

# Information Guide to Workplace Mediation / Facilitation

## 1. Introduction

Whether you're a manager considering making a referral to our mediation service, or if you are preparing to engage in mediation as a participant, this Guide to Workplace Mediation will provide you with details of the role of mediator and the process and philosophy of mediation.

This is intended to act as a comprehensive guide to mediation and its role in transforming and resolving workplace conflicts, disputes, and disagreements.

During mediation, the mediator will work with everyone involved in a conflict situation to explore their underlying issues, needs, goals and expectations. They apply a series of safe and constructive approaches to help those involved listen to one another and support them as they name areas of commonality and difference. Mediation is often described as an attempt to build bridges. In many respects, this is true, as mediation helps people bridge the gaps which remain unresolved in workplace conflict.

We understand that resolving workplace conflict can be difficult and tiring. Our experienced mediator will support the participants every step of the way. By listening carefully to what each one has to say, the mediator will encourage them to talk about their problems constructively and safely. They will not make judgments or decide who is right or wrong. Instead, they will keep a neutral and impartial approach throughout the process and support the participants before, during and after mediation.

Importantly, all the work is confidential. This is one of the guiding principles of the Mediation Service and we take this very seriously.

## 2. What is Mediation?

Mediation is a process whereby a neutral person works with people who are in a workplace conflict or dispute to aid them in reaching a satisfactory outcome.

It creates a safe environment where participants can communicate and work towards the restoration of a positive working relationship. Mediation is a structured process which enables those involved to find, consider, and discuss their own and each other's current and future needs. The mediators encourage and facilitate open and honest communication which often leads to increased awareness, understanding and empathy between participants.

Mediation is a different way of resolving conflict, it has a clear structure and it is underpinned by important ethical values. However, it is important to say that mediation is only as effective as you want it to be. If you want to find a solution you will find it.

The mediator will do everything they can to help those involved to find a positive and constructive way forward.

The key purpose of mediation is to restore a positive and productive working relationship. During mediation, the meaning of a positive and productive working relationship will be considered, how such a relationship can be restored, how this should happen, and how mediation can ensure that it will work.

There are some key concepts which will be explained at the first meeting:

### **Mediation is voluntary**

People should enter mediation because they want to and not because they feel bullied or threatened.

**Mediation is a safe and constructive way of speaking and listening** Mediation's basic ground rules prevent the process from being used as a means of threatening, intimidating, or bullying participants.

### **Mediation encourages fair problem-solving with a focus on the future**

Every person involved in conflict has an idea about how it can be resolved. Mediation encourages openness and honesty and it ensures that each person's point of view is considered. Through mediation, it might be useful where proper that the participants develop realistic, agreed, and measurable action plans.

### **Mediation is confidential**

Mediation is a confidential process. We ask the participants to sign the confidentiality agreement before the mediation/facilitated session. No formal records are kept of the information shared in the mediation meeting and nothing is put onto your files

## **3. What is a Mediator (Facilitator)?**

An independent person who is invited into a conflict or dispute situation to work with the people involved to try to find a positive resolution to their situation. The mediator does not judge who is right or wrong, does not blame those involved and will not tell people what to do.

The mediator will listen carefully to what the participants say and ask several questions to allow them to share information. The mediator will help the participants to address their current concerns and issues as well as their expectations and goals.

Throughout the mediation process, the mediator will consider how to move the participants forward and work with them to consider their future needs, expectations, and options.

## **4. What is the Mediation (Facilitation) Process?**

There are number of stages of workplace mediation:

1. The Referral and setting up the mediation
2. The mediator will contact the participants separately (normally by telephone)
3. The mediator holds a first meeting with the each of the participants separately
4. The mediator holds a second meeting with each participant separately or jointly depending on the situation
5. The joint mediation (facilitation) meeting

Each of these stages is explained in more detail in the pages below

### **Stage 1 - Making the Referral and Setting up the Mediation**

The purpose of the referral is

- For the referring person to provide details of their concerns in relation to a conflict or dispute between (or with) one or more employees.
- To provide the background to the conflict, covering any relevant history, the present situation and the organisation's expectations and goals.
- To explain the causes and effects of the conflict in terms of the people involved, the current management action, the prevailing culture, the environment and the use of existing policies and procedures.
- To consider whether mediation is suitable in this context.
- To agree logistical arrangements, costs, and any requirements for reporting back.

### **Stage 2 - Contacting the Participants**

The mediator will contact the participants separately, usually by telephone, to explain how mediation works and to make it clear that the process is an honest and genuine attempt to resolve conflict. The mediator will explain the importance of getting each person's commitment to

mediation to improve the likelihood of later success.

### **Stage 3 - The First Meeting**

On the Mediation day, the mediator holds the first meeting with each participant separately. The purpose of this meeting is to: Explain and clarify to the participants, the role of the mediator, and the mediation process, and to answer any questions that they may have.

- Consider the various elements of mediation and the impact on the individuals involved.
- Find, through a process of active listening, the history of the situation as well as the participants' future needs and expectations.
- Discuss the participant's goals for mediation (see Mediation Agreement).
- Agree terms of reference for the mediation process which the participants can commit to.
- The first meeting will give each participant the opportunity to discuss the issues as they see them, to find out more about mediation and, hopefully, to commit to the process. It is important that those involved realise that the mediation process is a useful tool to help amend the situation and that each participant will only get out of the process what they are prepared to put into it.
- The mediator will listen carefully to each participant and ask relevant and appropriate questions. The mediator does not judge what participants say and will work with each person to prepare them for the joint meeting. Whilst the mediator will not disclose what the other person has said, they will identify areas of commonality and consensus.
- The participants will each be asked to prepare for the joint meeting by clearly naming their needs and goals and to consider what they wish to say in their uninterrupted speaking time in the joint meeting

### **Stage 4 - The Second Meeting (if required)**

- In the second meeting the mediator meets each participant again separately. The meeting is relatively short, but it is especially important for three key reasons. It prepares all participants for the difficult conversation ahead.
- It allows the participants to 'test' what they want to say on a neutral person.
- It gives the mediator the opportunity to map the issues and develop the agenda for the joint meeting.
- It provides the mediator an opportunity to coach the participants on how to communicate in the joint session, their concerns, and desired outcomes. (This is known as an opening statement). It is important to prepare for this as it is not always easy to say what you want to say when you feel tense. Notes or bullet points can be helpful.

### **Message Starters and Framework:**

To help with this here are some starters that are set out in a useful order of communication.

- What I believe we all have in common is...
- Purpose of the organisation...
- Purpose of our team...
- I believe some of the things that are good about what we are here to do and how we are contributing is...
- What I think is working against us achieving the purpose and aims is...
- What I would like to see less of...
- What I would like to see more of...
- I want this to work, but I acknowledge at times I may slip-up. If I say or do something that upsets you, what I would value from you is for you to let me know by...

### **Stage 5 - Joint Mediation Meeting**

The joint meeting generally take place in the afternoon of the mediation day. The purpose of this meeting is:

- To establish a safe and structured environment where all participants involved in the dispute/conflict can meet one another to discuss their concerns.
- To evaluate all available options and ultimately to arrive at realistic, manageable, and agreed outcomes.

- To develop an action plan and a memorandum of understanding for agreement by all participants.
- To consider longer-term requirements and follow-up arrangements.

### **Joint Mediation Meeting stages:**

- ❖ Opening and ground rules
- ❖ Uninterrupted speaking time each person in turn
- ❖ Exchange between the participants
- ❖ Action planning
- ❖ Closure

### **The Joint Mediation meeting in detail**

- ❖ Opening and ground rules

At the start of the meeting the mediator will set up a few ground rules. These are:

- Please try not to interrupt whilst others are speaking.
- Listen to what each other are saying.
- Respect the other person's points of view and their right to voice it.
- Be courteous to each other
- Speak from your own perspective

- ❖ Uninterrupted speaking time

After the ground rules have been agreed, each of the participants will have the opportunity to tell their story. This is done during uninterrupted speaking time. You should try to speak for a maximum of five minutes, but you may take longer if necessary, but consider that the other person might not be able to remember a lot of points. Each person is given the same opportunity to speak and listen.

This is known as the opening statement. It is important to prepare for this as it is not always easy to say what you want to say when you feel tense. Note or bullet points can be helpful

- ❖ The exchange between the participants

After the uninterrupted speaking time the mediator will invite the participants to respond to what they have heard or to ask questions of clarification. This allows each participant to hear what the other is saying and the impact on them.

This meeting is a carefully structured process which follows simple and effective guidelines. This by far is the most important stage of the mediation process. Entering this clearly shows commitment towards a positive and realistic outcome to the current situation.

This form of mediation is not easy, and it can be challenging, frustrating, complex, and tiring. However, by meeting one another and talking with honesty and openness about the situation, you are making a real and sustainable contribution to the dispute resolution process.

We consider the process of direct communication as the most effective and worthwhile form of mediation available.

- ❖ Action Planning

Agreement around next steps, time to review, escalation steps if concerns arise

- ❖ Closure

The mediator will summarise and confirm informal/formal agreements and bring the session to an end.

### **The role of the mediator during the facilitated meeting**

The mediator's role is to act as a facilitator, listen carefully, ensure that ground rules are adhered to, ask questions, summarise what is said and generally lead the meeting in a positive manner whilst ensuring everyone's point of view is considered.

### **Time-out**

In some cases, the mediator may ask for the joint meeting to break into smaller one-to-one meetings. This allows participants to take time out without interrupting the flow of the process. A time out may be called when:

- A difficult issue arises which requires personal and private consideration.
- Mediator experience difficult or challenging behaviours.

- One or both participants requests space and time to think and reflect.

### **Reaching Agreement and concluding the mediation**

There are no set formulae for how mediation should end. Every situation is different and what is needed may be different depending on the circumstances. It is important that participants can start talking again and that they agree what they want to happen in the future. What happens afterwards may include:

- An action plan to be checked by participants for a specific time.
- Future mediation involving other people or a whole team conference if there is conflict within a team.
- An agreement or memorandum of understanding outlining how the participants will interact in the future.
- Consideration of training and development issues or supervision and coaching needs.

The mediator is bound by a strict code of confidentiality. However, it is recognised that some feedback may be needed as part of the reintegration process. Each case will be assessed on its own merits and circumstances. The mediator will agree with the participants what, if any, feedback is provided to the referring manager. The availability of email and telephone support will be discussed at the conclusion of the case.

Any outcome may be put in writing in the form of a Mediation Agreement for participants to consider, keep and follow. Another approach to this is developing an above and below the line agreement. After an agreed period (usually one month) the mediator will contact participants to learn how the case has progressed.

**Remember:** Mediation is only as effective as you want it to be. If you want to find a solution, you will find it. The mediators will do everything they can to help those involved to find a positive and constructive way forward.