

How the LRA can help

Mediation Explained



Labour Relations Agency

The Labour Relations Agency is an independent, publicly funded organisation.

Our job is to promote good employment relations in Northern Ireland.

If you have a disability, please let us know if we need to make any special arrangements for you to use our service.

If you need to use an interpreter, we can arrange for one to be available.

This booklet can also be made available in alternative formats.

Please contact the Conciliation and Arbitration Department on 028 9032 1442 (Option 2) or visit our website www.lra.org.uk

Mediation

Mediation works by using a neutral Labour Relations Agency mediator to assist parties involved in a workplace conflict or dispute to reach a satisfactory solution to workplace disputes that both sides are able to agree to.

We do not impose a solution or make judgements on the rights or wrongs of the issues in dispute; we simply try to help you settle your differences on your own terms.

This booklet explains how we can help.

Key features of Mediation

Mediation is **voluntary**.

- Participants should enter into the process because they want to and not because they are being told to.
- By agreeing to use the process participants are giving a commitment to work through their issues in a constructive manner.

Mediation is **confidential**.

- All work undertaken is confidential between the participants.
- What has gone on in mediation cannot normally be used in any later company procedures or court.

Mediators are **impartial**. We do **not**:

- Take sides, apportion blame or judge who is right or wrong.

Mediation is a **safe and constructive way of speaking and listening**.

- The mediator will ensure that the process will not be used to threaten, intimidate or bully.

Mediation encourages **fair and equitable problem solving for the future**.

- The process encourages openness and honesty from the participants and ensures that views are considered.

- Participants develop realistic, and more importantly agreed action plans.

Mediation is **flexible**.

- Mediators will normally deal with the participants through a series of joint and side meetings but are not prescriptive about the sequence of these meetings.
- Mediation is quick, can be arranged in a few days and the mediation itself normally takes a day.

Why should I choose Mediation?

- Conflict costs:
 - **If you are an employer** it can take up valuable time. It can have a negative impact on those directly involved in conflict and on others around them who have to work in the strained atmosphere. Conflict can result in lost productivity and profit.
 - **If you are an employee** it takes up valuable time too and the stress can affect you, your life at work and your family at home.
- Mediation can help you resolve your disagreement so you can get on with 'normal' life again.
- When you are involved in a conflict, talking to the person you are in disagreement with can seem impossible. Mediation can re-establish those channels of communication.

- Any agreement is on terms agreed by you, not dictated by someone else. It leaves you in control of what is finally agreed.
- Mediation is less stressful than formal company procedures or courts and tribunals which at times can be very challenging, frustrating, complex and tiring.
- Mediation can avoid people leaving their job which often happens when conflict is not dealt with or when more formal procedures are used.
- Mediation is most effective if used at the early stages of a dispute and can be very effective in maintaining the employment relationship.

What does the Mediator do?

The mediator will decide the best way to carry out the mediation. They will guide the participants through the process and will fully explain and prepare you for each step of the way. It is the mediator's responsibility to manage the process and ensure that participants are given an opportunity to discuss their issues in a constructive way.

If you find it helpful, the mediator may make suggestions or give you information about how other people have

sorted out similar situations but they cannot tell you what you should do.

Both sides can talk to the mediator openly because the mediator will not pass on anything said without the agreement of the person who said it.

Those involved in the mediation will be given a written copy of anything that is agreed.

Case Study

Out of the blue, a member of staff told his HR manager that he couldn't work with his supervisor any more. The employee felt that the supervisor did not value him and "doesn't understand my job and what I do". Both were valued employees and not easy to replace. The HR manager suggested mediation and, after talking separately to a Labour Relations Agency mediator who explained what mediation was about, they both agreed to give it a try.

At the outset of mediation the mediator explained the process to both individuals. Throughout the mediation process the mediator asked them both in turn to explain the situation as they saw it and to listen to each other without interrupting.

The employee said he was keen to find a solution but “didn’t think the supervisor would change”. The supervisor felt she had to go along with the mediation but “didn’t think she had done anything to warrant the employee’s complaints”.

As the day developed, the mediator found out more from each of them and got their permission to share some of what was said. The employee learned that the supervisor thought highly of his ability to get the job done but was uncomfortable with his volatile and emotional personality. The supervisor learned that she was seen as a cold fish, not least because of a tendency to communicate by email. They both learned that they were equally committed to doing a good job and that it was their different personalities that made them good at their respective jobs.

The mediator helped them identify and think about a number of possible outcomes – that one or both of them could leave, that they ask the HR manager to change things so they did not have to work together or that they agree some things they could each do to make working together easier.

At first, both saw the solution as being that the other should leave but the mediator helped them to think

about how realistic that was. They each concluded that neither would leave of their own accord – they both needed their jobs and had been with the employer a long time. They thought a change in reporting arrangements might be the only answer but agreed they would like to see if they could work better together.

The mediator assisted them to work out some specific things they would each do to help them work better together. They agreed to meet together the following month to see how they had got on. They also agreed that changing behaviours is not easy and they would make allowances for each other and not throw in the towel the first time one of them slipped back into an old habit.

After the mediation, the employee said it was the first time the supervisor had really had to listen to his concerns – he had never been able to talk face-to-face in detail with her.

He felt she did now understand better and would give their agreement a go. The supervisor was able to see the value to the organisation of the employee and said she would now find it easier to accommodate their different personal styles.

What kinds of disagreement are suitable for Mediation?

Most kinds of dispute can be mediated provided that those involved want to find a way forward. Mediation is especially suitable when the aim is to maintain the employment relationship. It can be used at any time in a dispute but is often most effective if used at the early stages.

What if I don't want to be in the same room as the person I am having the disagreement or dispute with?

The mediator will take this into account by agreeing some rules with participants about how everyone will behave in any joint meeting. You can ask that a joint meeting be suspended at any time. Mediation is most effective when the parties meet together during the mediation process.

Can I bring a representative to the Mediation?

Mediation is most successful when those actually in conflict work directly with the mediator to resolve it, especially if you will need to work together in the future. Experience shows that you are the best person to explain how you feel. An open and frank discussion of the issues, which is facilitated by the mediator to ensure fairness and appropriate behaviour, can be the key to resolving conflict.

You can choose to bring a representative to the mediation, but you must talk to us about this before the day that the mediation takes place. All those involved in the mediation must know who will be attending.

Can I be made to keep to an agreement reached in Mediation?

You will not be forced into making an agreement against your wishes so you must be committed to sticking to what is finally agreed. You and the person you are in dispute with will both be asked to agree and to stick to what is finally agreed – otherwise there is no point in going ahead.

Agreements reached in mediation are not legally binding but both sides are expected to abide by the agreement.

What happens if we cannot reach agreement?

If agreement cannot be reached, you can still use any workplace procedures or, in some cases, legal procedures but you cannot discuss what has been said in mediation.

Where will the Mediation be held?

Mediation meetings are usually held at the Labour Relations Agency in Belfast or in Londonderry. There will be at least two private rooms for the mediation – one for each side in the dispute.

What do I need to do before the Mediation?

You will be given more information about this when the mediation is arranged. The mediator will ask you to consider your needs and goals for mediation prior to the day of mediation.

What does it cost and who pays?

There is no charge for mediation.

What if a participant involved has particular requirements or needs?

If anyone has particular requirements they should inform the mediator as soon as possible so that arrangements can be made.

Why should I choose the Labour Relations Agency?

Our team of mediators are well placed to assist in delivering employment-related mediation. The Agency has an excellent reputation for professional integrity and a high standing with bodies representing employees and employers. Our mediators have a large and unique body of practical experience delivering employment-related mediation and have attained accredited mediator status.

Data Protection Act 1998

The Labour Relations Agency holds some information to monitor progress and produce statistics.

And finally...

We do our best to provide a high standard of service at all times but if you are not satisfied with the service you have received, you should write to the Customer Complaints Officer. The addresses of the Labour Relations Agency offices are given on the back of this booklet.

Labour Relations Agency

Head Office

2-16 Gordon Street
BELFAST
BT1 2LG

Tel: 028 9032 1442
Fax: 028 9033 0827

Regional Office

1-3 Guildhall Street
LONDONDERRY
BT48 6BB

Tel: 028 7126 9639
Fax: 028 7126 7729

E-mail: info@lra.org.uk
Website: www.lra.org.uk