

# Notes re Work Place Mediation

*Work place mediation often arises from an environment where power is aligned along a hierarchical organization chart and where how a person performs at work is evaluated.*

*People are often feel trapped. They are required/need to work together. Their well being, jobs, and careers are often dependent on what happens next with the dispute. They would rather have nothing to do with each other, but their futures are intertwined.*

*Work places are often highly structured. Organization charts, positions and duties, and performance standards may tightly control the work environment.*

*Work place mediation has its own challenging characteristics. "Name it, tame it" can be useful. How a mediator starts a work place mediation can be critical. How a mediator guides a discussion about a work place environment can be pivotal.*

*A mediator needs to adjust their approach to meet where the people have been, where they are now, and where they might be heading. Context can be everything.*

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## Beginning the Mediation – Mediator's Opening

**MEDIATOR'S OPENING** – Acknowledge the realities of work place mediation.

***Be transparent with parties about situation:***

- ❖ *Name how many, but not all, feel when coming to mediation*
- ❖ *Describe what happens here often, but not all the time*
- ❖ *Be open, honest, and upfront about this mediation*

**Assume each party feels:**

1. Uncomfortable with each other
2. Last communications failed
3. Fear career/job at risk
4. Fear retaliation
5. Stuck in unhelpful environment
6. Stuck needing to work together
7. Stuck in a mess with no way out

**Mediation is:**

1. Unknown process/what to do/expect
2. Unknown mediators
3. Concern another place to be attacked

**Opportunity:**

1. Confidential discussion
2. No judgment right/wrong
3. All stuck together
4. Explore what can be happen
5. Open discussion opens unexpected possibilities
6. Only agree to what might work/preserves integrity

**Outcomes:**

1. Better understanding of situation
2. Less about written agreements
3. More about relationships/ways to co-exist

**How the parties choose to use the time is up to them!**

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## **Beginning the Mediation – Party’s Opening**

**PARTY’S OPENING** – Both the complaints and the hopes...

1. When the mediator asks each party to describe what situation has brought them to mediation,
2. Ask each party to include what they hope will happen today.

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## **When Mediation Bogs Down**

**REDIRECT THE DISCUSSION** – There is a need during mediation to hear and to acknowledge what went wrong. Often there comes a time when the stories tend to repeat and repeat. Is there a respective way to redirect the disussion? Here is a technique which has often been helpful.

1. Ask if the party’s would like to discuss what a good work place would be like? Be encouraging. If they agree, then,
2. Ask each party to describe what characteristics they would like for a good work place environment to have.
3. Spend time on #2. Bring out many, many attributes. Allow the atmosphere to fill with aspirations. Take the time to reset the tone of the discussion.
4. Ask – how could this happen? What could you do to help this happen?
5. Ask – how could others help this happen? What could they do to help you?