



Tania Coke, Senior Mediation Consultant, Consensio tells Changeboard the benefits of mediation in the workplace, and getting into that all important 'mediation mindset'.

The importance of mediation

The business case for workplace mediation is getting increasingly difficult to deny. By bringing disputing parties together to talk to one another and find their own solutions, mediation can save the organisation substantial amounts of time and money and allow the parties to find far deeper emotional closure than they would through formal processes such as disciplinary procedures or employment tribunal. But the fact remains that for the parties, the prospect of mediation can be immensely daunting. After all, spending up to a day in the same room as the person with whom you are in conflict, trying to listen to their viewpoint and express your own, is hardly an appealing prospect.

To help first-time users prepare for the day of mediation, Consensio interviewed 60 people with direct experience of mediation and asked them what advice they would give. This article summarises their responses. It includes practical tips on preparing for mediation, a description of the ideal mediation mindset and a list of questions for parties to ask themselves prior to the mediation day.

Practical tips on preparing for workplace mediation

The survey highlighted a number of practical actions that parties can take to prepare for mediation. The first is to be as clear as possible about what mediation is. Most mediators will schedule a call with the parties prior to mediation to give them the opportunity to ask questions and air concerns. The parties can also speak to someone in HR and find written information either from HR or their mediation providers.

The second piece of practical advice to parties is to think through in advance what they stand to gain or lose and what they can do to ensure the best possible outcome. This includes thinking about what they want to tell the other party and the questions they would like to ask them.

A third piece of advice was for parties to do whatever it takes to be as relaxed and focused as possible on the day. The advice ranges from choice of clothing to post-mediation scheduling: "On a practical note, wear clothes you will feel comfortable in – you may be sitting for a long time! The mediation meeting will take as long as it needs, so it's a good idea not to book in any appointments or meetings in the evening; then you won't be stressed about time."

Getting into the mediation mindset

There is one word which recurred with striking frequency in the findings and without any prompting: "open". The clear message from our respondents was that mediation works best if parties enter the process with an open mind. A full 50% of mediation users advised first-time users to be "open" or "open-minded" and a similar idea emerged from others in different words.

This state of openness involves being open to the mediation process and any unexpected outcomes that may emerge. These outcomes may be far beyond what the parties dreamt of, but equally they may fall far short, as one mediation user pointed out: "Don't raise your

expectations that this will solve all your conflicts. Keep an open mind. It may, or may not solve your problem.”

Likewise, parties are best advised not to make assumptions as to how easy or difficult the experience of mediation will be. It may prove uncomfortable, but equally it may not turn out to be so bad after all: “The crunch moment, where I was face to face with my colleague, was very carefully prepared for and, in reality, wasn’t nearly as awkward as I’d feared.”

Being open-minded also means being open to the other party: “Try to arrive with an open mind; there are always two sides to a story and two perspectives to events that have unfolded.” One way to do this is to banish all thoughts of right and wrong: “Don’t go into the meeting thinking that you are on trial. There is no judge, no jury and no guilty party.”

In short, the overwhelming advice to first-time mediation users is not to pre-judge what will happen, including how you or the other person will behave or what the outcome will be. The ideal mediation mindset is to enter the conversation with an openness to things being different.

20 questions for parties to ask themselves before mediation

As part of the survey, we asked respondents what questions they would recommend parties ask themselves as they prepare for mediation. The questions they listed fall into five categories:

Understanding workplace mediation

1. Is there anything else I need to know about mediation?

Understanding what is at stake

2. What do I hope to gain from mediation?
3. What are the risks of mediating?
4. What will happen if we don’t mediate?
5. What are the alternatives?

Understanding your own perspective

6. What has brought us to mediation?
7. What are the main issues?
8. How has this situation affected me?
9. How am I feeling about it?

Prepping to communicate

10. What do I really want to tell the other party?
11. How can I express my thoughts and feelings most clearly?
12. What do I want to find out from the other party?
13. How might the other party be feeling?
14. Am I prepared to hear things I don’t like?
15. What difficulties might we encounter during the conversation?
16. Is there anything I can request to help manage these difficulties?

The way forward

17. What can I do to make the situation better in the future?
18. What can I ask the other party to do differently to make things better?
19. Do we need any additional support within our workplace?
20. How can we avoid this conflict happening again in the future?

We hope that the practical tips, insights and preparatory questions in this article will help you, the HR specialist, to understand the kind of challenges a party faces as they enter the mediation process. Armed with this understanding you will be ideally placed to help the parties to prepare, so they can reap the maximum rewards of their courageous decision to attend mediation.

Note on the research methodology: The findings in this article are based on email interviews with 60 people including mediators, mediation users and people who have referred cases for mediation. The interviewees span 40 different organisations in the private, public and third sectors.