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| Online mediations at the Victorian Small Business Commission |
| *Fact sheet* |

## **Why are mediations held online?**

The Victorian Small Business Commission (VSBC) moved mediations from face-to-face to online via videoconferencing during the COVID-19 pandemic to ensure you could still access our services.

Of all mediations conducted in 2020–21 (n = 2,298), the success rate remained strong at 77 per cent, and the majority of parties surveyed said they’d prefer online to face-to-face in future.

With the feedback on virtual mediations having been overwhelmingly positive, VSBC mediations will continue to be held online.

We will keep providing access to face-to-face mediations in some situations, such as mediations about farm debt. Don’t hesitate to talk with us about your specific needs.

**WHat are the bENefits?**

Our move to online has meant we are no longer limited by mediation room availability – either at our office or at locations in regional Victoria. Our panel of mediators can now provide significantly more mediations, enabling us to respond to a record increase in demand for our services.

As we keep responding to COVID-19, we are committed to reviewing our service so we can understand how parties are benefitting and where improvements can be made. In early 2022, we asked our key stakeholders about our online mediations.

So what did small business owners who have used our service, our mediators and trusted advisors to small businesses say?

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| When it comes to logistics… |
| **SAFE – online dispute resolution is a COVIDSafe method for bringing you and the other party together for mediation**  **ACCESSIBILE – it removes the barrier of travelling to a set location (particularly for parties based in regional Victoria) and eliminates associated costs (be it petrol, public transport or parking), and you don’t need to take as much time away from your work and family**  **CONSISTENT – we can consistently and reliably deliver our service to you as we navigate COVID normal**  **GREEN – it reduces the carbon footprint of your mediation session**  **TECHNOLOGY – you might have issues using the technology, though this is unlikely to impact on your mediation as you will be supported to resolve them**  **WHEN IT COMES TO WELLBEING…**  **CALM – taking part in a session from your own home or business means that for some, mediation is less stressful, emotions are less likely to escalate and decisions are more likely to be made on the day**  **PRIVATE – because you and the other party aren’t in the same building, there is a greater sense of privacy during breakout sessions (this is where you have the chance to have a private discussion with the mediator)**  **ON EQUAL FOOTING – the online space makes it less likely for one party or their representative to overpower or pressure another, helping to put parties on equal ground when it comes to negotiations**  **FATIGUE – without the usual face-to-face breaks that would happen when walking between rooms, you can experience fatigue during online mediation, though you will be supported to take breaks when you need them** |

## **HOW CAN I MAKE THE MOST OF MY ONLINE MEDIATION?**

### A picture containing person, indoor, person, ceiling Description automatically generated1. Remember to communicate your messages in a clear, direct and upfront manner.

### 2. Mediations can be emotional, and jumping in to voice your perspective or position is okay and can be an important part of moving to a solution.

### 3. You might not want to have this conversation and you might be uncomfortable, but your mediation session is the time to say what you need to say in order to work towards agreement.

## **HOW CAN I PREPARE FOR MY SESSION?**

* Write a short statement about your dispute that tells your side of things, making sure you focus on the main issues
* Send us any material that you think will support your position ahead of mediation
* Consider whether you want a lawyer, another representative or a support person to take part in your session or be available to talk with you on the phone on the day
* Think about what you want to get out of mediation and what you’re prepared to accept
* Consider what your best alternative might be if you don’t reach agreement
* Try putting yourself in the other party’s shoes and consider whether you’re willing to meet them mid-way
* Set aside some time before your session to 1. practice using the online platform and checking that your microphone and camera are working 2. getting the documents you need (e.g. BAS) ready to go
* Set aside enough time for your session (most take about 3.5 hours, but some take a full day)
* Be prepared to sign a written settlement agreement at the end of the mediation session, if the dispute is resolved

## **MORE INFORMATION**

For more information, contact the mediation services team at [mediationservices@vsbc.vic.gov.au](mailto:mediationservices@vsbc.vic.gov.au) or on 1800 878 964.