

MEDIATION SERVICES

Interpersonal conflict in the workplace costs companies millions of dollars every year. These conflicts arise out of competition, company culture, personality differences, diversity issues, employee personal issues, and work place stresses. Unresolved conflict results in lower productivity, errors, sabotage, costly miscommunication, hostile environments, intimidation, harassment, increased sick time, violence and sometimes lawsuits. They also take up a lot of time and energy from management to monitor and try to resolve the conflicts as they erupt. Attempts by management to resolve these disputes may sometimes be successful. However, management may be limited in its ability to freely mediate these conflicts. Management personnel also may not have the training or expertise to mediate some of the complex relationship problems that arise between co-workers. Having a neutral, trained mediator from outside the organization facilitate a resolution to the conflict can be productive and cost effective.

❑ WHAT IS MEDIATION?

Mediation is a cooperative process for resolving disputes in which a neutral individual-a mediator- facilitates a discussion between the parties in order to help them clarify the issues and resolve their conflict. Anyone can attempt to mediate a dispute between two parties. **Formal Mediation** is where a trained mediator facilitates the mediation process between parties by using a structured approach. This approach has been developed through countless mediation experiences and has become a discipline. Mediation takes place through the courts, neighborhoods, businesses, schools and other public institutions. Mediation is an effective alternative to resolving disputes in the workplace. Co-workers can resolve an otherwise irresolvable dispute by using this process to look at the conflict or dispute in a new way. It is an attempt to transform division into collaboration.

❑ WHEN IS MEDIATION APPROPRIATE?

Mediation is useful in a wide variety of situations, particularly after an incident, at the point when emotions have eased enough that the parties can begin to communicate with one another. Mediation can work particularly well in helping participants resolve problems, let go of their grievances and mend broken relationships. Often times there is improved communication, less tension, increased productivity and a better atmosphere for others to work in. Mediation allows participants to find answers to their concerns and walk away emotionally relieved, with an agreement that each can uphold.

❑ HOW DOES MEDIATION WORK?

Mediation gives people the opportunity to voice their differences. Intense conflict tends to generate misunderstanding and suspicion. When parties are brought together in mediation these misunderstandings and suspicions are openly addressed. The process helps the parties clarify and focus on the issues in the dispute. Because mediation is not bound by company rules, policies, and formal proceedings, the parties can bring up whatever concerns them most. They are not restricted to those issues that are official company business. Managers that attempt to mediate some disputes quickly find themselves in territory that may be more in the personal realm of the individuals in dispute. These areas involve communication styles, personality types and relationship issues, in and outside of work.

Even if a mediated agreement does not completely end a conflict, it can protect all parties involved from that conflict further escalating in the future. A written agreement is very helpful in refining and formalizing the resolution such that it is realistic, brings a degree of closure to the conflict, and clarifies exactly what each disputant will do and will expect from the other. Success lies partly in the mediators' skills, but also with the readiness and willingness of the parties. People in conflict generally want the dispute to end. Ultimately, the success or failure of conflict resolution is the responsibility of the parties involved.

❑ WHAT IS THE PROCESS

The process of mediation is where parties come together voluntarily to resolve a dispute. All parties must agree to mediation. Parties will sign a formal agreement stating that they are entering into the mediation process of their own choice. The agreement also states that the process is confidential. Neither party can discuss what is said in the mediation without the agreement from the other. The employer nor others are not told of the discussion contents that occur during the mediation. All the employer will know is that the mediation is taking place and whether an agreement was established. Parties (if agreed upon) may share their agreement with their employer.

Rules are set regarding how participants will behave during the mediation process. Respect is outlined and discussed. Individuals are told to speak for themselves using "I" statements. The mediator will stop any name-calling and other destructive behaviors. It is understood that emotions run high during times of conflict, but in order for the conflict to be resolved, each party will need to feel safe, therefore certain behaviors will need to be eliminated. All parties will get a chance to speak free from interruption. The mediator will facilitate the discussion to bring out all perspectives. This uninterrupted time will eventually lead to an exchange where both parties will be encouraged to discuss their differences. The mediator will begin to move the conversation toward the future and how the relationship needs to function in the work setting. A discussion of possible and acceptable ways of solving the problems will transpire. As the discussion continues, parties will work through each issue on the agenda generating a number of ideas, then weighing, adjusting, and testing the alternatives to craft a workable, mutually satisfactory solution. Usually an agreement is reached on the items that they brought

forth in the mediation. A formal agreement is written up with wording exactly fitting each party's understanding of the solutions. Everyone present signs the agreement and takes a copy with them. While the agreement is important, equally important is the process on how the agreement was reached. Again, copies of the agreement can be shared with others provided all parties agree to do so.

□ Mediation Characteristics

1. Who is present

The Parties involved in the dispute(s)- Even though parties are often pressured to attend, they still choose to participate in mediation. A manager and employee may be involved in mediation. Any two within the organization can agree to enter into mediation. If one of the parties refuses, the mediation can not occur. The mediation is usually between two individuals but could involve more than two people.

The Mediator(s)- Formal mediators who have substantive training and apprenticeship in the mediation process. Some mediations might be conducive to two mediators being present. Co-mediation can sometimes be more effective than an individual mediator.

Others- Parties may request another person be present at the mediation, such as a union member or other representative for support. While this is not preferred for mediation, these options are possible provided both parties agree to the arrangements.

2. Basic Structure

Session length- Full sessions last between 1 ½ to 2 hours. The first session may take the longest because of the need to set up the mediation rules and introduce the parties to the process. Situations are generally resolved in one to three sessions.

Flexible process- the mediator follows a basic anatomy of a mediation session, but does not work from a rigid script. Either party, or the mediator can end the mediation process at any time if they feel that progress is not being made.

Caucusing-The mediator or either party may call for a caucus. These individual meetings are between the mediator and one "side" at a time. Caucus sessions are short, usually 5-15 minutes, and all information shared in a caucus is confidential. The mediator will ask permission to bring specific caucus material to the other party either in caucus or the joint session.

Informal tone- mediators strive for a relatively informal, conversational tone. Their role is that of facilitator, not arbitrator or judge.

3. Purpose and Focus

Looking at the wider picture- Parties discuss the general situation, not just their immediate complaints. Any issues may be raised.

Airing emotions- Expressing strong emotion is appropriate as long as it is not an attack. Venting emotion is not the focus or goal, but may be necessary to accomplish other steps in the process.

The solutions are their own- Parties do the hard work of speaking for themselves and working out mutually acceptable solutions. Mediators do not craft or impose solutions for the parties.

Success is more than problem solving- The goal of mediation is to help people improve their future relations and gain confidence in handling conflicts. While problem solving is important, it is not the sole measure of success.

Valuing reconciliation- The goal of mediation is that each party comes away from the process with a greater understanding of, and empathy for, the other parties' point of view.

❑ WHO IS THE MEDIATOR?

Most workplace conflicts will be mediated by Heather Payette, EAP Supervisor with Ingenuity First EAP. Heather has her Master's Degree in Human Resource Development from University of St. Thomas. In addition, she has completed a 40-hour mediation certification course through the Mediation Training Institute and has also completed further mediation training through the Community Mediation Center in Green Bay and The Wisconsin Association of Mediators. In addition to workplace mediation, Heather has volunteered as a mediator for the Community Mediation Center. For more information about Mediation Services, call Heather at 920-720-4113 or 1-800-236-3666.