

Workplace matters

The power of mediation Sandi Mann

Keira was deeply unhappy with the way her boss was treating her. She felt victimised and unfairly treated, but couldn't see any way out. She had dropped hints to her boss but found her unapproachable and uninterested; Keira now found herself frequently unable to work due to stress-related illnesses and she was also starting to engage in counterproductive workplace behaviours out of anger and resentment. Called in to her employee counselling service due to the amount of sickness leave she had taken, she confessed to her concerns – and was surprised when mediation was offered.

Mediation has long been used as a standard tool for conflict management in large-scale workplace disputes (such as between unions and employers), but it is slowly becoming recognised as an effective tool for one-to-one disputes at work too. Some companies are starting to build 'mediation clauses' into contracts, personnel handbooks and employee manuals.¹

South East Employers is one of nine not-for-profit regional employers' organisations which represent the interests of local authorities and public sector bodies in England and Wales. They believe that workplace mediation can be particularly effective for resolving issues such as communication issues, personality clashes, unresolved or ongoing grievance issues, perceived discrimination, harassment or bullying, differences of working style or approach and inappropriate use of power, status or position. The process works, they say by 'encouraging the parties to speak to each other and reach a mutually acceptable agreement that will sort out their problems'.²

Mediation involves an impartial third party (the mediator) bringing together the individuals in conflict or dispute and helping them to come to an agreement about moving forward. According to the University of Central Lancashire's (my own university) mediation policy, 'Mediation is based on the principle of collaborative problem-solving, with a focus on

the future and rebuilding relationships, rather than apportioning blame.'³ The mediator, then, is specially trained and is not there to judge or even to tell those involved what they think should be done.

Mediation achieves this by providing a safe and controlled outlet for both parties to express their feelings and concerns, without emotional reactions interfering with the process; without mediation, it is common for anger or other strong feelings to get in the way of any resolution. The impartiality of the mediator facilitates each party seeing the viewpoint and perspective of the other and thus allows new solutions to be developed.

Mediation generally involves an initial meeting between the mediator and each of the parties involved in the dispute, followed by a single or several joint meetings. The purpose of the joint meetings is to allow both voices to be heard, to explore all the issues expressed, to come up with resolutions (that often involve compromise and concessions all round) and to consolidate agreements reached.

The benefits of mediation are outlined in a 2006 journal article by Kristina E Berggren from the University of Rhode Island.¹ She explains that mediation is fast, reactive and can benefit both employer and employee just as much (especially since resolution often relies on non-monetary solutions such as apologies or changes in working conditions). Mediation often prevents conflict escalating to more costly litigation, tribunals, legal action, job quitting and other personal consequences for the health and wellbeing of the affronted party.

It is important, however, to be aware of some of the problems with mediation, especially from the point of view of a workplace counsellor. Often, both the manager and the employee can feel very uncomfortable with the idea; the manager because they can feel defensive, as if they are going to be under attack, and the employee because they feel that the onus of proof is on them.

Mediation has to be well managed, too, if it is to be successful, and poorly trained

mediators might not have enough control over a meeting. For example, one person may dominate, interrupt, intimidate or not allow the other party to express their views. Inexperienced mediators might also miss nuances of difficult behaviour, such as ignoring or refusing to talk, which can be expressions of defensiveness, vulnerability or hurt.

But, when undertaken by trained and experienced facilitators, mediation can transform conflict, stress and possible legal action, into an amicable situation which sees both parties moving forward with differences reconciled. For Keira and thousands of others, that has to be worth trying.

References

- 1 Berggren KE. Do formal mediation programs work in the settlement of employee-employer disputes? Schmidt Labor Research Center Seminar Research Series. 2006: 1-11. [Online.] [accessed 10 November 2014]. www.uri.edu/research/lrc/research/papers/Berggren_Mediation.pdf
- 2 South East Employers. Workplace Mediation Service. The mediation service explained. [Online.] [accessed 10 November 2014]. www.seemp.co.uk/mediation.pdf
- 3 ACAS. Mediation: an approach to resolving workplace issues. An ACAS Guide. February 2013; [Online.] [accessed 10 November 2014]. www.acas.org.uk/media/pdf/2/q/Mediation-an-approach-to-resolving-workplace-issues.pdf



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