COOK COUNTY COMMISSION ON HUMAN RIGHTS
69 West Washington, Suite 3040
Chicago, Illinois 60602

Richard E. OLECH, Complainant v. CRATERS & FREIGHTERS OF CHICAGO, INC.; Tomasz BINKOWICZ; Jacek SWIATEK, Respondents	))))))))	Case No. 2013E017 Entered: August 21, 2015

NOTICE OF MEDIATION CONFERENCE

On June 18, 2013, Complainant Richard E. Olech ("Olech") filed a complaint against [redacted] former employer, Respondent Craters & Freighters of Chicago, Inc. ("Craters & Frieghters"), and two former co-workers, Respondents Tomasz Binkowicz ("Binkowicz") and Jacek Swiatek ("Swiatek") (collectively, "Respondents"). Olech alleges that during the course of [redacted] employment, Binkowicz and Swiatek teased and bullied [redacted] in such a severe or persistent manner as to amount to unlawful sex, sexual orientation and/or gender identity harassment. Compl., Counts I-III. Further, Olech alleges that Craters & Freighters unlawfully terminated [redacted] employment on January 23, 2013, in retaliation for an internal complaint about this harassment six days earlier. *Id.* at Counts IV-VI. Respondents deny that Olech was harassed and counter that [redacted] was terminated on January 23, 2013, for verbally abusing another employee a day after being counseled against such conduct.

The Cook County Commission on Human Rights ("Commission") has completed an extensive investigation into Olech's claims, but prior to proceeding to an evidentiary determination, the Commission now orders the parties to participate in a Mediation Conference pursuant to Section 440.145(B)(1) of the Commission's Procedural Rules to determine whether this dispute can be settled without further adjudication.

The parties (or their legal representatives of record) must contact the Center for Conflict Resolution on or before **Monday, September 21, 2015** to schedule the date of the Mediation Conference at:

Case Management
Center for Conflict Resolution
11 E. Adams, Suite 500
Chicago, Illinois 60603
312.922.6464 ext. 22
cm@ccrchicago.org

The Mediation Conference must be completed no later than **Wednesday, October 21, 2015**. Although the Commission does not require that the parties actually resolve their dispute through mediation, the parties are required to make a good faith effort to participate in the process and to abide by the Commission's Rules (summarized in the attachment to this order). Failure by any party to contact the Center for Conflict Resolution to schedule a Mediation Conference or to attend the scheduled Mediation Conference may result in fines and dismissal of, or default on, the claims pending before the Commission as appropriate. *See* CCHRC Pro. R. 440.145(B)(5).

If you are not represented by counsel, the Commission recommends that you seek counsel for the purpose of reviewing this Commission Notice and preserving and pursuing your rights under the Human Rights Ordinance.

August 21, 2015

By delegation:

Ranjit Hakim
Executive Director of the Cook County
Commission on Human Rights

SUMMARY OF COOK COUNTY COMMISSION ON HUMAN RIGHTS MEDIATION RULES

A complete copy of the Commission's Procedural Rules can be obtained online at: http://www.cookcountyil.gov/ordinances-and-regulations/

1. **Mandatory Attendance.** Attendance at the Mediation Conference is mandatory. Unless excused in advance by the Commission, all necessary parties with full settlement authority and full authority to sign a settlement agreement are required to be present.

2. **Voluntary Process.** While scheduling and attending a Commission-ordered Mediation Conference is mandatory, the parties or the Mediator may voluntarily terminate the Mediation Conference at any time if they deem it appropriate to do so. Parties are not required to enter into a settlement agreement.

3. **Confidentiality.** The Mediation Conference is confidential. All participants in the Mediation Conference, including the Mediator, agree to keep the Mediation Conference discussions confidential. With the exception of the Mediator's report, no formal record shall be made at a Mediation Conference. The Mediator's report shall contain the following information: (i) list of participants, (ii) date, time and location of the Mediation Conference(s), (iii) name of the Mediator; and (iv) whether the parties reached an agreement and/or requested a continuation of the Mediation Conference.

4. **Privilege.** All oral statements made and any notes taken during the course of mediation or settlement are privileged information, and made without prejudice to any party's legal position, and are non-discoverable and inadmissible for any purpose in this or any other legal proceeding. The parties shall not subpoena the mediator to testify.

5. **Good Faith.** Parties who participate in the Mediation Conference are required to do so in good faith and with candor promoting the free exchange of truthful information and settlement options.

6. **Participants.** Parties must attend the Mediation Conference and there is no requirement that that they bring legal counsel or any other representatives, except as provided in Section 120.140 of the Commission's Procedural Rules. No more than three individuals per party will be allowed to attend the Mediation Conference, including the party, legal counsel and another other representatives.

7. **Settlement Agreement.** Except as provided in Section 440.145(C) of the Commission's Procedural Rules, if the parties agree to a settlement agreement resolving a Complaint, the agreement shall be reduced to writing and signed by the parties. If the parties enter into a signed settlement agreement that resolves the claims in the Complaint, the Commission shall enter an order dismissing the Complaint.

8. **Commission Enforcement Jurisdiction.** Parties who enter a settlement agreement in a Mediation Conference may request in the agreement that the Commission retain jurisdiction over the case to monitor or enforce the agreement. The Commission will

decide whether or not to retain jurisdiction. Parties who wish for the Commission to retain jurisdiction must submit the settlement agreement to the Commission in advance of signing for approval and each party to the settlement agreement must acknowledge in the agreement that the Commission has jurisdiction to monitor and/or enforce the settlement agreement.

9. **Failure to Attend/Participate With Full Authority.** Parties who fail to attend the Mediation Conference with full authority, and whose absence is not excused for good cause shown, may have fees and/or costs assessed against them. In addition, the Complaint pending before the Commission may be dismissed or a default judgment may be entered.