

## Professional Dispute Resolution

### What is mediation?

Mediation is a voluntary, safe and confidential process of dispute resolution in which an impartial third party (the mediator!) facilitates a series of private meetings and a joint meeting with the parties.

Mediation addresses the underlying (root) causes of conflict or tension. Mediators create the conditions for dialogue by using a non judgemental and impartial approach. The final outcome of mediation is one which is mutually acceptable and agreed by both parties and not the mediator.

In Jaluch terms this means that the mediator will facilitate the discussion, will listen to the different views, will be impartial and will not seek to judge or blame anyone. At the same time the mediator will encourage the parties to arrive at their own solution to their issues rather than solving the problem for them!

### Benefits & advantages of mediation

#### Employees

- Individuals have a sense of greater control during the resolution process rather than trusting everything to a grievance process.
- Mediation ensures that people can get things off their chest.
- Parties involved in the conflict feel listened to by someone who is not going to blame or judge them.
- Individuals have a greater stake in the final outcome.
- Individuals feel valued by the organisation.

#### Managers

- Mediation provides a swifter resolution, reducing the drain on financial and management resources.
- Managers feel supported by the organisation.
- Reduces managerial stress.
- Mediation can assist with restoring the psychological contract.

#### Organisations

- Reduced costs.
- Increased communication across all levels.
- Conflict resolved positively and in a meaningful way.
- Releases other staff to become involved in more productive activities.
- Throughout process of mediation, prejudice, inappropriate behaviour and bullying are challenged positively and constructively, this creates a positive culture which is "organisation wide".
- The mediation conversation and paperwork is "without prejudice" and cannot be used as "evidence" at a tribunal.

### When may mediation not be appropriate?

- Both sides are unwilling or unable to mediate.
- Agreed rules need to be applied first including company policies and procedures.
- There is behaviour which makes the parties feel that communication or negotiation would be unsafe, e.g. physical threats made.

### When may mediation be appropriate?

- Low levels of anger and physical or verbal intimidation.
- No serious breaches of company rules or policies.
- Facts which are unsubstantiated.
- People who are committed to the problems and are willing to solve it.
- Concerns about ongoing relationships.
- People who are not prepared to work things out without outside help.

### Why does mediation work?

- Creates a safe and structured environment for dialogue.
- Addresses past concerns and encourages future focus.
- Develops clear realistic and agreed goals (SMART!)
- As the process is confidential this promotes openness, honesty, tolerance and respect.

### What is the process?

- After an initial telephone conversation with the referrer (usually the Company), we will send out a copy of the Jaluch guide to mediation, the confidentiality agreement and a referral form.
- After completion and receipt of the referral form each party will be contacted by telephone to make sure they have read both the guide and the confidentiality agreement and will be attending the mediation session on a voluntary basis.
- Suitable rooms need to be arranged and paid for by the referrer either at their place of work (not ideal!) or somewhere such as a convenient hotel or Regus offices etc.

On the day there are a series of meetings held with each party which briefly run as follows:

#### Mediation Timetable

| Event                                      | Timescale      | Parties Involved |
|--|----------------|------------------|
| Meeting 1                                  | 1 hour         | Party A          |
| 15 minute gap                              |                |                  |
| Meeting 1                                  | 1 hour         | Party B          |
| 15 minute gap                              |                |                  |
| Meeting 2                                  | 30 mins        | Party A          |
| 15 minute gap                              |                |                  |
| Meeting 2                                  | 30 mins        | Party B          |
| BREAK: 45 min - 1 hr lunch                 |                |                  |
| Uninterrupted speaking time & the exchange | 1 hour or more | Party A & B      |
| Problem solving & action planning          | 1 hour or more | Party A & B      |
| Comfort break                              |                |                  |
| Agreement & close                          |                | Party A & B      |

- The mediator will follow up with each party 30 days after the mediation session has taken place.