

SINGAPORE CONSTRUCTION MEDIATION CENTRE

APPENDIX C: CODE OF CONDUCT FOR MEDIATORS

1. Assignment

- a. SCMC shall have full discretion on the selection and assignment of mediator(s) for any case.
- b. The mediator(s) assigned must not have any conflict of interest with any of the parties involved in the mediation process.
- c. Assigned mediator(s) will conduct the mediation process expeditiously, impartially, and professionally.

2. Impartiality

- a. At all times, the mediator(s) shall be impartial throughout the mediation process.
- b. In the event that the mediator(s) shall discover that he/she can no longer be impartial for the mediation process for whatsoever reasons, the mediator(s) shall:
 - i. Inform SCMC in writing as soon as possible.
 - ii. State the reason(s) for the possibilities of conflict of interest.
 - iii. Withdraw from the role as the mediator(s) for the case.

3. Mediation Procedure

- a. SCMC promotes facilitative-style mediation.
- b. Mediator(s) are cautioned against giving any personal advice to parties during the mediation process.
- c. Mediator(s) are to familiarise with SCMC Mediation Procedure and follow the guidelines as close as possible.

4. Confidentiality

- a. The Mediator shall adhere strictly to the confidentiality guidelines of all mediation processes in SCMC.
- b. At all times, the mediator shall not discuss, disclose, publish, or share any details of the mediation process, in a manner that might provide hints or links to the parties or to the mediation case.
- c. The Mediator shall be familiar with relevant Singapore laws pertaining to the mediation process, in particular, the Mediation Act of 2017.

5. Withdrawal

- a. In the event of the following occurrence:
 - i. Mediator(s) discover he could no longer be impartial for whatsoever reason.
 - ii. Parties have requested in writing for replacement of assigned mediator(s) for whatsoever reason.
 - iii. There is a complaint of breach of natural justice, fraudulent conduct, or unprofessional behaviour on the part of the mediator(s).
- b. The Mediator(s) shall withdraw voluntarily from the case, failing which SCMC will terminate the services of the mediator(s) and carry out necessary actions deemed fit.

6. Termination

- a. The Mediator(s) may terminate the mediation proceedings if:
 - i. Parties failed to participate in the process conscientiously.
 - ii. Parties failed to provide the necessary documentation for the process.
 - iii. Parties indicated the lack of trust on the mediator's impartiality.
 - iv. Parties breached the SCMC Mediation Agreement or Mediation Procedure.

7. Mediator's Fee

- a. For SCMC-appointed mediators, the remuneration for the mediation process shall be in accordance with SCMC's Fee Guidelines for Mediators.
- b. The Mediator(s) are prohibited from negotiating with the parties about the remuneration for the process.
- c. In the event that parties elect to name specific mediator(s) from the SCMC Panel of mediators, the named mediator(s) can then charge in accordance with his/her commercial rate to be borne by the respective parties.

8. Feedback Session

- a. In the event that SCMC receives adverse feedback against a mediator, the mediator may be invited to attend a feedback session to improve the process.
- b. The mediator shall indemnify SCMC against any loss and/or damages whatsoever arising from the mediator's action.