

TALES OF THE UNEXPECTED

It is tempting to present mediation as a defined process with largely predictable outcomes. But to do so could rob HR of what should be one of the most powerful tools in its conflict management toolbox.

Long before a grievance needs to go to court, there are opportunities to solve an issue, before it has had the time to escalate to a irresolvable level. Here are three actual cases that typify this.

CASE STUDY ONE

Steve recruited Jon to fill a vacancy in his team. As soon as Jon took up the position, Steve realised it was a wrong decision. The relationship rapidly deteriorated to the point where Jon was planning to take out a formal grievance against Steve. Mediation was set up as an alternative to this. But one hour into the joint meeting, and after some difficult conversations, Jon decided he had had enough and left the room. He subsequently decided not to pursue the grievance route and submitted his resignation. If success is defined in terms of reaching a written agreement or restoring the working relationship, this mediation was a failure. But as it happened, everyone concerned was happy with the outcome. Thanks to the mediation, Jon realised that he didn't want to pursue the grievance procedure - what he really wanted to do was to start again in a different company. From Steve's perspective the outcome was good because he had already decided that Jon was not right for his team. Their superiors were relieved because the conflict had been consuming far too much time and energy. And HR was relieved that a grievance had been averted. What mediation delivered in this case was clarity: Jon had reached a realisation as to what he really wanted. And it was an outcome which, in this case, suited everyone.

CASE STUDY TWO

Ali and Ewan were senior executives who had fallen out and were no longer able to work together effectively. They agreed to mediation but the process hit the rocks right from the start, when Ewan refused to sign the confidentiality agreement (a standard document which parties sign, agreeing to keep the contents of their discussions confidential). Throughout the morning the workplace mediator went from room to room speaking to the parties separately,

unable to proceed to a joint meeting. Out of the blue Ali suggested going for lunch with Ewan. The mediator later found out that Ali and Ewan had resolved their conflict over lunch, and from that moment on were able to work together again. The outcome in this case was clearly ideal: Ali and Ewan were able to return to a healthy working relationship. But the process might be said to be dysfunctional because the mediation never really got started. Had it been a wasted investment? Not according to HR, who later revealed that mediation had served as a catalyst for the parties to take back the initiative and find their own way to repair their relationship. This was possible precisely because in mediation the parties are free to make their own choices.

CASE STUDY THREE

Ben and his boss Andi had become embroiled in a bitter conflict which they decided to address through workplace mediation. At the end of mediation, they had finally hammered out a written agreement. The mediator typed up the agreement and contacted Ben and Andi to arrange a time for them to come together to sign the document. But in the meantime a change had taken place within Andi. She now refused to sign the agreement on the basis that it was no longer necessary since the conflict had already dissipated. This case helps us to see paper outcomes within the bigger context. Written agreements can of course serve a purpose, both in capturing the content of the parties' decisions and in symbolising a shared intention to do things differently. But they are only ever part of the story, and their purpose only holds for a certain period of time. Far more important in this case was the shift that took place within Andi, which was enough to neutralise the conflict. For Andi, the wording of the agreement represented a mindset she had left behind. She had outgrown the mediation agreement. In conclusion, mediation is not a mathematical formula which guarantees a pre-determined result. ●



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*In this article,
I have selected real
cases, which remind
us that when it comes
to conflict resolution
and mediation,
success comes in many
shapes and sizes.*

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