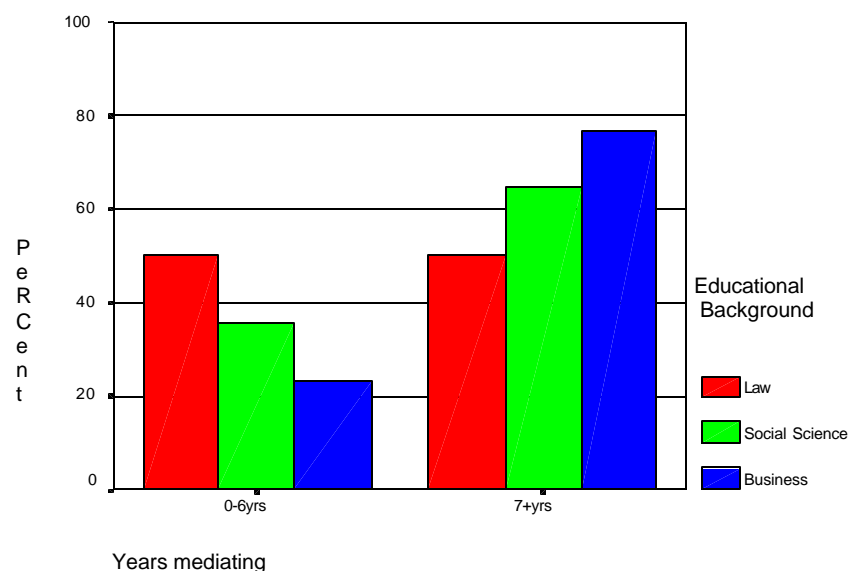
Source: C. Picard, *A Survey of Mediation in Canada*, 1998

The majority of respondents (70%) received their mediation training within the last ten years. As well, most (77%) of the study group attended a mediation course held in Canada that was offered by the private sector or professional associations. Few (11%) trainer-practitioners were introduced to mediation in university.

Respondents have been working as mediators on average nine years; the mode is ten years. Two-thirds (62%) have worked as mediators seven or more years. Respondents have worked as trainers an average of six years with a mode of two years. Only one-third (38%) of respondents have worked seven or more years as a trainer.

Mediation trainer-practitioners with law backgrounds are the most recent group to do this work; half of them have worked six or less years. On the other hand, respondents with a business background have worked as mediators the longest – more than three-quarters (77%) have worked seven or more years. They are followed closely by trainer-practitioners with social science backgrounds as two-thirds (65%) of the sample have also worked as mediators seven or more years (Diagram 3).

Diagram 3: Background and Years as a Practicing Mediator



Women and men have worked as mediators relatively the same number of years. Close to two-thirds of women (61%) and two-thirds of men (63%) have been mediating seven or more years.

### *Work Status*

#### *Highlights*

- ❑ *Only 1/4 of respondents' full-time work is spent mediating.*
- ❑ *More men work full-time than women.*
- ❑ *Family mediators work more often than other mediators.*
- ❑ *Family mediators also train the most frequently.*
- ❑ *Most trainer-practitioners are self-employed.*
- ❑ *Community mediators are the exception as close to half of them work as salaried employees.*

Most of the respondents in this study work full time (83%), however, mediation does not comprise all of their activities. While almost everyone (95%) mediated within three months of completing the study questionnaire, less than one-quarter (20%) work as mediators on a full-time basis. In fact, almost half (45%) spend less than twenty-five (25%) percent of their time mediating. This figure is similar to the Kruk study, which found that Canadian family mediators spend only one-third of their time mediating (1998:12).

Respondents spend even less time training. Two-thirds (63%) spend less than one-quarter of their time working as trainers. Only fourteen (14%) percent spend more than half of their paid time as mediation trainers. Seventy (70%) percent delivered fewer than ten courses in a two-year period.

Family trainer-practitioners mediate the most often (Table 12). This should not be surprising given that as an occupational sector they are more organized than any other sector. The formation of *Family Mediation Canada*<sup>41</sup> in 1985 helped to promote the use of mediation in a family context. The passing of many provincial and federal laws supporting the use of mediation has also helped family mediation flourish. The majority of mediators in the community, business and workplace sectors mediate less than five times per month.

Table 12. Monthly Mediations and Dispute Sector

	COMMUNITY	FAMILY	BUSINESS	WORKPLACE	Total
Less than 5 times a month	80% (16)	41% (9)	72% (18)	63% (10)	64% (53)
6-10 times a month	15% (3)	14% (3)	20% (5)	25% (4)	18% (15)
11-15 times a month	5% (1)	23% (5)	8% (2)	13% (2)	12% (10)
16-20 times a month		9% (2)			2% (2)
More than 20 times per month		14% (3)			4% (3)
TOTAL	100% (20)	100% (22)	100% (25)	100% (16)	100% (83)

83 valid cases; 5 missing cases

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

<sup>41</sup> *Family Mediation Canada* is an interdisciplinary association of lawyers, social workers, human services and health care professionals working together to provide for cooperative conflict resolution relating to separation, divorce, and other family conflict situations. Today all provinces and territories have provincial mediation associations.

A similar pattern, albeit more muted, occurs when the number of training courses delivered over the past two years is cross-tabulated with the dispute sector in which they are most active. Once again, family mediation trainer-practitioners train the most often - thirty-nine (39%) percent of the sample have trained ten or more times during a two-year period. They are followed closely by trainers in the community sector as one-third (33%) also delivered ten or more courses, whereas only one quarter of the workplace (27%) and business (25%) sectors delivered the same number of courses.

The majority of mediation trainer-practitioners in the study group are self-employed (66%). Fewer than twenty percent (19%) of respondents who work full-time are salaried employees. Being self-employed is particularly true if respondents work in the business sector as three-quarters (77%) work for themselves. Similarly, family mediation trainer-practitioners are self-employed either on a full-time (55%) or part-time (14%) basis. Sector difference is most noticeable when respondents work in the community sector - almost one half of respondents (46%) are full-time salaried employees. There is also a greater likelihood that respondents with a social science background (31%) will work for someone else than those with a background in law (8%) or business (0%). Fewer women (45%) than men (63%) are full-time self-employed trainer-practitioners.

## Fees

### *Highlights*

- ❑ *Respondents derive their income by charging a fee for service on a sliding scale basis.*
- ❑ *On average, mediators charge \$130 per hour to mediate.*
- ❑ *They charge on average \$1000 per day to train.*
- ❑ *Individuals with law or business backgrounds charge the highest fees.*

The vast majority of trainer-practitioners in this study derive their income by charging a fee-for-service. Fewer than five percent of the respondents mediate as part of a salaried job. Slightly more than half of the respondents use a sliding scale in their fee structure, both as mediators (52%) and as mediation trainers (57%). The use of a sliding scale when charging for mediation does not appear to be connected to gender, dispute sector, or educational background.

Gender, sector, and educational background do, however, influence the use of a sliding scale when charging for training. Trainers in the community (76%) sector and the workplace (69%) sector use a sliding scale more often than trainers in the business (50%) or family (44%) sectors. Trainers with a background in the social sciences (61%) use a sliding scale more often than trainers with business backgrounds (42%). And, women trainers (68%) use a sliding scale more so than men (46%) trainers.

There is considerable difference in the fees mediators charge (Table 13). On average, respondents charge \$130.00 per hour for mediation services; the mode is \$150.00 per hour. The lowest fee charged by mediators in this study was \$20 per hour; the highest fee was \$300 per hour for a range of \$280. Once again, these findings are similar to those found by Kruk (1998:13) in his study of Canadian family mediators. He found that family mediators charge on average \$122 an hour and their fees range from \$10 to \$350 per hour.

Table 13. Hourly Mediation Rates

	Frequency (n)	Valid Percent
Less than \$100/hour	21	28%
\$100-149/hour	23	31%
\$150-200/hour	20	27%
More than \$200/hour	10	14%
Total	74	100%

74 valid cases; 14 missing cases

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

For their training services, respondents, on average, charge \$943 per day; the mode is \$500, the median is \$775. There is a wide spread between the lowest (\$90) and highest (\$2500) fee charged for training. The range of mediation training fees charged is \$2410.

Respondents with a business background charge the most to mediate followed closely by those with a law background (Table 13). This is in stark contrast to mediation trainer-practitioners with social service backgrounds, almost half of whom charge less than \$100 an hour to mediate. Similarly, trainers with law and business backgrounds charge the highest training fees – half of those with law backgrounds charge \$1000 or more per day to train as do forty-six (46%) percent of trainers with business backgrounds. The majority (57%) of trainers with backgrounds in the social sciences charge between \$500 and \$999 a day for their training services.

Table 14. Hourly Mediation Rates and Educational Background

	LAW	SOCIAL SCIENCE	BUSINESS	Total
Less than \$100/hour	8% (2)	43% (16)	23% (3)	28% (21)
\$100 to \$149/hour	25% (6)	35% (13)	31% (4)	31% (23)
\$150 to \$200/hour	46% (11)	16% (6)	23% (3)	27% (20)
More than \$200/hour	21% (5)	5% (2)	23% (3)	14% (10)
Total	100% (24)	100% (37)	100% (13)	100% (74)

74 valid cases; 14 missing cases

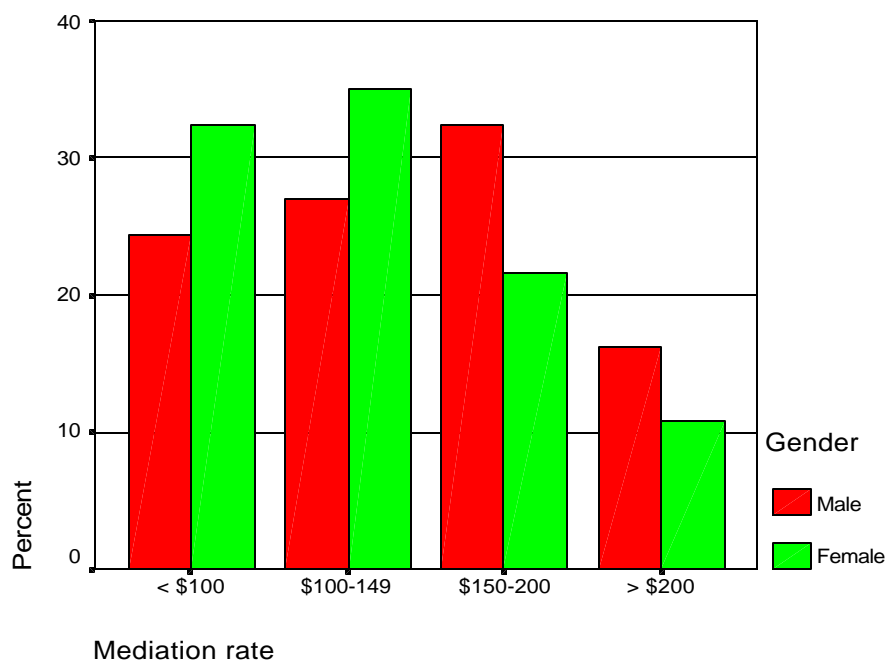
Source: C. Picard, *A Survey of Mediation in Canada*, 1998

This difference in fees charged for training continues to be striking across the different dispute sectors. Once again, individuals in the business sector charge the highest training fees. Thirty-three (33%) percent of trainers

working in this sector charge more than \$1500 per day; thirty-eight percent charge between \$1000 and \$1500 per day. In comparison, eighty percent (80%) of trainers in the community sector and sixty-four (64%) percent of family mediation trainers have daily rates of between \$500 and \$999.

Characteristically, male respondents charge higher fees to mediate than do their female counterparts. Half (49%) of the men in the sample charge \$150 or more per hour to mediate compared to only one-third (32%) of women (Diagram 4). This finding is particularly evident in the family sector where men charge significantly higher fees than women (Table 15). In the business and workplace sectors gender is not linked to higher fees.

Diagram 4: Mediation Fees and Gender



Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Table 15. Hourly Mediation Rates, Dispute Sector and Gender

		COMMUNITY	FAMILY	BUSINESS	WORKPLACE	
MEN	Less than \$100/hr.	50% (2)	25% (2)	18% (3)	29% (2)	25% (9)
	\$100 to 149/hr.	25% (1)	13% (1)	24% (4)	57% (4)	28% (10)
	\$150 to 200/hr.	25% (1)	63% (5)	35% (6)		33% (12)
	More than \$200			24% (4)	14% (1)	14% (5)
	Total	100% (4)	100% (8)	100% (7)	100% (7)	100% (36)
WOMEN	Less than \$100/hr.	56% (5)	39% (5)	14% (1)	14% (1)	33% (12)
	\$100 to 149/hr.	33% (3)	31% (4)	29% (2)	57% (4)	36% (13)
	\$150 to 200/hr.	11% (1)	31% (4)	29% (2)	14% (1)	22% (8)
	More than \$200/hr.			29% (2)	14% (1)	8% (3)
	Total	100% (9)	100% (13)	100% (7)	100% (7)	100% (36)

74 valid cases; 14 missing cases

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

To sum up, mediation trainers are depicted as having diverse backgrounds, education, and experience. If this sample is at all representative of the larger mediation community (there is also nothing to suggest that it is not), as an occupation mediation does not appear to be dominated by any one gender nor by any one professional group. This may change, however, as this study shows that lawyers have recently been drawn to work in this field. That lawyers may soon dominate the field and cause it to become more business-like is a fear shared by many respondents (Chapter 3). In this next section, what attracts individuals to become mediators and

what sustains their interest is presented, along with how these are connected to gender, educational background, dispute sector and when an individual began working as a mediator.

## II. Incentives to Mediate

Individuals in the study group were asked to identify, in open-ended questions, what motivated them to become a mediator and what sustains their interest in mediation. Using grounded theory method, six distinct codes were created from the responses to the question about why they became mediators: 1) personal experience, 2) court reform, 3) social change, 4) job satisfaction, 5) career, and 6) values. These same six categories were used to code the answers to the question of what sustains respondents' interest in doing mediation, with one exception - the "personal experience" factor was changed to an "outcomes" factor. This was due to the fact that there were virtually no comments from respondents about having had a bad experience with court or being exposed to the idea through courses. Instead, they made many comments about mediation being an effective, expedient, and cost-efficient process with positive outcomes.

The two most frequently occurring responses for why respondents wanted to become mediators were "social change" (Table 16) and "job satisfaction". "Social change" referred to a desire for social change and

wanting to help others, while “job satisfaction” had to do with finding the work personally satisfying. The next factor most often identified was “court reform”. It had to do with wanting to improve the legal or other adversarial dispute resolution systems. The “values” factor included responses from individuals who felt congruence between mediation and their personal beliefs and values, or mentioned having a strong belief in the process of mediation. The “personal experience” factor referred to having had a bad personal experience with court or other formal processes or having been exposed to ideas about mediation through courses or training. And lastly, the “career” factor involved mediation being seen as an opportunity for advancement, or a requirement for a job.

Table 16. Reasons Respondents Were Attracted To Become Mediators

REASONS RESPONDENTS WERE ATTRACTED TO BECOMING MEDIATORS	NUMBER OF RESPONSES	PERCENTAGE OF RESPONSES
Bad experience with court or other adversarial process	17	12%
Interested in court reform and improving other adversarial processes	21	15%
Desire for social change and transformation and wanting to help others	38	27%
Finding the work personally satisfying	30	22%
Opportunity for career advancement or required for the job	13	9%
Congruence between mediation and personal beliefs and values	20	14%
Total number of responses	139	100%

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Many (65%) trainer-practitioners reported that they were attracted to the work of a mediator for more than one reason<sup>42</sup>. Similarly, slightly more than half (53%) identified more than one incentive for continuing to work as a mediator while one-quarter (27%) indicated three incentives<sup>43</sup>.

An analysis of respondents' incentives to mediate, along with their reasons for continuing to work as mediators, follows. As will become evident, whether an individual was motivated by altruistic or personal development goals is connected to how long ago that person began working in the field. The discussion begins with an analysis of what initially attracted respondents to mediation.

#### A. Initial Attraction to Mediation

##### *Highlights*

- ❑ *Respondents reported being attracted to mediation for two primary reasons: 1) because of the potential to empower individuals and transform society and 2) because it provided personal growth and job satisfaction.*
- ❑ *Lawyers said they were most motivated by the idea of reforming the courts.*
- ❑ *Mediators who started mediating ten or more years ago said they were most motivated by factors relating to empowerment and social change.*
- ❑ *Mediators more recent to the field were more likely say they were motivated by personal growth and job satisfaction.*

<sup>42</sup> Forty-nine (49%) percent of respondents listed two incentives for working as a mediator, while an additional fourteen percent listed three different factors.

<sup>43</sup> One of the risks of self-report data is that subjects may answer in ways other than what they know to be true to avoid being negatively perceived. While care must be taken not to take at "face value" what has been reported, there is much to be learned in an exploratory study such as this about what respondents think they did or think they should say.

### *Social Change and Individual Empowerment*

Trainer-practitioners were drawn to the occupation of mediation for various reasons. For some respondents mediation was believed to be a way to empower others to resolve their own conflicts. For others, it offered a means of promoting peace and justice. And for still others, it served as a vehicle to make a positive difference in society. These categories of motivations were coded as “social change” factors. Respondents, for example, talked about wanting the *“opportunity to assist others in rendering difference in an empowering respectful way”* [147/F/W/SS]<sup>44</sup>, wanting to *“enhance peace”* [49/F/F/SS], and having *“a desire to make school a peaceful environment”* [9/F/C/SS]. Individuals whose answers were coded as “social change” also said:

*Since high school I have been interested and concerned about social change – my early employment was in the area of community development and community change as a family mediator. This focus on “change” is now directed to families and the changes necessary when separation occurs.*  
[225/M/F/SS]

*Mediation affords parties an opportunity to address their underlying concerns in an expeditious, productive, and sometimes transformative manner, and often results in a customized resolution to a dispute which is much more satisfying and enduring for the parties involved.* [195/M/C/L]

*[I want] to improve the process and outcomes of public planning and policy setting, to include and empower the public and interest groups involved.* [297/M/B/B]

---

<sup>44</sup> Attribution codes include (in the following order): case number/gender/dispute sector/educational background. The codes for “gender” are: M (male), F (female); for “dispute sector” they are: F (family), C (community), B (business) W (workplace); and for “educational background” they are: L (law), B (business), SS (social science).

Having a desire to contribute to individual and social transformation is a motivating factor for most respondents, both men and women. It is also a strong motivator for individuals who have social science backgrounds. Visions of social change and individual empowerment are, however, less of a motivator for those who began working in the field recently. This change may be a consequence of the recent growth and institutionalization of mediation.

### *Job Satisfaction and Personal Growth*

Respondents were also drawn to mediate for reasons of personal growth and job satisfaction. Few trainer-practitioners appear to have been drawn to mediation for financial gain alone. Responses such as finding the work challenging, rewarding, and contributing to personal growth were coded under the factor “job satisfaction”. Respondents talked about their “*wish to grow*”, the “*joy*” that comes from resolving conflict and helping others, and that mediation provided them with an opportunity for “*self-learning*”, “*change*”, and “*personal development*”. Other comments included:

[Mediation is] *rewarding work in terms of career satisfaction and it is consistent with my values.* [40/F/F/L]

*I took retirement early as a physics teacher. I wanted to continue “academically” and in a people skill oriented climate.* [356/M/F/B]

[I had an] *interest in developing strategies to deal with my own interpersonal conflicts.* [48/M/W/SS]

[Mediation] *helps me gain insight into my own life and relationships, become a better person, free myself from dependencies, learn anger management, etc.* [327/F/C/L]

Individuals with five or less years as practicing mediators were the most motivated by job satisfaction and personal growth, as were respondents working in the business sector.

The four sets of contextual factors being used throughout this study - educational background, gender, dispute sector and the length of time an individual has been working as a mediator, are examined to determine their links to respondents' reasons for becoming mediators. As will be seen, there is a connection between *when* an individual began to work in this occupation and *why* he or she became a mediator. Finding a shift in what seems to be attracting individuals to work as mediators is an important discovery and might account for some of the changing form of mediation.

### *Educational Background*

Perhaps not surprisingly, lawyers are most drawn to mediate by "court reform" (48% of responses). The second most frequently occurring response for this group was "job satisfaction" (40% of responses). Individuals with a social science background, on the other hand, were most attracted by the potential for social change and individual empowerment - the "social change" factor (57% of responses). The second most frequent response for them was also "job satisfaction" (40% of responses).

Interestingly, respondents with a business background did not appear to be attracted by any one factor. Instead, most frequently the response for this group was split between two factors - “job satisfaction” (31% of responses) and congruence with their personal “values” (31% of responses). The second most frequently occurring response was also split between two factors – “social change” (23% of responses) and “court reform” (23% of responses). It seems then, that educational background is associated with what draws an individual to work as a mediator.

### *Dispute Sector*

The reasons an individual is attracted to mediate is also connected to the sector in which they work, especially if they work in the business sector. Respondents from this sector were motivated firstly by “job satisfaction” (42% of responses) followed by “social change” (33% of responses). They were also motivated by “personal experience” (29% of responses). To cite one civil mediator whose response was coded as a “personal experience” factor:

I was defending the environment in a civil litigation case and I had a blinding moment of clarity – it doesn’t work. I quit my job and got a master’s degree in environmental dispute resolution.  
[318/F/B/SS]

In contrast to individuals in the business sector, respondents from each of the other three sectors most frequently responded that “social change” factors motivated them to work as mediators (community (50%), family (48%) and workplace (50%) of responses).

### *Gender*

Gender also has little association with what individuals reported attracted them to work as a mediator. Both men (43% of responses) and women (47% of responses) frequently mentioned “social change” as what drew them to mediation, followed by “job satisfaction”. This changes, however, the longer an individual has been working as a mediator. As will be seen, veteran men and women tend to be more highly motivated by “social change” ideas than newcomers.

### *Experience*

The number of years an individual has been mediating has a striking connection to what they say drew them to work as mediators. Individuals who entered the field more than ten years ago were highly attracted, upon entering, by the ideological goals of empowerment and social change (Table 17). Individuals who have been working six to ten years follow them. Those who were least drawn by “social change” at entry were respondents with five or less years working in the field. This latter group was attracted to mediation for more personal or job satisfaction reasons; more than half of their responses were coded as “job satisfaction”.

This pattern, that the longer individuals have been working as mediators the more likely they were initially attracted to mediation by visions of social change and transformation is apparent in the following analysis of

contextual variables. To increase cell size, analysis was carried out with respondents reasons to mediate regrouped into three categories – 1) social change, 2) satisfaction, and 3) both social change and satisfaction.

Table 17. Attractions to Mediate and Years Mediating

REASONS RESPONDENTS WERE ATTRACTED TO MEDIATE	5 or less years	6 to 10 years	More than 10 years	Total
Experience – bad experience with court or other adversarial process	18% (n4)	20% (8)	24% (5)	21% (17)
Court reform – interested in court reform and improving other adversarial processes	9% (n2)	35% (14)	24% (5)	25% (21)
Social change – desire for social change and transformation and wanting to help others	23% (5)	43% (17)	67% (14)	43% (36)
Job Satisfaction – finding the work personally satisfying	55% (12)	25% (10)	33% (2)	35% (29)
Career – opportunity for career advancement or required for the job	18% (4)	20% (8)	5% (1)	16% (13)
Values - congruence between mediation and personal beliefs and values	27% (6)	25% (10)	19% (4)	24% (20)
Total number of responses	27% (22)	48% (40)	25% (21)	100% (83)

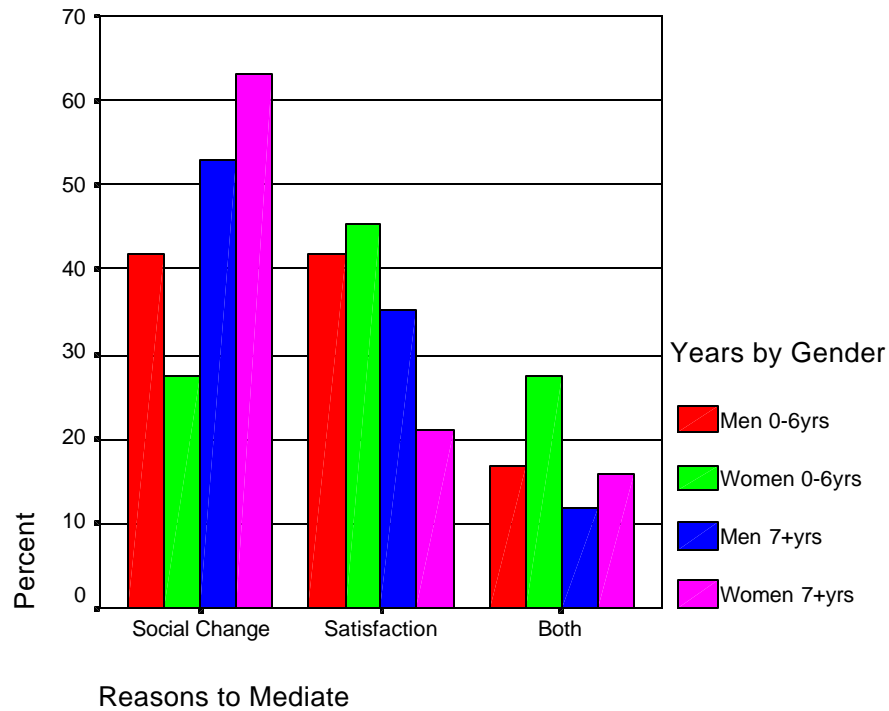
Percentages based on number of responses; more than one response may have been given. 83 valid cases; 5 missing cases.

Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Newcomer<sup>45</sup> men are attracted most by “job satisfaction” (47% of responses), as are newcomer women (44% of responses). Conversely, veteran men (44% of responses) and women (58% of responses) are attracted most by the factor “social change” (Diagram 5).

<sup>45</sup> Newcomers refer to those individuals with six or less years as practicing mediators while veterans refers to those with seven or more years in the field.

Diagram 5: Reasons to Mediate, Gender and Experience



Source: C. Picard, *A Survey of Mediation in Canada*, 1998

Newcomers with law or business backgrounds are attracted to mediation by “job satisfaction” as well as by “court reform”, and less so by “social change”. Whereas veteran mediators with social science backgrounds are highly attracted to mediation by “social change”, newcomers with similar backgrounds are more attracted by “job satisfaction” (Table18).

Veterans in each of the four dispute sectors were drawn to work as mediators by visions of “social change”. Newcomers in the community were also drawn to mediation for “social change” ideals. Veterans in the workplace

sector were also equally drawn to mediation for “job satisfaction” reasons and veterans in the business were equally drawn to mediation because of a “personal experience”.

Table 18. Attractions to Mediate, Experience and Educational Background

REASONS RESPONDENTS WERE ATTRACTED TO MEDIATE	Newcomer Law/Business	Veteran Law/Business	Newcomer Social Science	Veteran Social Science
Experience – bad experience with court or other adversarial process	18% (3)	23% (5)	6% (1)	24% (7)
Court reform – interested in court reform and improving other adversarial processes	38% (6)	36% (8)	6% (1)	21% (6)
Social change – desire for social change and transformation and wanting to help others	31% (5)	27% (6)	41% (7)	69% (20)
Job Satisfaction – finding the work personally satisfying	38% (6)	36% (8)	53% (9)	24% (7)
Career – opportunity for career advancement or required for the job	13% (2)	9% (2)	18% (3)	21% (6)
Values - congruence between mediation and personal beliefs and values	25% (4)	23% (5)	29% (5)	21% (6)
Total percentage of responses	49% (16)	43% (22)	51% (17)	57% (29)

Figures represent percentage of total number of responses. 84 valid cases; 4 missing cases  
Source: C. Picard, *A Survey of Mediation in Canada*, 1998

While many trainer-practitioners may be drawn to mediation because of the potential for social change, it is not what they report keeps them working as mediators.

## B. Sustaining A Mediator's Interest in Mediation

### *Highlights*

- ❑ *Job satisfaction and personal growth are the factors reported to most sustain a mediator's interest.*
- ❑ *This finding is not associated with gender, dispute sector, background, or entry into the field.*

Job satisfaction and the personal growth that comes with doing the work are what sustain the interest of most mediators. Fulfillment comes from the challenge of the work, knowing that clients are satisfied, the opportunity for self-improvement, and the connection between the work and personal values. These comments are not limited to trainer-practitioners in this study - dispute resolution professionals in the Department of Justice study (1995)<sup>46</sup> gave similar responses.

Respondents repeatedly mentioned how mediation helps them to grow and learn. For example, they wrote:

*As I practice and continue to perfect my skills and knowledge through training, I become more secure, more confident, more serene, more congruent, and happier. [327/F/C/L]*

*The self-learning which has helped me to better understand my own values, thoughts, feelings, and actions. [230/M/W/SS]*

---

<sup>46</sup> In the Justice study respondents were asked what gave them the most satisfaction in their work. Some of the more common answers included: the satisfaction of helping people, achieving win/win solutions, watching people grow as they discover their own inner resources, and feeling pride in being the catalyst for repairing relationships or preventing damage to parties. They also expressed satisfaction from getting paid, receiving thanks from clients and getting feedback for a job well done (p. 41-42).

*I learn something new everyday; I achieve a greater understanding and greater awareness of my own values; the continued growth. [143/F/W/SS]*

*People never cease to amaze me. I am always learning and growing by each session I am involved in. [152/F/W/SS]*

*My interest is sustained in mediation because I see it as a lifelong skill, which can enhance personal and professional relationships. [325/M/C/SS]*

They also made mention of the challenge and personal satisfaction that come with helping individuals and doing good work. They indicated this through comments such as:

*I love the work. I have introduced myself to many people, representatives and parties alike, and it is gratifying to see people retain me repeatedly and to generally express very positive things about how I mediate. [319/M/B/L]*

*[I value] the satisfaction of knowing that my intervention helped to increase understanding, tolerance, and goodwill. [205/F/F/L]*

*[I am sustained in this work by] the challenge of bringing together a number of parties to reconcile differences and productively resolve their conflicts. [69M/B/SS]*

Respondents wrote about the congruence between mediation and their personal values and beliefs. Their comments included, “*I value these communication techniques as life skills*” [267/F/W/SS]; “*I have a strong belief in our mission*” [92/M/B/L]; and, “*I have a natural orientation to being a peacemaker*” [44/F/B/L].

In addition to talking about the personal and professional satisfaction that comes from doing the work, respondents also mention “outcome” and “social change” factors as sustaining their interest. “Outcome” focused discourse includes references to expediency, cost-effectiveness, fairness, and better results; a discourse commonly found in court-connected programs.

Examples of “outcome” focused discourse include:

*I continue to see it as a very effective tool for resolving motor vehicle claims in significant volumes at substantial savings. [115/M/B/L]*

*[Mediation] is expedient and cost effective. [41/F/W/SS]*

*The process is fair and there are quick solutions. [111/MB/B]*

The “social change” discourse is similar to what early proponents set out as the tenets of mediation - transformation, peace, justice, and social change. These too are visions that help to sustain respondents’ interest in mediation. For example, they wrote:

*I am continually amazed by its [mediation’s] power and effectiveness as an instrument of healing and peacemaking at a very deep, genuine, and lasting interpersonal level. [41/F/W/SS]*

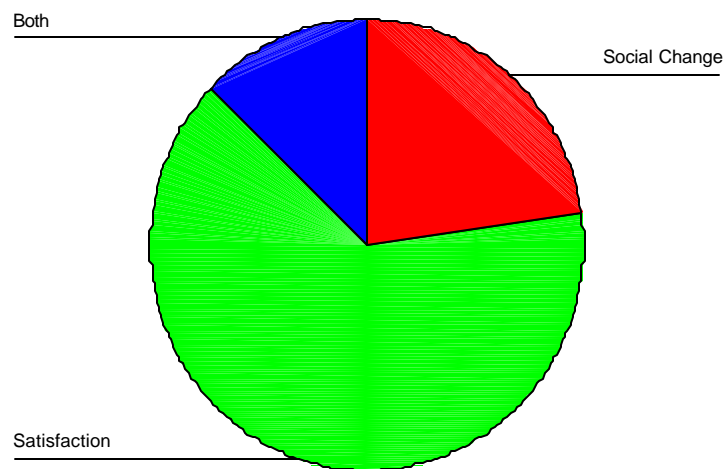
*[I have] a desire to make a positive difference in the world. [131/M/W/L]*

*My interest in peace keeps me working to assist with helping others achieve and learn about conflict resolution. [354/F/F/SS]*

*The privilege to witness and participate in the transformational changes people experience in understanding others and resolving conflict. [307/F/F/SS]*

Finding the work personally challenging and satisfying is what sustains most respondents (Diagram 6). This factor, coded as “job satisfaction”, was the most frequently mentioned factor at forty-one (41%) percent of responses. It was followed by “social change” at twenty percent (20%) of responses, then “career” (15% of responses), “outcomes” (14% of responses), “values” (9 % of responses), and finally, “court reform” (2% of responses). Once again, to increase cell size and aid analysis, sustaining factors have been regrouped into 3 categories – 1) social change, 2) satisfaction, 3) both social change and satisfaction.

Diagram 6: Factors That Sustain a Mediator’s Interest



Source: C. Picard, *A Survey of Mediation in Canada*, 1998

This finding, that “job satisfaction” sustains most respondents’ interest in mediation followed by “social change”, is a pattern which continues irrespective of gender, educational background, or dispute sector. Newcomer and veteran mediation trainer-practitioners follow this same pattern.

### Conclusion

The analysis in this chapter lends support to the notion that mediation is changing. No longer does it appear that those who work as mediators primarily view mediation as a “social revolution”. Instead, mediation for some individuals seems to have become an occupation that has appeal because it provides satisfaction to the worker. There are a number of speculations that could be offered on why these changes might be taking place. Two are offered. First, sociological research on social movements repeatedly shows that as informal or “fringe” groups become more mainstream their ideological visions also become more mainstream in order for them to survive. The literature (Chapter 2) and the analysis in this chapter suggest that some of the early goals espoused by advocates of mediation may be being replaced by a more contemporary discourse that claims satisfaction, expediency and cost reduction. The desire to be seen as more “professional” has caused mediation to become more institutionalized and routinized. The changing nature of mediation may also indicate “colonization” of mediation by the state. All of which lead to the question of whether we are going to need an “alternative to mediation” if we are to realize social transformation as

mediation is espoused to do. A second speculation on the changing form of mediation is that mediation has become a more accepted and legitimate work form for those who work as mediators. In turn, they are inclined to answer questions about what appeals to them about mediation using the language of “job satisfaction” and “personal development” even when their basic goals (i.e., social change and transformation) have remained the same. To say this another way, if one’s aim in becoming a mediator is social transformation, then job satisfaction becomes a part of social transformation. Both these speculations need further study.

This chapter focused on “who” is mediating. The analysis showed that gender, educational background, dispute sector, and years as a practicing mediator were linked to differences in where mediators work, their work status, the fees they charge, and their reasons for becoming mediators. Thus, these four contextual variables continue to be present in the analysis that follows throughout this dissertation.

What does it mean for the future of mediation that the more recent a respondent has begun to work as a mediator the stronger the likelihood that they report being drawn to work in this field for personal growth and job satisfaction? How widespread is this apparent change? And, how might this change influence their understanding of practice? The first two questions will not be answered in this study, however, they do require further research.

This latter question is examined in relation to respondents' understanding of their role, style and orientation to mediation practice in the ensuing chapters.

An examination of how mediators conceptualize what they do follows. As will be seen, variations in understandings of the mediator role are linked to the four contextual factors being examined in this study. They are also more varied than we might expect to find based on the extant literature.