



WORKPLACE MEDIATION SERVICE

THE MEDIATION PROCESS EXPLAINED



What is Workplace Mediation?

Workplace Mediation is a confidential and informal way to resolve disagreements or disputes between people who work together. The process is assisted by a trained mediator who acts as a facilitator. The process works by encouraging the parties to speak to each other and reach a mutually acceptable agreement that will sort out their problems. It gives the parties a chance to talk about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. The dispute could be between two or more people.

Mediation is:



VOLUNTARY

It cannot work unless all parties agree to mediation. It is therefore essential that the parties are not put under pressure to attend mediation or feel that it will count against them if they decide not to participate.



A MEANS FOR REACHING AGREEMENT

The parties will be asked to identify their issues and concerns and from this an agenda will be set to help them jointly work towards an acceptable way forward. The mediator will encourage open communication and will help the parties to generate options and ideas that will improve the situation. The aim of mediation is to achieve a win/win outcome with the parties taking responsibility for making changes and agreeing a more positive way of working for the future.



CONFIDENTIAL

The process is carried out on the basis of agreed confidentiality between the parties and the mediator. The exception to this would be if a party raised issues of harm to self or others, or issues of serious misconduct. The content of mediation is not fed back to Human Resources staff or managers, nor is it recorded on the employee's personnel file. However, the parties may find it helpful to share some or all of details of their agreement with people outside of the process – but only if they both wish to do so.



QUICK

The aim of mediation is to resolve issues at the earliest opportunity. Mediation can be arranged in a few days and the process can usually be completed in one or two days.

What types of disputes can be resolved through Workplace Mediation?

Mediation can be an effective method of resolving many types of workplace disputes. These could include:

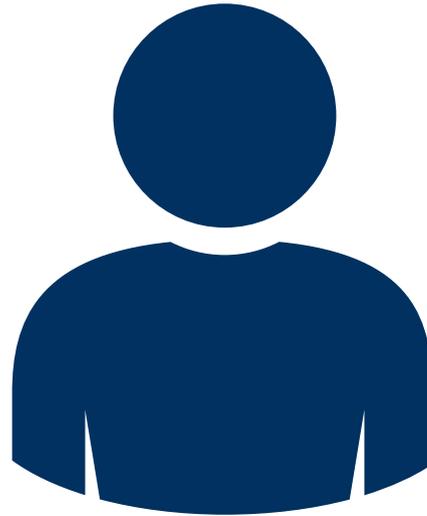
- ✓ Communication issues
- ✓ Personality clashes
- ✓ Unresolved or ongoing grievance issues
- ✓ Perceived discrimination, harassment or bullying
- ✓ Differences of working style or approach
- ✓ Inappropriate use of power, status or position.

What is the mediator's role?

The mediator's role is to act as an independent and impartial facilitator. They will not take sides, judge what is right or wrong, or tell anyone what they should do. They will coordinate the process by making sure that each party has an equal voice, is heard and is able to respond. They will ensure each party is willing to undergo mediation before the process begins, establish the 'ground rules' and ensure that all parties understand and comply with these.

The mediator will encourage the parties to discuss their issues of concern and help them look for realistic solutions. Where appropriate, the mediator will assist the parties to draw up a mutually acceptable agreement that can be signed by both parties.

The parties can talk to the mediator openly because he or she will not pass on anything said without the agreement of the person who said it. Confidentiality will be maintained at all times.



How does mediation work?



Separate meetings with the parties

The mediator will meet with the parties individually to:

- Explain the mediation process, including confidentiality, and the role of the mediator
- Explore the core issues and possible ways forward
- Prepare for the joint meeting.



Joint meeting with the parties

The mediator will remind both parties about the ground rules which include confidentiality, respectful behaviour, listening to each other and being patient. Both parties will have uninterrupted time to set out the issues as they see them, and an agenda is agreed.

The issues are further explored with both parties so that concerns and perceptions are fully discussed.

Mediation will work towards:

- Generating and assessing options
- Encouraging problem solving
- Encouraging a change of focus from past to future
- Constructing a mutually acceptable agreement for a more positive way of working for the future

If an agreement is reached, it will be written down with clear action points and both parties will be asked to sign it, and each will have a copy to keep. This remains confidential.

How does mediation fit into formal policies and procedures?

Mediation can be an alternative to formal procedures, or it may form part of an agreed action prior to, or following, formal procedures. For example, it can be particularly effective if instigated prior to a formal grievance being raised or to assist parties to rebuild working relations following a disciplinary or grievance hearing.

It must be noted that agreements reached through mediation are not legally binding (although it is hoped that the parties will treat the agreement as 'morally binding') and any information shared by the parties is not used in any subsequent formal procedures due to the confidential nature of mediation. Notes made by the mediator are not kept or used beyond the mediation process. A mediator will not give evidence at any formal procedure or Tribunal.

If mediation does not resolve the issues, an employee can still choose to follow the formal procedures. If mediation takes place during any formal procedure, the procedure will usually be put 'on hold' pending the outcome of mediation.



South East Employers (SEE) is one of the nine regional employers' organisations which represent the interests of local authorities and public sector bodies in England and Wales. South East Employers is independent and not-for-profit and our aim is to add value to our councils and communities through our wealth of local knowledge and professional expertise.

Our mediators are experienced in mediation and, in addition to providing training for organisations wishing to develop an in-house mediation service, SEE provides an external and independent mediation service to assist in resolving workplace issues.

For more information and other services visit:

seemp.co.uk



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