

## UIA CODE OF CONDUCT FOR MEDIATORS

The following code is applicable to any person wishing to act as mediator (unless otherwise agreed by the parties):

1. Mediators shall be properly trained and shall maintain and update their education and practice in mediation skills. Mediators shall refuse appointment to a mediation for which they are not qualified.
2. Mediators shall disclose<sup>1</sup> any circumstances that may affect their independence<sup>2</sup> and impartiality<sup>3</sup> or which may give rise to the perception of partiality or lack of neutrality<sup>4</sup>. Mediators shall at all times act, and endeavor to be seen to act, with complete impartiality towards the parties and remain neutral in respect of the dispute. Mediators shall not accept an appointment or continue to act as mediator if they are unable to remain impartial and/or neutral.
3. Mediators shall ensure that prior to commencement of the mediation the parties have understood and expressly agreed:
  - the purpose and general procedure of the mediation
  - the role of mediators and of the parties
  - the obligation of confidentiality on the mediators and on the parties
  - mediators' fee arrangement.
4. Mediators' fees shall not be linked to the result of mediation<sup>5</sup>.
5. Mediators shall act diligently.
6. Mediators shall not coerce the parties.
7. Mediators shall keep confidential all information, arising out of or in connection with the mediation, including the fact that the mediation is to take place or has taken place, unless compelled by law or public policy grounds. Any information disclosed in confidence to mediators by one of the parties shall not be disclosed to the other parties without permission or unless compelled by law.

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<sup>1</sup> Mediators are required to inform the parties of the existence of any circumstances that may influence their independence, impartiality and neutrality, even if it may not in fact influence their fairness towards the parties. The existence of such circumstances does not automatically imply unfitness to act as mediator.

<sup>2</sup> **Independence** means the absence of any *objective* link (personal or business relationship) between the mediator and one of the parties.

<sup>3</sup> **Impartiality** refers to a *subjective* attitude of the mediator, who should not favor any one party over another.

<sup>4</sup> **Neutrality** refers to the position of the mediator, who should have no direct interest in the outcome of the mediation.

<sup>5</sup> If the linking of fees to the result of the mediation is not prohibited by the rules of the Center and if the parties requested such an arrangement, after full disclosure by the mediator of the possible consequences (as far as his/her financial interest in the outcome and his/her appearance of impartiality are concerned) and the mediator has conscientiously considered whether such an arrangement creates an appearance or actuality of partiality, then such an arrangement may be used without it being considered unethical.