

Mediation can help to deal with people in the workplace.

It can often seem easier to avoid conflict and hope it will go away but that is how problems escalate. When you are involved in conflict, a solution may seem impossible. You may not even be able to talk to the person you are in conflict with because things have got so fraught.

Help from someone independent may be the only way things can be improved.

Benefits of Mediation

The aim of mediation is to solve problems not find fault.

Mediation is an alternative way of dealing with disputes in the workplace which is less threatening and confrontational for all concerned and at a time when emotions are usually running high less stressful than a formal internal Grievance or Disciplinary hearing.

People do not like being in conflict. It is worrying and time consuming and can affect life at work and at home. Mediation can help you resolve your disagreement so that your life back again and a session can be set up quickly.

What is Mediation?

- A way of sorting out disagreements or disputes without having to go to court. A neutral third person works with those in disagreement or dispute to help them reach an agreement that will sort out their problems.
- Voluntary – you only take part if you want to.
- Confidentiality – the Mediator undertakes any information obtained from the parties during the Mediation or in connection with it will not be disclosed to any other party unless they have given express prior permission or if they are required to do so by a court.

What kind of problems can Mediation help with?

Most kinds of dispute can be mediation provided that those involved want to find a way forward. Mediation is especially suitable when the aim is to maintain the employment relationship. It can be used at any stage in the dispute but is often most effective if used early on.

What can I expect to happen in Mediation?

The Mediator will decide the best way to carry out the Mediation.

Usually the Mediation will follow a simple three stage process:

- Opening joint session
- Private sessions with both parties
- Closing joint session

However, depending on the circumstances, the Mediation can start by talking separately to the people involved in the dispute to find out more about the situation, how you feel about it and the effects it is having. They will then help you to start thinking about what you want, what the other person might want, and how things may be improved.

The Mediator won't take side or judge who is right or wrong. Because mediation is about repairing your working relationship with the person you are in conflict with, the Mediator will help you focus on the future, not the past.

What does the Mediator do?

The Mediator decides the best way to carry out the Mediation. They guide you through and help you to identify the real issues and come up with ideas to improve things. They do this mainly by asking questions but if you find it helpful, they can use their experience in similar situations before to make suggestions. It is up to you to decide if you want to take up these ideas.

The Mediator usually starts by talking separately to the parties involved in the dispute to find about the situation. How they feel about it and the effects it is having.

Later on when the time is right the Mediator will bring you together in a joint meeting. At that meeting you will have a chance to say exactly how you feel without being interrupted and to listen to how the other person feels without interrupting them.

The Mediator will ask questions, help you to look at the situation realistically and help you to come up with ways to improve things.

Both sides can talk to the Mediator openly because the Mediator will not pass on anything said without the agreement of the person who said it.

Those involved in the Mediation will be given a written copy of anything that is agreed.

What if I don't want to be in the same room as the person I am having the disagreement or dispute with?

The Mediator will take this into account and will not make you meet with the person if you do not agree. They will agree some rules with both sides about how everyone will behave in any joint meeting and help everyone to stick to them.

An open and frank discussion of the issues, which is controlled by the Mediator to ensure fairness and appropriate behaviour, can be key to sorting out conflict.

Anyone can ask for the joint meeting to be stopped for a while to take 'time out' or to speak on their own to the Mediator.

My employer has asked me to take part in mediation. Do I have to agree?

Mediation is entirely voluntary. The Mediator will explain all about mediation to you so that you can decide if it is for you. If you decide you do not want to mediate the Mediator will tell your employer that it is not possible for the mediation to go ahead.

It's all the other people's fault, why should I go to mediation?

If you really think this then mediation may not be for you because it is not about deciding who is right or wrong. Still, nearly everyone who uses mediation says it helps them in some way even if total agreement is not reached. If mediation doesn't work you can still use your employers' Grievance Procedure so what you got to lose? Try it and see.

Where will the Mediation be held?

Mediation meetings are held on the employers' premises. There will need to be at least two private rooms for the mediation – one for each side of the dispute.

Can I be made to keep an agreement made in mediation?

You will not be forced into making any agreement against your wishes but you must be committed to sticking to what is finally agreed. Both parties in the dispute will be asked to stick to what is finally agreed – otherwise there is no point in going ahead.

What happens if we don't reach agreement?

If agreement cannot be reached, you can still use your employer's Grievance Procedure. However, it is a condition of mediation that the parties maintain their strict confidentiality of the process.

I am going to mediation. What should I do to prepare?

You will be given more information about this when the Mediation is arranged. Sometimes you and the person you have the disagreement with will each be asked to write down:

- What the problem is that you want the Mediator to help with, and
- A short list of the main things that have happened.

For further information relating to our workplace mediation service,
please contact ADR Group on +44 (0) 117 946 7180.