

Workplace Mediation FAQs

This guide is designed for those who have agreed to take part in workplace mediation or for those contemplating whether or not to do so. It aims to explain the process and to answer questions that you may have.

Q. When is mediation an option?

Workplace mediation is used in a number of situations where individuals are in a dispute or conflict situation and they have an on-going employment relationship to preserve. Examples are where:

- There are difficulties in a working relationship between colleagues.
- A formal grievance or disciplinary matter is being contemplated or has been issued.
- An employee is returning to work in difficult circumstances, for example following a grievance or long term absence.
- The relationship between a manager and one or more team members has broken down.
- There is a loss of trust between colleagues and/or a communication breakdown.
- There are allegations of bullying or harassment or inappropriate behavior.
- When it is clear that grievances or disciplinary matters have not been satisfactorily resolved following a formal process.
- Where conflict has arisen as part of a changes to job roles, responsibilities or other change management processes.

Q. What is workplace mediation?

The key principles of mediation are:

- It is a voluntary process; it can only take place or continue if both agree.
- It is confidential and “without prejudice”. Anything that is said during mediation remains confidential unless those involved consent to information being shared.
- The mediator is entirely independent and neutral. It is not the mediator’s role to impose any solution or make a judgement on the issues; rather the mediator facilitates the individuals involved to identify and understand the issues and consider solutions.

- Mediation is future focused; it is designed to assist those involved to identify solutions themselves.

Q. What are the advantages of mediation?

- Mediation is far more likely to resolve matters than a formal or legal process.
- It does not impose an outcome and it is not concerned with who is right or who is wrong. Rather the power to resolve (or not) is with those involved.
- It deals with the underlying issues. It is not a soft option, it will be challenging, difficult and emotional but this is necessary in order to achieve understanding and resolution.
- It allows the parties to say what they really think and feel directly to each other in a confidential environment.

Q. How does the process work?

- Firstly, the mediator will meet with you confidentially to explain the process, discuss your issues and concerns and the outcomes you may wish to achieve.
- You will be asked to agree to the confidentiality of the process.
- The mediation session starts with a joint session where the mediator will reiterate the process and their role.
- You will make an opening statement and the other party will do the same in turn. During this phase it is important that there is no interruption whilst each is speaking so each has an opportunity to speak, be heard and listen without interruption.
- The mediator will summarise what has been said and identify issues for further discussion.
- Any questions that need clarification can then be posed. The mediator will manage the discussion, summarising and noting the areas of agreement and disagreement. The mediator will ask questions of each to encourage a greater understanding of each other's position and point of view. Hopefully this will help the parties move towards agreement and understanding.
- It is possible to have separate meetings to explore the issues identified in greater detail.
- If agreement is reached the mediator may draft an agreement with those involved.

Q. What will I need to do?

Agreeing to attend a mediation and attempt to resolve the issues is a very important step in itself. Other things that you will need to do include:

- Agree to the confidentiality of the process.
- Be prepared to make an opening statement explaining the issues and concerns from your perspective and what you might want to change for the future. You can discuss this with the mediator in advance.
- Come with an open mind and listen to what is being said by the others involved.
- Be open and honest.

Q. How long will it take?

It is difficult to give any real indication as each situation is very different. However it is extremely unlikely that the process would take more than one day.

Q. What other support is available?

Where it is not possible to obtain the agreement of both parties to mediate, conflict coaching can be an alternative. It can also be used as additional support to prepare individuals for mediation or following the mediation to provide on-going support.

Conflict coaching can be used to support individuals to:

- Prepare for participation in mediation.
- Develop understanding of how responses to conflict and changes in attitude and behaviour can impact.
- Prevent an unnecessary escalation of a conflict situation.
- Prepare for a challenging conversation with another person or group.
- Develop stronger conflict management skills, for example in performance management and managing as a leader.
- Address matters that may arise post-mediation, for example ongoing unresolved emotions and issues and/or relationship dynamics.
- Apply the skills learned in conflict management and other related training.