

A Guide to Workplace Mediation

Introduction

The University of Reading recognises that encouraging positive working relationships between individuals will have a positive impact on staff and student wellbeing and performance. It is the expectation of the University that staff will be able to resolve disputes informally, and in a timely way, through dialogue and communication with their managers and their colleagues.

Why use workplace mediation?

The purpose of a workplace mediation scheme is to try to resolve workplace disputes informally and at the lowest level in the organisation, without resorting to formal, time-consuming, expensive and potentially distressing and damaging processes. The University Grievance Procedure encourages staff to resolve disputes informally before resorting to the application of formal procedures.

Mediation is designed to be a positive process, as it focuses on the future, rather than trying to apportion blame for the past. The mediation process is confidential on all sides. Managers have a responsibility to try to resolve issues if members of their team are in conflict with each other, but if they cannot do so, or if staff are in conflict with their managers, a trained mediator may be able to help.

Workplace mediation is a voluntary process. Where mediation is suggested by another party, the decision to undertake it will rest entirely with the two individuals concerned. A person who decides not to take part in mediation will not be disadvantaged.

When would workplace mediation be offered?

Mediation can help to resolve many different issues; it is especially suitable when the aim is to maintain the employment relationship. The types of issues suitable for workplace mediation could include those around work or management styles, working arrangements and environmental conditions, for instance:

- interpersonal conflict;
- perceived discrimination, harassment or bullying;
- inappropriate behaviour or language;
- change management

Mediation is not appropriate in every situation; for example where there is a disagreement about whether an employee is entitled to a particular benefit under the terms and conditions of employment or where there is an allegation of very serious bullying or harassment or misconduct.

What is mediation?

Mediation is a process where a neutral person (the mediator) works with members of staff who have a disagreement to help them to find their own solution and reach an agreement that will sort out their problem or improve the situation. It is a voluntary and confidential process.

How does mediation fit in with other University processes?

Mediation offers an alternative to pursuing complaints and disagreements between colleagues through the University's Grievance Procedure. It can be a more effective way to resolve disagreements informally and can be used at any stage of the Grievance Procedure. If you agree to take part in mediation, this does not prevent you from pursuing your grievance or complaint through a formal procedure in the event that mediation does not resolve the issue. You can also access the University's **Harassment Advisers** at anytime. Harassment Advisers can help you to resolve harassment related matters quickly and informally, and in a confidential way.

Why should I choose mediation?

Conflict with your colleagues can undermine your effectiveness at work and lead to stress: 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.

Who will be the mediator?

If you agree to take part in mediation, normally the HR Department will nominate a mediator or co-mediators. The mediator(s) will be trained in mediation skills, they may be internal colleagues from within HR or in some cases it will be more appropriate to use external mediators. If internal colleagues, they will be individuals who have not previously been involved in the issues and who are not responsible for the School or Function that you or the other party work in.

Do I have to agree to mediation?

Mediation is entirely voluntary. You do not have to take part in a mediation process. You can ask to consider mediation before committing yourself to taking part in a mediation process. Similarly, you may be asked to consider mediation after you have made a formal

complaint or grievance as an alternative to following the formal procedure. Your HR Partner/Advisor will be able to discuss any concerns you may have with you and answer any questions. Similarly the mediator(s) will be able to do the same either before or during the mediation process. If, following a discussion, you decide not to take part in mediation, you will still be able to pursue your concerns through the formal procedure.

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, particularly when you need to work together in the future. An open and frank discussion of the issues, which is facilitated by the mediator, ensuring fairness and appropriate behaviour and creating a "safe" environment, can be the key to resolving conflict. Consequently, in most cases mediation will be most effective if only the parties to the disagreement are involved with the mediator. There may, however, be good reasons why you feel you need to bring a representative to the mediation and you should discuss this with the mediator when you first meet. It is important that all those involved in the mediation know in advance who will be attending and what their role will be.

What happens in mediation?

The mediation process will be flexible to the circumstances. No one mediation will be identical to any other. Each mediation will, however, contain the following key elements:

- mediation will take place in a private room free from interruptions;
- the mediator(s) will hold separate meetings with the parties to introduce themselves, explain the process and key principles, to listen to their concerns to identify the core issues, to begin to explore possible outcomes and to explain the next steps;
- face-to-face mediation in a "joint meeting" with both parties present. During the joint meeting, each participant will have a chance to speak openly, without interruption, about areas of concern. You will be encouraged to be open and honest, and express your feelings clearly to one another. This will help to identify areas of agreement and disagreement and move towards building a practical and workable agreement, focussing on future working relationships;
- A written agreement is usually produced in clear, balanced and positive language. Both parties will be asked to sign this and will be able to retain a copy. The aim of the agreement is to guide the participants behaviour around each other in the future to provide a sustainable working environment for both moving forward after the mediation;
- It will be expressly and jointly agreed between both parties who the fact of the mediation and the mediation agreement can be shared with.

What happens after the mediation?

The written agreement reached during mediation will contain reference to follow up actions. The mediator will follow up with both parties at an agreed timescale following mediation, usually 3 or 6 months. This follow up action allows the participants to review how they are feeling now and whether they have been able to move forward on the basis

of the agreement to an agreeable working environment / relationship or whether any issues have resurfaced or new issues have arisen.

The agreement will also reference what should happen if one party feels that the agreement is not being adhered to. Usually this will focus on bringing both parties to the mediation together again, however ultimately if the mediation process is not successful, parties can still use a formal grievance procedure.

The parties can agree to other individuals being involved in any follow up, such as HR Partners/Advisers or a Trade Union Rep, this will require the express agreement of both parties. Outside of this agreement the mediation discussions and agreement will remain confidential; the only exception to this will be if a party raises issues of harm to self or others, or issues of gross misconduct.

A record of the mediation process is not kept on personal files. Any notes taken by the mediator(s) will be destroyed once the mediation has been concluded.

Please refer to your HR Partner/Adviser if you require further information or advice.