

Personnel Today

Why mediation matters

By Tania Coke on 11 May 2012 in [Employee relations](#), [Grievance](#), [Mediation](#), [Opinion](#)

The Government's "employer's charter" seeks to reform the way that employers handle workplace disputes and to reduce the number of tribunals. Tania Coke, senior mediation consultant at workplace mediation specialists [Consensio](#), considers how mediation can help resolve conflict by addressing emotional issues.

Conflict affects us at many levels. It evokes strong emotions, such as fear, guilt and anger. It expresses itself through the body, in the form of physical tension, headaches or insomnia. It muddles our reasoning and capacity for rational thought.



Tania Coke, senior mediation consultant at Consensio.

But how do organisations respond to this? The standard response to conflict tends to operate at the level of reasoning. Formal processes such as disciplinaries and grievance procedures work by extracting facts from each party to the conflict, and imposing a solution based on the principles of right or wrong, or how far these facts adhere to company policy. Mediation, by contrast, acknowledges and welcomes expression. It attends not only to what each party says, but the way they say it, the things left unsaid, the body language, the emotions, the inconsistencies revealed and the metaphors used.

Emotional dimension

Conflict evokes emotions. Whether these emotions are expressed or repressed, they

are an undeniable part of the conflict experience. In their response to workplace conflict, most British organisations fail to address this. Mediation is the ideal forum to allow emotional expression for a number of reasons.

First, it is confidential. Only the parties to the conflict and the mediator(s) are present during mediation. This makes it a safer place for people to express what they feel.

Second, a mediator is trained to pay attention to the expression of emotion and to respond appropriately. One of the core skills of the mediator is the skill of reflecting back what the parties have expressed. For example, a mediator may respond to an emotional outburst by saying: "From what you've just said, it seems as if the situation is making you feel trapped and helpless. Is that right?" This enables the party involved to have their feelings acknowledged, to say more about those feelings, to correct the mediator if necessary, or to move on.

Physical dimension

It is rare for conflict not to have an effect on the physical health of the parties. During mediation, the parties often express how the conflict has affected them physically. Neck and back problems, headaches, weakened immune systems and lack of sleep are common complaints.

A mediator does not brush over these statements, or try to rush the parties into solving their dispute. Instead, they will listen carefully, and if appropriate, reflect back, perhaps by saying: "You've been explaining how the situation has affected your health, to the point where you're sometimes unable to sleep at night. Do you want to say more?"

This lets the speaker know they have been heard, and provides the opportunity for them to share more information of this kind, if they so wish. Another physical dimension is the parties' body language during the mediation. For example, the mediator might say: "You look as if you're feeling uncomfortable. Is there something troubling you?" Again, this lets the parties know that the mediator is paying attention to them, and gives them an opportunity to express orally what they might otherwise have suppressed.

Non-rational dimension

People involved in conflict often make extreme, apparently irrational statements. Sometimes what they say is plainly contradictory. An untrained third party might be tempted to brush over such expressions of irrationality. But a trained mediator sees such statements as keys to unlocking a deeper level of self-expression and

communication. They may respond by reflecting a statement back to the speaker, enabling them to see it from the outside, as it were. The party may then reply "no, of course, I don't really mean that", or, on the contrary, they may confirm it. Either way, the mediator's intervention can help the party to gain a sense of clarity and the sense of being acknowledged.

Or perhaps a mediator may choose to highlight an inconsistency. The speaker then has the choice of whether to try to resolve the contradiction or simply to accept it and live with it. Crucially, the mediator needs to find a way to reflect back such statements without judgment or implying that the inconsistency needs to be resolved.

Another way that parties may express themselves is through metaphor or imagery. "It's as if he's trying to dig the knife in deeper" or "she makes me feel as if I'm five years old". Such metaphors would most likely be ignored in the context of an investigation or tribunal, being beyond the domain of reasoning and irrelevant to the principles of justice. But mediation is about enabling people to get to the root of their misunderstanding and see one another as human beings. As such, metaphors can be precious clues, to be highlighted by the mediator, with the aim of building mutual understanding between the parties.

Why does all this matter?

By working with these dimensions of self-expression, mediation can achieve a number of goals. First, it can enable the parties to feel that someone is actually listening to them. A mediator can help parties overcome a sense of isolation by playing back what they have expressed. Second, by acknowledging and highlighting the full range of their self-expression, mediators are inviting the parties to express themselves further. When stuck in conflict, we often feel incapable of, and even prohibited from, expressing ourselves. Mediation can help to alleviate this frustration.

Formal conflict procedures typically close down the possibilities for those involved to express themselves (and in doing so, most likely increases the chances of vindictive behaviour). Finally, by picking up on the speaker's full range of expressions, mediators can increase the chances for the other party to hear and respond. This mutual sharing of information is perhaps the holy grail of mediation and a vital stage in the thawing of frosty relationships.