Your partner for civil, social or commercial mediation

Visit our website: www.bmediation.eu
bMediation is 15 years

• Creation in 1998 under the name of BBMC
• Institute aiming at the development of excellence in mediation practice, the management of mediation procedures and the promotion of mediation
• bMediation trained about 1000 professionals and has a panel of over 100 certified mediators
Mover and shaker

• Mediation barometer 2012
• Permanences in Commercial Courts
• Pilote with companies in difficulty
• Privileged partner on legal protection insurance (including mediation)
• Helpdesk for bMediators
• Lobbying
• Partnership with companies
Bruxelles, hart of Europe

• Toward new partnerships
  – European Masterclass
  – Mutual recognition of mediators
  – European Lobbying
  – Mediation promotion projects
  – European convention of mediation
Mediation barometer 2012

bMediation
http://www.bMediation.eu
With the support of
Federal Commission for mediation
http://www.mediation-justice.be
Background

• Survey run in June 2012
• 416 answers which represents about 50% of mediators in Belgium
• 88,5% of respondents are accredited by Federal Commission for Mediation
  – 54,9% in civil and commercial matters
  – 17,4% in social matters
  – 56% in family matters
• 39,6% of non accredited mediators were accredited in the past
Respondents profile - association

- 55% of respondents have no membership in any association
- 30% of respondents are member of bMediation
- 21% of respondents are members of small structures with less than 10 members
- 3% of respondents are members of foreign associations

Observation
- A large number of mediators create an association with objective to increase visibility on the market
Respondents profile - regions

- Mediators provide their services
  - 54,6% in Flanders
  - 34,4% in Brussels
  - 27,9% in Wallonia
  - 3% outside Belgium (essentially in neighbouring countries)

Observation
- 20% of mediators provide services in at least 2 regions
- Activity is proportionally more important in Brussels region
• 20% of mediators were already active before the adoption of the mediation law (2005)
• 45.5% of mediators have less than 3 years of experience
• 4% of mediators have between 15 and 30 years of experience
Respondents profile - background

- Companies managers: 11%
- Lawyers: 37%
- Judges: 1%
- Accountants: 3%
- RH managers: 3%
- Companies lawyers: 4%
- Others: 41%
### Mediation market
(on the basis of 416 responses)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Civ. &amp; comm.</th>
<th>Fam.</th>
<th>Soc.</th>
<th>Other</th>
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<tr>
<td>2010</td>
<td>3.117</td>
<td>1.166</td>
<td>1.282</td>
<td>477</td>
<td>192</td>
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<tr>
<td>2011</td>
<td>3.228</td>
<td>1.207</td>
<td>1.328</td>
<td>494</td>
<td>199</td>
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<td>2012</td>
<td>2.171</td>
<td>812</td>
<td>893</td>
<td>332</td>
<td>134</td>
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<tr>
<td>(6 months)</td>
<td></td>
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</table>

In 2010, 690.000 cases were addressed to courts in civil and commercial matters (justices de paix, tribunaux de 1ère instance et de commerce, Cour d’Appel).
Mediation market
(on the basis of 416 responses)

- 50 mediators share about 2500 mediations/year which is about 65% of the market
- 40% of mediators have never mediate any case
Mediation - sectors

- Civil & commercial: 32%
- Family: 39%
- Social: 17%
- Others: 12%
Commercial mediation

- Industry: 16%
- Real estate: 27%
- Services: 26%
- Informatics: 7%
- Finance and insurance: 6%
- Information and communication: 9%
- Commercial distribution: 9%
Success rate

• The success rate is on average over 75% in civil and commercial matters
• In familial matters, the success rate highly varies by mediator
The origine of mediation

• Over 50% of mediators create their own market (through contacts, website...)
• 13% of mediation are initiated by judges
• Less than 15% of mediation are administered by mediation centers

Observation
• The majority of mediations take place outside the judicial or associative framework
International mediation

- 3.81% of mediations are international which makes 375 mediation between January 2010 and June 2012
- 60% of international mediations were conducted by a dozen of mediators
Observation

- The majority of mediations start within the 15 days after the initial contact with the mediator.
Average duration of a mediation

Observations

• Mediation in familial matters takes on average 5 sessions of 1h30 to 2h00
• Mediation in civil and commercial matters takes about 2 or 3 sessions of 4 hours
Cost of a mediation

- A large part of mediations are subsidised (familial, social, B2C, neighborhood)
- In commercial matters, the average cost of mediation is between 500€ and 1.500€
Promotion of mediation

Observation
• Only 25% of mediators are really active in the promotion of their activity
• A large majority of mediators offer mediation services as a second job and don’t invest heavily in it
Perception of mediation profession

- 57.7% of mediators claim that there are barriers to their profession
  - Mediation is unknown
  - Resistance from lawyers
  - Resistance from parties
  - Resistance from public services
  - Weak demand
  - Confusion on what is mediation
  - Access conditions to the profession
  - Difficulty to start
How to promote mediation

• Communication (at large and targeted)
• Awareness raising through the associative sector (roadshow)
• Promotion of mediation through international commercial missions
• Training (law, trade, judges...)
• Foreseen that legal protection insurances cover mediation costs
• To impose quotas of forwarding cases to mediation to judges (%)
• To penalise the parties to the procedural cost for parties that refuses mediation
• Obligation to try to mediate first before going to court
Un conflit? Essayez la médiation!

votre partenaire pour toute médiation civile, sociale ou commerciale

visitez notre site:
www.bmediation.eu
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