

# DISPUTES' MEDIATION AND SOCIAL SERVICES

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## Abstract

In Romania, mediation, as a job, is regulated by the law no 192 from 2006, with subsequently modifications, included in the law no 309 from 2009. Since 2007 there is also the regulation authority in this field: The Mediation Council. In the previous legislative documents there are prefigured commissions (Social Mediation Commission) and ways of occupation's exertion (health mediator, school mediator) that imply other ways of training and exertion. The intermediation of the relation employer – employee supports the confusions by using the collocation “work mediation”. This article highlights the state of ‘mediation’ within the Romanian society and this occupation's challenges. Previous micro researches, carried on with students highlighted that there is little knowledge from the public of this field. On the other side, the recommendation to notice the parties, by the judiciary bodies, regarding the use of this alternative way of disputes solving, has just entered into force. Despite this there are more and more authorized mediators, thus the trust in this occupation's chances, increases. Future researches could identify these changes.

**Keywords:** *disputes' mediation, mediators, Romania, The Mediation Council, Social Mediation Commission, social services*

## 1. Introduction

The beginnings of mediation, as practice, can be found before its regulation as an occupation.

In 2000, in Iasi, The Communitarian Mediation and Security Centre organized the first training courses in the field of conflict negotiation and mediation. In the following two years, the same centre has extended the training area of the mediators, using trainers from Great Britain, The United States and Canada, using training strategies for understanding and approaching mediation in the field of work, group restore mediation, communitarian mediation.

At national level, some other non governmental organizations (The Foundation for Democratic Changes, Pro Mediation) carried on projects for promoting mediation and the other alternatives of disputes solving, after 1995. The main financing sources were American and Canadian.

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At the same time with the constitution and functioning of The Mediation Council<sup>1</sup>, have been established the accreditation, occupational training, the exertion of occupation standards, has been created a strategy for a six year period (2008-2013).

Mediation has been regarded as an opportunity by other occupations categories close to the judicial area, so during two years there have been authorized to practise over one thousand mediators<sup>2</sup>.

The emergence of mediation can lately be observed, taking into consideration European Union (EU)'s recommendations:

1. The (98)1 Recommendation regarding familial mediation
2. The (2002)10 Recommendation regarding civil right
3. The (99)19 Recommendation regarding penal right
4. The (2001)9 Recommendation regarding lawsuits alternatives in disputes between administrative authorities and private parties
5. The 2008/52/CE Directive of the European Parliament and Council regarding some aspects of mediation regarding civil and commercial right

The request addressed to the member states of the European Council, in order to create alternative procedures, extrajudicial<sup>3</sup>, has led to the adoption, in May 2000, of some conclusions regarding the alternative methods of solving the civil and commercial right issues. In the 2008/52/CE Directive, art 3 is asserted that “the establishment of the main principles in this field is an essential step in order to facilitate the right evolution and functioning of the extrajudicial procedures for solving the issues regarding civil and commercial right that will lead to simplification and improvement of the access to justice”.

By extending the analysis towards publications in this field, we can identify similarities for states from the former European communist block: Poland (Krajewska 2009) and Slovakia (Bianchi 1996). In Slovakia, for example, the mediation has been promoted a couple of years earlier, but with the support of the same promoter: Open Society Foundation and with the collaboration from some American Universities (Minnesota University). Mediation had, for a couple of years, the statute of a whole new procedure, some authors considering that it is important to insist on the thematic of the trainings and on the competences that can be developed in relation to conflict solving (Bianchi 1996).

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<sup>1</sup> The Mediation Council is an autonomous organization of public interest and national authority for the regulation in the field of mediation established by *The Law 192/2006 regarding mediation and organisation of the mediator's occupation*.

<sup>2</sup> In April, 2010, the Table of the mediators authorized by The Mediation Council had a number of 1280 mediators. For details visit [www.cmediere.ro](http://www.cmediere.ro).

<sup>3</sup> The Council asked for this within the reunion from Tampere, from the 15<sup>th</sup> and 16<sup>th</sup> of October 1999

Another part of the analysis is dedicated to the system of restorative justice and to that for minors (Cordero and de la Cuesta 2009). The procedure of mediation is also found, with its challenges, in fields of health, intercultural situations and in migration (Farini 2008), in ensuring health services for underprivileged children.

The Romanian publications in this field appeared, initially, by translations of some books (Cornelius & Faire 1996; Hiltrop & Udall 1998; Stoica-Constantin & Neculau eds 1998; Grant 1999; Hindle 2000; Fisher, R. Kopelman, E. and Kupfer Schneider, A. 2003; Ury 2007) and from projects and mediators training internships (*Communitarian Security Magazine* 2001). The field of conflict solving has been promoted at university level (Stoica-Constantin 1998, 2004, 2006), followed by accents on negotiation and mediation (Gîrleanu 2001; Gîrleanu-Șoitu 2003, 2004; Boncu 2006).

## **2. Mediation as practice and as occupation**

We make a distinction between the practice of mediation and the mediation as an occupation. The procedure of mediation, with phenomenological approach strongly connected to Carl Rogers and A. Maslow, supposes more than just closing some contracts and signing an agreement. The formative valences of mediation as process can be found in the development of the capacities of those involved, especially of the parties, to lately manage the dispute, conflict situations they face.

A foray into the mediation area forces us to search for some meanings. Thus, we discover, among definitions: mediation as “an alternate way to settle conflicts”, “a way of amicably solving the litigations” or “way of non contentiously solving the litigations” as well as “method of social and cultural development” (Briant, and Palau 1999).

The Latin etymology of the term mediation (*mediatio / de mediare*), meaning „interposition”, „partition” or „middle”, „medium” (*medius*) is only partially found in the meaning. The modern meaning of mediation includes the action of linking two terms or individuals that opens new perspectives on the fundamental hypothesis of all the knowledge theories excepting the one according to which the real cannot be known immediately. Briant and Palau (1999) claim that mediation is on one hand, a theory of representation, retracing or giving back the real, and on the other hand a way of conflict solving. The French literature and legislation emphasises this dimension, too – the one of linking, actually an intermediation. The existence of at least 14 mediation institutions in France proves this vision.

### 3. Conflicts' mediation or disputes' mediation?

Mediation can be defined as the action of linking, by a third called mediator, two physical or moral persons, called mediated, based on some rules and means freely accepted by these, aiming at either the prevention or solving a controversy, or establishing or restoring a social relation.

or

Mediation is a structured process, in which a third party, neutral, willingly assists solving a dispute between two people, groups, constituted as “parties” (Stacey 2000:29).

In the writings about mediation can often be found the comparison to the more traditional ways of conflicts solving, especially in order to clarify specific aspects. The British Association *Mediation UK* (1995) has emphasised the clarifying aspects regarding disputes solving. Thus, *negotiation* is seen as a process through which two parties in a dispute try to find an agreement between them. *Mediation* is a process through which a third party – impartial, neutral – helps two or more parties that are in a dispute to work together in order to solve a conflict. It is important to point out the fact that „the parties” and not the mediator decide the terms of the agreement, taking into consideration the main orientation, that is towards future and not towards the past. *Arbitration* follows on a scale of more and more involvement from a third party, that takes a final decision, usually mandatory. The discussions and the decision are structured, but not with the same rigour as a court. Another applicable form of dispute solving is *litigation*, that takes place in court, with lawyers representing each party; it is distinct from the other ways by the fact that a judge or a jury, after hearing the parties adjudges in favour of one of them (Mediation UK 1995).

The strategies presented emphasises the growing roles of the third party and of the control it exerts. From negotiation and litigation the process becomes more and more formal and takes from the power of each person in the dispute.

Unlike negotiation, mediation solicits a third party and once again, unlike arbitration, it sustains the equilibrium between mediator and the parties in dispute. The main difference between mediation and arbitration is, as processes of disputes solving, that in mediation the both parties attack the issues, involving more than in other forms mentioned before (Gîrleanu 2001; Gîrleanu-Șoitu 2003).

The mediator unlike the others, supports the parties to discuss the issue, but without being partial. We admit that these involve a certain level of social and emotional maturity for the parties, and from the mediator the insurance that the process will not be transformed into a new conflict.

We also have to clarify the concepts: dispute and conflict. In the initial stages of development and promoting mediation in Romania the term conflict has been mainly used, with almost every meaning (Stoica-Constantin & Neculau eds

1998). The term dispute is promoted now, in relation with the direct translation of the collocation “alternative dispute resolution”. A search of the use of this term in mass media will highlight a competitive perspective: two football teams “dispute the cup” or “three philosophers dispute happiness”<sup>4</sup>.

In *Longman Dictionary of Contemporary English* (2008:325), *conflict* is defined as “a state of disagreement or argument between people, groups, countries; fighting or a war; a situation in which you have to choose between two or more opposite needs, influences; a situation in which you have two opposite feelings about something; something that you have to do at the same time that someone wants you to do something else.” As a conflict of interest / interests, there are: a situation in which you cannot do your job fairly because you will be affected by the decision you make or a situation in which different people want different things.

In the same work, *dispute* is a “serious argument or disagreement” (2008:451-52) the meanings being emphasized through multiple phrases: be involved in a dispute, get into a dispute, settle/resolve a dispute, bitter dispute, long running dispute (one that lasts a long time), political/legal dispute, pay dispute, industrial dispute and labour dispute (between workers and employers), territorial dispute, domestic dispute (between a couple who live together), be in dispute with somebody (be involved in a dispute), a dispute arise (it starts). The meanings multiply: be beyond dispute (every one agrees that it is true or that is really happened); be open to dispute (it is not completely certain and not every one agrees about it); be in dispute (people are arguing about it). From these meanings, the third catches the attention: to try to get control of something or win something.

Analysing legislative documents and the recommendations of The European Council (EC), we will support the use of the term dispute, against the term conflict. In fact, the principles of mediation and the theories that support can be useful in solving the conflicts between equals, in schools or in the process of provisioning specialized social services (Gîrleanu 2001).

#### **4. The areas of mediation**

According to the effectual legislation, the fields of mediation in Romania are those regarding aspects of civil and family right, penal and commercial right, protection of the consumer’s rights, solving situations that involve work conflicts (Bleandă 2008)<sup>5</sup>.

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<sup>4</sup> Is the title of a newspaper article from *Cotidianul*, from the 18<sup>th</sup> of July 2007, where the author, Alina Purcaru, presents a new editorial apparition, in which three French philosophers talk on the theme of happiness, from historical and actual perspectives.

<sup>5</sup> By art 27 from the law 54/2003 the Romanian syndicates have as ways of action: negotiations, procedures of litigation solving through mediation, arbitration or conciliation, petition, protest, meeting, demonstration and strike.

There is a sustained debate, at the moment, regarding the statute of the bank mediator.

Mediation is also, one of the attributions of the Romanian president. In the speciality juridical literature appear disputes regarding laps of the roles of mediations of the president and one of the attributions of The Constitutional Court. Tudor Drăganu (2004) and Dima Bogdan (2009) remind us the main differences: the right of mediation of the Romanian president can exert *ex officio* or at an intimation, for juridical conflicts of constitutional nature, but also political, economical and social conflicts, while The Constitutional Court cannot exert the competence stated at article 146, letter e, but in the case of an intimation; as results of this process, the mediation made by the Romania's President closes with recommendations and proposals, while solving juridical litigations of constitutional nature is made by mandatory decisions.

The policy of mediation development in France, for example, conferred, in 1995 and then three years later, a juridical statute to this field, by dint of everyone's right to solve the conflicts in an amicable manner. Trying to diversify the labour market, "National Institute for Young People and Mass Education" promoted, in 1997, encouragement policies for training in the field of mediation, especially in local communities. Thus, professionalized, youths could become "prevention and mediation agents". By another law adopted in France in 1998, has been established "children mediator" (having as role solving the reclamations regarding the failure to respect children's rights by a state's authority), then "the mediator of national education" (keeping track of the relation between the users and public education services) and "academic mediators" or those that should watch the respect of intellectual property rights, especially in the field of media. Beside these there is "the republic's mediator". In the same country, the mediator jobs in public and private institutions have considerably increased, starting with 1995, being established "The High Council of Mediation".

The presentation of the fields in which mediation has been involved, in some countries, might sustain the intention to clarify the concepts and to establish a methodology.

At the moment, several dimensions of mediation are being sustained, categorized, by some authors, in four fields – commercial, ecological, familial and communitarian or in six – communitarian, familial, commercial, organizational, ecological and political or international. The area of communitarian mediation – that includes those between the victim and the aggressor, vicinity and in schools – continues to develop, remarking an increasing interest from sociologists, social assistants, jurists and educators.

## **5. Mediation in the social – communitarian field: common points and confusions**

### **5.1. Mediation as specialized social service**

The social mediation, is mentioned as specialized social service, in the article 34, letter h from the Government urgent decree no 68 from 2003. In its vision the purpose of the specialized social services is: to maintain, remake or develop the individual capacities to overcome a situation of social difficulty.

### **5.2. Social mediation commission**

The social mediation commission is mentioned for the first time in the first law of the national social assistance system no 705 from 2001. A government decision (1.615/2003)<sup>6</sup> has established the aspects regarding the structure and functioning of this commission. The new law regarding the national social assistance system, 47 from 2006, abrogates the law 705, but stipulates (art 51) that the normative acts that are into force at the moment of the effectual date of the law will still be applicable until the Ministry of Labour will elaborate the modifications and additions necessary for the normative acts that are into force in the field of social assistance.

*The commission of social mediation* is organized and functions within the decentralized structures of the Labour, Social Solidarity and Family Ministry.

Although the article 47, paragraph 2 of the Law no 47/2006 says that the regulation of organisation and functioning of the Social mediation commission will be approved by the decree of the Ministry of Labour, social solidarity and family, in term of 30 days from its enter into force, there has remained effectual the government's decree from 2003. In this last document, the attributions of the social mediation commission are (art 2):

- a) intermediates the dialogue between the public social assistance services and the applicants of the beneficiaries of social assistance rights;
- b) analysis the reasons for dissatisfaction notified in written by the applicants of the social assistant rights or by the beneficiaries of these rights;
- c) analyses the dissatisfactions of the beneficiaries connected to the measures included in the intervention plan or to the quality of the services based on the individual plan, plans that are meant to be applied according to the effectual law;
- d) clarifies by dialogue the divergences between the parties, respectively the applicants of the beneficiaries of the social assistance rights on one

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<sup>6</sup> Government Decree no 1.615/2003 regarding the organisation and the functioning of the social mediation commission

- hand and the representatives of the authorities or of the institutions on the other hand;
- e) disseminates to the interested authorities and brings to the attention of the applicants and beneficiaries of the social assistance rights the conclusions of the mediation report;
  - f) through its own secretariat, elaborates the programmes of its main activities;
  - g) gives free consultations in the field of social assistance rights.

The commissions' secretariat is organized by the county labour and social protection authorities and by the sectors of city of Bucharest, but the purviews of the art 3 regarding the commission's management and its component are interesting. The management of the commissions is exerted by the executive manager of the county authority for labour and social protection, respectively the one of Bucharest, for the cases that regard the social services and the money amount established at the level of the city halls or by the general secretary of the prefecture for the cases that regard the family's money amount established at the level of the county authorities for labour and social protection and those from Bucharest<sup>7</sup>. The executive manager of the authority for labour and social protection and the general secretary of the prefecture have the job as president of the commission connected to the analysed issues. Also the component of the commission is different from each mediation session connected to the analysed issues and is established by the commission secretary – with the exception of the responsible for the social assistance activities.

In the art 46 from the law no 47 from 2006, is specified that the decision of establishing the right for social assistance and social services can be contested by the Commission of social mediation, which is obliged to pronounce within 30 days from the date of the registration of the mediation request. The decision of this commission can be contested within 30 days from the date of issue, according to the Laws of the administrative contentious no 554/2004. At the same time the requests addressed to the courts for solving the litigations connected to offering social services are exonerated from paying a judicial stamp.

The articles 10 and 11 from the contract model between the social services supplier and beneficiary recommend solving the reclamations and litigations, first in an amicable way<sup>8</sup>. Thus, the beneficiary has the right to make a verbal and/or written reclamation regarding the social services. The social services supplier has the obligation to analyse the content of the reclamations, consulting both the beneficiary and the involved specialists in implementing the individualized plan of

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<sup>7</sup> This aspect will have to be regulated as in the new type of structure the attribution regarding the establishment of the money amounts that will be given by the County Authority for social services

<sup>8</sup> MLSSF, Decree no. 73 from 17<sup>th</sup> of February 2005 regarding the approval for the model of the Contract for social services signed by its suppliers, accredited according to the law, and its beneficiaries of social services

assistance and care and to give an answer within 10 days. If the beneficiary is not pleased he can address in written either to the Social mediation commission at the level of county/sector he lives in or to court of justice. The role of the Social mediation commission is “to clarify through dialogue the divergences between the parties” (art 10.4, Annexe 1). Regarding the litigations about closure, execution, modification and ending of the contract, these “will be first subjected to the procedures of amicable solving” (Art.11.1. Annexe 1). In order to solve amicably the contractual divergences between the supplier of social services and the beneficiary of social services is stated a period of 15 days, after which each party can address to the Social mediation commission in order to mediate the divergences or can address to the court of justice. The recommendation for solving amicably the divergence can be found in art 21 from the contract model signed between the public social assistance services and the suppliers of social services<sup>9</sup>. In another context, Art 12, al 3 from the Law no 396 from the 30<sup>th</sup> of October 2006 regarding a financial support for the families stipulates that “the divergences between the applicants of the financial support and the mayors can be solved by the social mediation commissions, according to art 2 letter d) from the Government Decree no 1615/2003 regarding the organisation and functioning of the Social mediation commissions”<sup>10</sup>.

### **5.3. Mediation as a way of facilitating relations, a way of intermediation**

Three occupations that are listed in The Romanian Occupations Classification (ROC) cause more confusion. *The health mediator* (code 513902) and *school mediator* (code 334010) have appeared as cause of the active inclusive politics for gipsy members and communities. Also is *the social mediator* (code 513903). According to a decree of the Education Ministry<sup>11</sup> “the main responsibility of the school mediator is to support the participation of all children from a community in the general mandatory education, encouraging the parents involvement in children education and in school’s life and facilitating the collaboration between family – community – school”. Since 2001, by Phare projects, with the involvement of the education Ministry of Education and some social partners over 600 school mediators have been trained. In a press communicate of the Ministry of Education in June 2009, was mentioned the

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<sup>9</sup> MLSSF, Decree no. 71 from 17<sup>th</sup> of February 2005 regarding the approval for the model of the Contract for social services signed between the public services of social assistance and the suppliers of social services

<sup>10</sup> The Law no 396 from 2006 says that a first marriage couple should get 200 euros from the state

<sup>11</sup> Ministry of Education: Decree 1539/19.07.2007

existence of over 400 school mediators in the Romanian educational system<sup>12</sup>. The training modules of these include, in the 42 hours, aspects as: school legislation, the history of education for gipsy, educational policies for the gipsy minority, communication inside the school environment with the gipsy students and parents, gipsy history and traditions, inclusive education and the tasks of the school mediator.

According to art 9 from OMCET no 1539 from 2007, the tasks of the school mediator are:

1. Facilitates the school – family – community dialogue;
2. Maintains and develops trust and school respect within the community and the school’s respect towards the community;
3. Monitors the preschool children that are not registered at kindergarten and supports the family/legal tutors of the child in order to register the child to the kindergarten;
4. Monitors the school age children that have never been enrolled in schools, proposing to schools’ management optimal solutions for their recovery and their access to the alternate education programmes (full time classes, reduced frequency classes, “Second chance” programme etc);
5. Supports programmes for improving the in school performances (recovery programmes, personalized intervention, “After school” etc);
6. Collects relevant statistical data for monitoring the access to education and the children’s attendance in the mandatory education system;
7. Makes records, with accuracy and objectivity, of the educational or other nature issues that have an effect on education participation of the children, informing the families on the school’s role and on the legal documents regarding the children participation to education;
8. Ensures the actualization of the data base about the school drop endangered children, monitors the school situation and extracurricular activities of these, encouraging their participation to education;
9. Sends to the school all the collected data in order to identify the optimal solutions to ensure the equal access of the children to education;
10. Contributes to the school’s opening towards the community and to promote the ethno cultural characteristics within the school environment, by involving in setting up activities with the parents / other community members, setting up activities with multicultural dimension, extracurricular activities;

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<sup>12</sup> Ministry of Education: Press communicate from 26.06.2009 “The Ministry of Education has recommenced the training classes of the school mediators”. Available at: <http://www.edu.ro/index.php/pressrel/12299>

11. Monitors and encourages students' presence at the classes within the alternate, supplementary /support programmes;
12. Supports the set up of the school desegregation plan and its implementation by collaborating with the school's management;
13. Informs the responsible authorities about the eventual contravene of the child's rights and supports their intercessions in order to solve those situations.

The occupation of *communitarian health mediator* is approved by the decree of the Ministry of Health from 2002, for certain periods, at the proposals of gipsy communities. The main role of the health mediators is to facilitate communication between the gipsy communities and the health system employees, contributing to the growth of the expedience of the interventions in this field (OMSF 619/2002, art. 5). The training of the health mediators is done by the Health and Family Ministry by its county and Bucharest's public health authorities in collaboration with the gipsies' social organizations. The training thematic includes communication notions, aspects connected to health system functioning regarding populations' access to services of prevention and care, health insurances system, first help notions, according to the regulations regarding this field's civic education. The health mediator does not have the right to act as a doctor. The training programme of the communitarian health mediators includes theoretical classes and practical ones OMSF 619/2002, art. 7).

The health mediator serves o population of about 500-750 persons (children between 0-16 years and women in their reproductive age) being able to extend his area of activity in immunization campaigns and health promoting campaigns.

The training of community health mediator workers includes theoretical and practical training at the workplace (OMSF 619/2002, art. 7).

The health community mediator serves a population of gipsy of 500-750 people (children aged between 0-16 years and women of childbearing age), having the chance to expand their range of activity in immunization campaigns, in health promotion campaigns.

The duties and responsibilities of the health mediator are multiple and some of them hard to quantify. Article 11 C of OMSF 619/2002 lists no fewer than 19 tasks and responsibilities:

- a) fosters mutual trust between the local authorities and the community that he belongs to;
- b) facilitates communication between community members and health professionals;
- c) to register the pregnant women and the women in confinement after birth for regular and medical checks for prenatal and post-partum; explaining to them the necessity and importance of performing these checks, facilitating communication with family doctors and other health professionals;

- d) explains the basics and advantages of family planning, placing them into the traditional culture of the gypsy community;
- e) registers infant population of community;
- f) explains the basic concepts and importance of childcare;
- g) promotes healthy eating especially in children and breast feeding;
- h) aims newborn enrolment GP lists(or additional holders);
- i) supports the medical staff in performing immunization tracking and recording the infant population of community and clinical tests of balance in children aged 0-7 years;
- j) explains the benefits of including people in the health insurance system and the process by which quality can be obtained by the insured;
- k) explains the advantages of personal hygiene, housing and common spaces; disseminates in community hygiene measures ordered by the competent authorities;
- l) facilitates first aid by announcing health professionals/the ambulance service and by accompanying the teams that provide emergency;
- m) mobilizes and accompanies community members to public health actions (vaccination campaigns, information, education and awareness campaigns in the field of health promotion, chronic disease screening actions etc); explains their role and purpose;
- n) participates in active detection of cases of tuberculosis and other diseases, under the guidance of the GP or health professionals within the departments of county public health or of Bucharest;
- o) at the request of professionals ,under their strict guidance, explains the role of the prescribed drug therapy, its possible side effects and oversees drugs (e.g.: strictly supervised treatment of TB patients);
- p) accompanies medical and health professionals in activities related to prevention and control of epidemic situations, facilitating the implementation of appropriate measures (explains to the members of community the role and the purpose of the follow up measures);
- q) signals the medical professionals about outstanding problems that appear in community (outbreaks of contagious diseases, parasitizes, poisoning, water hygiene issues, etc.);
- r) reports in writing to the county or to the municipality of Bucharest departments of public health about the problems identified regarding the access of the community members that are assisted for the following primary care services:
- immunizations, according to the national programme of immunization;
  - the examination of balance of child between 0-7 years;
  - the surveillance of the pregnant woman according to detailed rules issued by The Ministry of Health and Family;
  - the active detection of TB cases;
  - emergency care.

s) warns the social worker about the potential cases of abandonment of children (knowing the family situation from community, the health mediator can learn about the intention of families who are in a socioeconomic desperate situation of abandoning their children in institutions. If the competent bodies are informed in advance, such situations can be prevented).

## Conclusions

As we mentioned before, regarding concepts, we will support the use of the term *dispute*, against the term conflict. In fact, the principles of mediation and the theories that support can be useful in solving the conflicts between equals, in schools or in the process of provisioning specialized social services.

The social mediation, as a specialized social service, having as a purpose to maintain, remake or develop the individual capacities to overcome a situation of social difficulty, have to be considered.

We are expressing our hope that the confusions between specialised *mediator*, recognised by Council of Mediation and those three occupations - *the health mediator* (code 513902), the *school mediator* (code 334010) and *the social mediator* (code 513903), are now removed by the aspects presented in this article. Also, the details regarding the occupation of *mediator* (code 244702) from The Romanian Occupations Classification have to be reconsidered.

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