

Mediation in the workplace



What is Mediation?

Mediation is the process whereby disputing parties in the workplace are brought together by a neutral third party (the Mediator) who facilitates a settlement. The Mediator is specially trained to do this and the parties participate in a voluntary, non-binding and “without prejudice” process. This only becomes binding when they sign an agreement. If anyone is dissatisfied with the process, either party or the Mediator may stop the process. If the mediation succeeds, and over 80% of them do, then it ends with a binding agreement.

Why use Mediation now?

Prior to April 2009, employers were compelled to follow the Statutory Dispute Resolution Procedures when handling grievances in the workplace. This rigid process was very unhelpful in resolving disputes and often led to litigation at the Employment Tribunals with associated costs for the employer. These procedures have now been replaced by the ACAS Statutory Code of Practice on Disciplinary and Grievance Procedures. This is a much more flexible process and

it encourages employers to use mediation in order to resolve disputes at an early stage avoiding much of the costs of litigation.

What advantages are there to using Mediation?

Speed of dispute resolution.

People do not like being in conflict as it is stressful for all concerned. It is very time consuming and takes its toll on financial and management resources. The advantage of Mediation over the Tribunal system, is that it can be set up very quickly, within days if necessary. Disputes can therefore be resolved promptly.

It's flexible. Mediation has no formal rules of procedure, so the Mediator can be flexible to suit the circumstances of the dispute. Resolution can take many forms, such as agreeing changes in procedure, a financial settlement or even just a humble apology which can be significant in reaching a resolution.

It provides for greater understanding. People involved in conflict tend to take up rigid positions and resort to communicating via their union representative or solicitor. This often leads to a series of

misunderstandings and people taking entrenched positions. Within the mediation process, the parties have a combination of joint and private sessions with the Mediator. This provides the ideal forum for open communication and allows people to speak in confidence. The skilful mediator manages the emotions at these meetings and very early on in the process focuses the parties' thoughts on how they can resolve their differences rather than remain entrenched in conflict.

It addresses unreasonable claims and expectations. People who believe that they are in the right, very often become self-righteous, and develop an inflated perception of their case. The Mediator's careful analysis of the dispute which takes place in the private sessions, helps to put the case in perspective. The skilful Mediator will then succeed in getting the party to view the case from the other party's point of view.

It preserves the employment relationship. Litigation is a very negative experience for both parties and most employer/employee relationships do not survive it. With mediation the aim is for the parties to agree their own settlement and to move on from their dispute. This allows for relationships to remain intact and for everyone to put the dispute behind them. This is such a positive experience for all.

Cost Savings

This is an obvious and major advantage. Mediation allows disputes to be settled quickly and both legal and management costs are kept to a minimum.

Last but not least.....

Mediation is the positive process that allows people to air their views and resolve their disputes internally.

Mediation is the future.

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