



**Workforce**

## **Guide to supported conversations and mediation**

# Mediation

Mediation can enable you to improve your working relationship with colleagues you are in conflict. This could be as a result of personality clashes, breakdown in communication or disagreements over work style or behaviour. Mediation can help both parties find the best way forward without feeling compromised.

Mediation can be used at any stage of conflict as long as any formal proceedings have been put on hold. Typically it is more effective the earlier on that it is used. However, there may also be situations in which formal proceedings have already taken place where mediation can be invaluable as a way to repair working relationships.

Mediation has a clear structure and it is underpinned by important values and principles which are:

## **Mediation is voluntary**

- People should enter into mediation because they want to, and not because they feel bullied, threatened, or pressured to. All parties need to agree to mediation for it to go ahead.

## **Mediation offers a safe and constructive way of speaking and listening**

- It gives all parties full opportunity to be heard as well as listen to each other's perspective.

## **Mediation encourages fair and equitable problem solving with a focus on the future**

- Every person involved in conflict has an idea regarding how it can be resolved. Mediation encourages openness and honesty, and it ensures that each person's point of view is considered.
- Through mediation, the participants develop a realistic agreement that meets all parties needs.

## **Mediation is confidential**

- Discussions are purely between the parties and the mediators. It may be appropriate to share some of the outcomes with other colleagues or managers, but only if all parties agree to it.
- What is said in mediation cannot be disclosed or used in any subsequent procedure.

## **Mediators are impartial and independent**

- The mediators are not there to take sides or offer solutions but to promote and support good conversation.

The venue will normally be at neutral setting suitable for the parties and at least a day is set aside for the mediation.

Most kinds of disputes can be mediated as long as those involved want to find a solution and a way forward.

## **Supported Conversations**

If the employees involved agree that resolution may be reached through a structured informal discussion rather than mediation, this may be achieved through a supported conversation (facilitated meeting) led by the manager or another third party.

A supported conversation provides an opportunity to explore options and develop a way forward towards resolving an issue. The supported conversation forms part of normal management responsibilities and varies from mediation in the following ways:

- Facilitators are not required to have undertaken recognised mediation training.
- Both parties are entitled to be accompanied by a Trade Union representative or work colleague.
- A formal written record of any agreement reached will be kept and shared with all parties and may be referred to in any further processes.

Some parties may find it helpful to schedule a review meeting after a period of time to monitor progress and follow-up on any issues.