How to make workplace mediation a success

It may come as a surprise to some, but mediation has been successfully used in the workplace for the last 30 or so years, but not on a significant scale, in fact you could say it has been a well kept secret! It is only since the changes to the Employment Law Act 2008, introduced in April 2009, that workplace mediation has become better known and promoted by ACAS and CIPD, for example, as an alternative dispute resolution.

Organisations are beginning to recognise that mediation has a place within employee relations processes. With employees being paramount to business success, conflict and dispute between employees can have a very negative impact on motivation, engagement, health and well being and, of course, productivity and performance of individuals and the company as a whole. Mediation has a key role to play in resolving conflict quickly and cost effectively.

Workplace mediation is a process whereby an independent third party (the mediator) assists two or more parties who are in dispute to try to reach a mutual and manageable agreement as to how they will work better together in the future. This is achieved through a series of facilitated and structured meetings, normally in a one day session.

This is an informal resolution route that can be introduced at any stage of a dispute, although the earlier the better, provided that both or all parties are willing to enter into the process voluntarily. The confidential nature of workplace mediation ensures a safe environment in which the parties can have open and honest discussions, reassured in the fact that nothing will be disclosed to anyone else without the expressed agreement of all those involved. The resulting agreement is morally binding, it does not have any legal status and all content is without prejudice.

Workplace mediation does not focus on the reasons for the conflict, try to apportion blame or necessarily resolve issues; it concentrates solely on the future and how the parties can co-operate when they are back in the work place.

To make the mediation process successful those involved are advised to:-

Know what to expect

It is important to have an appreciation of the mediation process so that the organisation and the individuals participating in the mediation understand what it is they are entering into. The mediator should thoroughly explain the process so the expectations of those involved are managed and met.

Mediation, put simply, is a structured negotiation. The process involves a series of meetings that are facilitated by the mediator. The initial meetings are between the mediator and each party separately, through which the individuals are supported in their preparation for a joint meeting that takes place later in the day. The participants wholly own the process. The objective of the day is to focus on how the working relationship
between the parties will change in the future in order for it to become a professional and productive working partnership. Each party is encouraged to contribute to and agree the outcome on a mutual basis.

**Enter the process voluntarily**

This is one of the most important aspects of mediation. Someone who is forced to enter the process will not come with the positive state of mind that is so essential to the negotiations. Therefore mediation is unlikely to work if parties do not engage in the process freely. By volunteering for mediation the participants are already entering with the idea that the situation can be resolved and are willing to explore ideas that will result in a mutual agreement, detailing ways that they will work differently in the future in order to build a positive working relationship. Having an understanding of the process enables parties to choose whether to participate on an informed basis.

**Be prepared**

As well as becoming familiar with the process, to get the most out of mediation there is a need to prepare for the day. The mediation session will be most rewarding if this is undertaken as the participants will collect and organise their thoughts and prepare themselves for what will be a challenging and intense, but also satisfying day. This will involve considering what has happened and why the situation has occurred so that the full picture can be relayed to the mediator. It is also important to think about the impact the situation has had on themselves, possibly the team(s) that the participants work within and the business itself. Also they are asked to start to consider the outcomes that they required from the day in order to improve the working relationship going forward. The parties are encouraged to look at realistic outcomes that can be accepted and managed by both participants.

**Be honest**

Being honest and truthful is essential if the process is to succeed. If participants deny or fabricate what has happened, how they have reacted, or exaggerate the situation they will not be being fair to themselves or others involved. The mediator, as an independent third party, relies on the truth being told and works with the information given, nothing else.

**Respect those involved**

Whilst it is appreciated that a lot of water may have passed under the bridge for the relationship in question to have broken down, the parties are required to respect each other and the mediator. It is likely to have been a very stressful, frustrating and upsetting time and being disruptive and rude can only make matters worse. Appropriate behaviour and language is discussed at the outset and throughout the process. Being patient and listening to what each party has to say will ensure the same respect be offered by both parties. Only after listening carefully do participants really hear what is being said and can they then respond with constructive suggestions.
**Trust the mediator**

The organisation should choose a mediator who has been formally trained and preferably in the field of workplace mediation, as they are likely to also have a knowledge of employee relations and practices that will be successful, which will help the parties reach workable and long lasting agreement as to the way forward.

Trust in the mediator is vital. The parties are encouraged to explain the events that have led to the break down in the working relationship and this could be sensitive, confidential and very important information that the mediator is holding. A mediator does not pass judgement or provide advice or information to the parties and those involved must trust that this will be the case in order for them to freely discuss the situation.

**Be flexible**

It is true to say that the negotiating process can be difficult, particularly to start with, as no party wants to be seen to be giving in. But successful and long lasting mediations come out of a flexible approach. The aim of the mediation is to find solutions to the conflict or dispute which the parties then control and accept. An inflexible approach, or non-negotiable demand, is inconsistent with the reason for mediating because the parties are there to work together to find their own solutions.

**Focus on the future**

At the beginning of the day the mediator will ask each party to describe the situation as they have experienced it in order to set the scene and understand past concerns and what harm may have been done. The rest of the day will focus on what the future looks like and will not dwell on the past in any more detail. The mediator will move the meeting on if the past becomes too much of a focus as mediation is primarily about the future. The aim is to restore and build positive working relationships between the parties and sometimes the teams they work with, so creating an effective and productive working environment that is motivational to be a part of.

**Keep working on the agreement**

By the end of a successful mediation day the parties will have drawn up an agreement that they will use to help them work well together when they are back in the work environment but this is not the end. The agreement should be treated as a work in progress, regularly referred to and discussed and developed as the relationship evolves.

As you have read, there are many elements to making the mediation successful and it is not a process to enter into without commitment to making it work. It can be a long and challenging day with many highs and lows throughout that leave the parties tired but the end results are so satisfying and rewarding that you have to ask the question, why not mediate?
For further information or to discuss potential cases please contact Lisa Poole on 01476 861884 or visit www.independentworkplacemediation.co.uk