



Workplace mediation

impartial advice for effective resolutions



What is workplace mediation?

- A confidential, impartial, non-judgemental and voluntary process to address workplace disputes quickly, where a neutral third party assists colleagues to understand their differences and find their own solutions
- Mediation takes place outside of any grievance or disciplinary process and is confidential. The appointed mediator facilitates conversation between the participants without passing any judgment or reporting back to line managers
- The distinction between mediation and a formal process is important as it enables the participants to talk more freely and devise outcomes that they are willing to adhere to, rather than a decision being imposed upon them
- Crucially, the mediator is impartial and is not there to act as an advocate for either participant or to further the employer's desired path to resolution
- Workplace mediation is different to judicial mediation i.e. where an Employment Tribunal claim has been issued, or commercial mediation between represented parties looking to resolve a dispute in a formal way.



A participant-led process

- The mediator will handle the process confidentially. They will not take sides or impose any of their own - or the employer's - views or solutions on the parties. They are present to get the parties talking and working together to make inroads in how to address their differences
- If a party wishes to withdraw from mediation they are free to do so, but the mediator will encourage them to think through the implications of doing so before they walk away
- Led by the employees as "participants" to set the agenda for their discussions regarding the issues of conflict in their working relationship. This shifts the focus from any decisions being imposed by the employer to empowering the employees to make their own commitments as to how their working relationship will operate in the future
- The appointed mediator will assist in facilitating the discussions and will move the participants from the issues at play to potential resolutions. It is a forward-looking process, with the participants encouraged to devise their own outcomes to work together more effectively in the future. The mediator is not there to set an agenda, offer solutions or stipulate an outcome. It is therefore completely participant-led.



Why choose mediation?

- Workplace conflict is a drain on a business. It leads to lost revenue, reduced productivity and increases in staff absence and turnover
- Consider whether you can afford to leave staff who work unhappily alongside each other in conflict to fester. Doing so often ends in complex grievances arising out of differences in personality or working style, or disciplinary sanctions being issued if one party perceives the conflict to amount to bullying and harassment
- The size of the business doesn't matter. Differences between colleagues in a smaller business can have just as much of a detrimental impact as in a larger organisation. Left unaddressed, relatively minor disagreements can escalate and cause fundamental damage to your business
- There are fewer layers of formality and because mediation is participant-led, employees should feel a greater sense of ownership and satisfaction compared to a management imposed decision. Empowering employees to make their own decisions in this way leads to a reduction in litigation and encourages co-operation in the future between participants and amongst the workforce in general
- We can take swift action to address ongoing tensions and an early intervention strategy can aid in avoiding protracted grievances or disciplinary proceedings. This is particularly the case where the issues at play are in essence difference in personality or working style. Commonly, differences in approach to work, particularly in managerial/ line report interactions, are inaccurately interpreted as bullying. Had discussions taken place at any earlier stage, such perceptions could have been addressed and the friction "nipped in the bud".



Hear what our clients say about us

Stephanie approached the situation at hand with a very inclusive style. She quickly created a relaxed atmosphere that allowed versions of events to be presented easily, without agreeing or contradicting. The communication throughout the process was clear and supportive. The meeting itself was held in a very professional manner and both parties were able to share their views, were encouraged to be open, and to explore each point without feeling rushed. When there were challenging conversations, these were supported through to the outcome that suited both parties. As mediation goes – it was a pretty good experience.

From a participant

Our specialists are here to help you

- Practices considering mediation may choose to appoint an internal mediator or an external consultant, trained and with experience in workplace mediation. The benefit of using an external mediator is that they can easily demonstrate they are independent and impartial. Whilst their services are paid for by the practice, they have no previous relationship to participants and are therefore more likely to be trusted as a neutral third party
- By choosing us you are safe in the knowledge that mediation is offered by a recommended individual rather than an unknown external third party.

When will workplace mediation not be suitable?

- Workplace mediation is not appropriate for team issues, which may benefit from facilitated sessions to air and address conflict between several colleagues and/ or managers
- It is not suitable for serious disciplinary matters, such as potential gross misconduct situations or serious allegations of discrimination
- It is also not applicable for disputes over employment contract terms and conditions - either individual or collective.

How have we helped our clients?

We work across a variety of departments and sectors including professional services, veterinary practices, manufacturing, armed forces and in educational settings. Examples of scenarios where we have stepped in to mediate include:

- Between a manager and staff member – a staff member had issues with following instructions and “doing their own thing”. This included sharing confidential information amongst the team, isolating themselves when in the office, and questioning authority and decision making rationale beyond what would be considered healthy
- Between peers – issues with language and “style”, questioning processes, asking questions of their manager which had already been answered, general “dislike”
- Between a head of department and teacher due to communication style, method and lack of awareness
- When mediation is recommended by grievance outcome – with peers or organisational clashes over lines of responsibilities
- Mediation between a senior team member and an established junior team member – not following instructions, personality clash, complaining to the head of team.



What were the outcomes for participants?

- Regular catch ups
- Agendas before meetings
- Agreed protocols
- Meetings with team managers
- Mix of communications – meetings and written
- Greater understanding of others' position, rationale, needs
- Agreeing to be open and a desire to work together
- Resignation
- Change of role.

Cost

Fees are based on a day rate of £1,200 plus VAT (plus travel costs).

The duration of the mediation depends on the issues at play.

Mediation commonly runs between one to three days.

Hear what our clients say about us

A client contacted us with a suspected conduct matter which in fact identified to be a personality clash between two colleagues. There had been a few instances of minor misconduct which the client was keen to resolve via means of a disciplinary process, and whilst this still remained an option, a formal process such as a disciplinary was unlikely to resolve the relationship difficulties, nor address the greater impact the behaviour was having on the wider office. In these circumstances, mediation was offered in an attempt of conflict resolution, and whilst the dispute was in its early stages, it felt like the right way to address matters. Stephenie spoke with the client in detail, outlining the process and steps involved and following instruction, the mediation got underway shortly after.

From a referrer



If you would like to have a no obligation chat about how we might be able to help, give me a call

Stephenie Malone

Senior HR Consultant,
Eagle HR

T: 03301 075 962

M: 07896 462 779

E: smalone@eaglehr.com



0808 168 5780

www.hcrlaw.com/eaglehr

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