

## **About Mediation**

The facilitative approach to mediation involves a third party who through discussion between parties in dispute or conflict to identify core issues, explore options and seek to find common ground in order to help them find a way forward. Mediation gives the parties the opportunity to communicate openly in a safe environment, working with the mediator to find ways to manage and resolve whatever differences they have. A mediator is impartial and therefore does not make a decision but empowers the parties to find a resolution.

A mediator will help the parties (either individuals or groups);

- Communicate with each other
- Identify the key issues
- Discuss concerns and problems which have arisen
- Look at the options for moving forward and find constructive solutions
- Assist the parties determine an agreed settlement

The objective of mediation is always to enable the parties to find a solution to their dispute which minimises further expense and ineffective use of time, while achieving the certainty of resolution.

## **What are the benefits of mediation?**

- Mediation can be arranged fairly quickly and in many situations parties can be prepared for mediation within 1 day. Sometimes, the nature of the matter may prolong this and may also require a series of meetings as parties work towards a satisfactory outcome
- Many disputes result in a satisfactory outcome, rather than seeing the matter being handed over to a third party such as a tribunal where an outcome will be imposed.
- Confidentiality is central to the process, the mediator will not discuss with a third party without the permission from the parties. The process does not further implicate any statutory rights to which the party has and may decide to exercise.
- There are no fixed rules or procedures to mediation, the mediator will work with the parties to find an appropriate resolution
- Parties are assisted by the mediator to find ways to rebuild lines of communication and are encouraged to speak openly and frankly. Often the opportunity to listen and consider the other parties point of view can bring out a change in position and start to open avenues of dialogue previously unexplored.
- Outcomes are not restricted and they can and often do involve explanations, statements of regret, reassurances. Until the matter is agreed, nothing said or done is binding upon anyone. This means that the parties can explore options and be creative about possible options without the constraints of binding agreements.

- Mediation brings the dispute to an end or at least follows all concerned to narrow the issue in dispute and understand better what the differences between them are about.

### **The role of the Mediator**

The mediator is the facilitator of the process – they remain impartial and focused on supporting the parties until an outcome is reached. They will follow a safe process which allows the parties to follow a distinct journey from preparation, building rapport, understanding and exploration of the issues, developing possible solutions, making decisions and implementing outcomes. The mediator will set out the path for this journey and support the parties through the various stages, providing encouragement, frameworks and techniques to manage the process.

### **How does it fit with other HR processes?**

The employment relationship is influenced by employment law provisions, explicit or implied terms and conditions, custom and practice, culture and values of organisations and individual behaviours. It is by its nature a complex relationship. HR policies, procedures and practices will determine accepted custom and practice and set out remedies should these be breached. These are essential in determining what is required and accepted and are required by law in many cases.

Mediation offers an alternative approach to resolving disputes. The disputes could be as result of a number of different reasons and mediation may be appropriate, for example

- Breakdown in relationships – between employees or employee with employer
- Breach of policy or procedure where the facts are difficult to prove or complex / open to interpretation
- Breach of policy where the consequences of following statutory process give cause for concern either due to cost or time or other
- Following statutory process does not easily fit with culture, management style or personalities.

### **Is it right for you?**

The best way to find out is to explore different options and to consider mediation as an alternative approach. Gravitate HR will take time to understand the issues, the circumstances including all possible risks and will offer different alternatives and advice on ways forward. Best way to find out is to discuss, digest and then decide. We are happy to set up an exploratory meeting and discuss in more detail how mediation may benefit you and your set of circumstances.

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