

# COLLABORATIVE PRACTICE IN EMPLOYMENT CASES



While conflicts within the workplace may often be inevitable, how employers and employees choose to resolve their disputes is within their control. Parties in an employment dispute have options that may be better suited to meeting their interests and needs than traditional litigation. Collaborative Practice is one of these options.

Our research has indicated that what matters most to parties in an employment dispute is the efficiency of the resolution process: cost efficiency, speed, preservation of important relationships, minimal loss of productivity and disruption of the workplace and no reputational damage.

Collaborative Practice responds to these efficiency-based concerns by offering a process that is designed to be less expensive, faster, less taxing on resources and more mindful of preserving relationships than litigation. Collaborative Practice by design focuses immediately on resolution through negotiation; on meeting the real interests and needs of the parties. This is different from litigation, an adversarial, positional process which is designed to prepare for resolution by trial.

Because of this key difference in process, every minute and every part of the Collaborative process is spent on reaching settlement and resolution and not on anything else. Collaborative Practice brings the people involved in the dispute to the table where, with the assistance and advocacy of their collaborative lawyers, clients take an active role in negotiation, problem-solving and creating their own solutions. The resulting agreements are tailored to meet the needs of the persons involved.

Further, because it is not adversarial in nature, Collaborative Practice utilizes resources more effectively. Rather than each party having to hire his or her own experts, the Collaborative process is designed for the parties to use only one independent and neutral expert whose purpose is to serve the needs of both parties. Experts become professional resources for both parties' benefit, as well as for the process of resolution and settlement.

Now you have a choice. The choice is one that focuses on settlement by design, a process in which all efforts are geared from the outset on coming up with the best solutions for the parties, rather than an adversarial positional battle. That choice is Collaborative Practice.

Collaborative Practice can be used effectively in employment matters including disability or religious accommodation, wrongful termination, retaliation, breach of contract, wage and hour issues, discrimination, sexual harassment and other forms of workplace conflicts.

[www.collaborativepractice.com](http://www.collaborativepractice.com)

International Academy of Collaborative Professionals