



SHIV MARTIN

CREATING
VALUE THROUGH
CONNECTION

DIY MEDIATION QUICK GUIDE FOR WORKPLACE CONFLICT



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Mediation empowers parties to find their own solutions, fostering mutual understanding and long-term resolution.



INTRODUCTION

Running an in-house mediation process can be a highly effective way for HR officers and people managers to resolve workplace conflicts before they escalate into more serious issues. By facilitating a structured discussion between the parties involved, HR officers can help employees address their concerns in a safe and constructive environment.

This guide outlines the steps a HR officer or People Manager can take to run an effective in-house mediation process, drawing on best practices and ensuring that the process is fair, neutral, and solution-focused.

I have written this guide as a mediator with over 10 years' experience mediating, training and assessing other mediators. In my view, early constructive conversations can resolve workplace conflicts before they escalate to a stage that requires the intervention of an independent third party, lawyer or investigator.



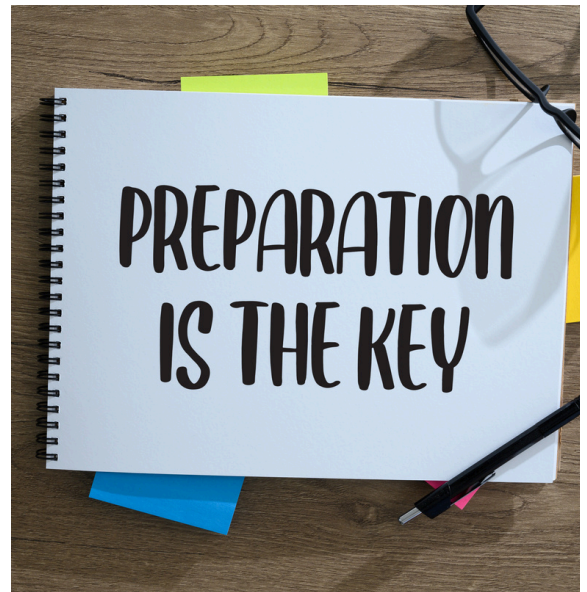
IS IT WORTH MEDIATING?

Almost all interpersonal conflicts can benefit from mediation. However, consider the following key elements a mediation process before deciding whether it is appropriate for your circumstances.

- 1) Mediation requires good will of the parties.
- 2) Mediation is a confidential process.
- 3) Mediation encourages conversation about the past so that parties can move forward.
- 4) The outcomes of mediation are determined by the parties to the dispute, not the employer or manager.

STEP 1: PREPARATION

Preparation is the foundation of success; it turns challenges into opportunities and uncertainty into confidence. Ensure you identify all your stakeholders in the preparation process.



1.1 Understand the Conflict

- Gather background information on the conflict.
- Review any relevant documentation, such as emails, complaints, or performance records.
- Speak briefly with the involved parties separately to understand their perspectives and confirm their willingness to participate in mediation.
- Ensure parties understand that they must participate in Good Faith.

1.2 Set Clear Objectives

- Determine the desired outcomes of the mediation (e.g., resolving a specific dispute, improving communication, or agreeing on future behaviour).
- Clarify your role as a neutral facilitator, not a decision-maker.
- A mediation process may overlap with other dispute resolution processes such as an investigation or management action, ensure you distinguish these processes from the start.

1.3 Schedule the Mediation

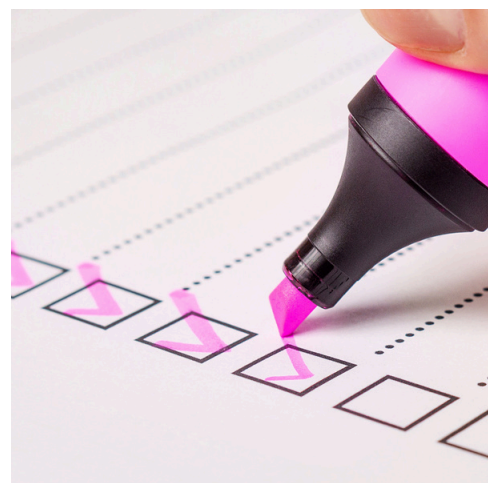
- Choose a neutral location where the parties can feel comfortable and safe.
- Ensure the relevant parties are invited.
- Allocate sufficient time for the mediation session, usually 2–4 hours.
- Send a written invitation to the parties, outlining the purpose of the mediation, the agenda, and any necessary preparations.

1.4 Prepare the Environment

- Arrange the seating to encourage open communication, with all parties facing each other.
- Ensure that there will be no interruptions during the session (e.g., by booking a private room or disabling phone notifications).

CHECKLIST FOR PREPARATION:

1. Gather background information on the conflict.
2. Speak with parties to confirm willingness to participate.
3. Determine objectives for the mediation.
4. Schedule the mediation session and inform all parties.
5. Prepare the meeting room.



STEP 2: CONDUCTING THE MEDIATION



2.1 OPENING THE SESSION

Example Opening Statement:

"Good morning/afternoon, everyone. First, I want to thank you both for being here today and for your willingness to participate in this mediation. My name is [Your Name], and my role here is to act as a neutral facilitator to help guide our conversation. The goal of today's session is to provide a safe and constructive space where we can work together to understand the issues at hand and explore potential solutions that are acceptable to both of you.

Before we begin, I want to clarify a few ground rules to ensure that our discussion is productive and respectful. First, everything we discuss here is confidential, meaning it will not be shared outside of this room unless you both agree otherwise. Second, I ask that we listen to each other without interrupting, and that we communicate openly and respectfully throughout the session.

I will not be making any decisions for you today. Instead, my role is to help you both have a productive conversation and assist you in finding a resolution that works for both of you. If at any point you feel uncomfortable or need a break, please let me know.

With that, I'd like to start by asking each of you to briefly share your perspective on the situation. [Name of Party 1], would you like to begin?"

2.2 Encourage Open Communication

- Invite each party to share their perspective on the conflict without interruption.
- Listen actively and reflect back what you hear to ensure understanding.
- Encourage each party to express their feelings and concerns openly but respectfully.

2.3 Identify the Issues

- Summarise the key issues that have emerged from the initial discussions.
- Confirm with both parties that these are the issues they want to address.
- Prioritise the issues, if necessary, and focus on one issue at a time.

2.4 Facilitate Problem-Solving

- Encourage the parties to brainstorm potential solutions.
- Help them explore the pros and cons of each option.
- Guide the discussion towards a mutually acceptable solution, but do not impose your own ideas.

2.5 Draft the Agreement

- Once the parties reach an agreement, summarize the key points.
- Draft a written agreement that outlines the agreed-upon actions, responsibilities, and any follow-up steps.
- Ensure both parties sign the agreement and provide them with a copy.

CHECKLIST FOR CONDUCTING MEDIATION:

1. Welcome parties and explain the mediation process.
2. Allow each party to share their perspective.
3. Identify and confirm the key issues.
4. Facilitate brainstorming and problem-solving.
5. Draft and sign the mediation agreement.



THE MEDIATION PROCESS

INTRODUCTION

Open by ensuring accessibility and inclusion.
Provide both parties with opportunity for short opening statement.
Make your role clear.
Establish communication ground rules.
Set resolution as an explicit goal.
Explain potential outcomes.
Step through the process.
Check for understanding

AGENDA

Clear, Simple and Neutral
Addresses each party's positions.
Identifies process needs of the conciliating body.
Framed with time limitations in mind.
Road map for the session.
Establish boundaries.

INFORMATION SHARING

Parties to share information.
Direct parties to speak to each other.
Uncover interests and needs.
Explain and share perceptions.
Challenge assumptions.
Focus on facilitating an open conversation using OARS (open ended questions, acknowledgements, reflections and summaries).
Ask time shifting questions.
Provide legal information where needed.
Stick to agenda

TRUST THE PROCESS SHIV'S QUICK TIPS

PRIVATE SESSIONS

Confidential one on ones.
Ask how the process feels.
Check for hidden information.
Future focus.
Ask what options will meet the other side's interests.
Discuss alternatives and provide views and assessments of legal precedents as appropriate. Work through Best Alternative, Worst Alternative and Most likely alternative.
Discuss evidence requirements.

NEGOTIATION

Joint or shuttle conversations
Generate a range of options.
Reality test those options against statutory requirements.
Take a more assertive approach to drive a useful and lasting agreements.
Ask parties about alternatives.
Encourage a good enough agreement.
Play's devil's advocate and ensure details are addressed.
Consider contingency plans

CONCLUSION

Record a clear agreement.
Address details like who, what, when, how.
Consider statement of resolved and unresolved issues.
Explain impact on proceedings.
Check for understanding.
Provide time to read and sign.
If no agreement, ensure parties understand next steps.
Ensure appropriate record keeping.
Congratulate parties on their efforts.



STEP 3: FOLLOW-UP

3.1 Monitor Implementation

- Check in with the parties after an agreed period to ensure the terms of the agreement are being implemented.
- Address any concerns or issues that arise during the implementation phase.

3.2 Provide Feedback

- Offer constructive feedback to the parties on their participation in the mediation process.
- Encourage them to continue using the communication skills they practiced during mediation in their daily interactions.

3.3 Reflect on the Process

- Take time to reflect on what went well and what could be improved in future mediations.
- Consider seeking feedback from the parties on the mediation process.

Always take time to talk to the parties at the start and at the end of the mediation about confidentiality and reporting after the mediation.

CHECKLIST FOR FOLLOW-UP:

1. Monitor the implementation of the agreement.
2. Report to any concerned third parties in accordance with agreement on information sharing.
3. Provide feedback to the parties.
4. Reflect on the mediation process and consider improvements.





CONCLUSION

By following this guide, HR officers can effectively mediate workplace conflicts, fostering a positive and collaborative work environment. With careful preparation, skilled facilitation, and diligent follow-up, HR officers can make a significant impact on their organization's ability to manage and resolve conflicts constructively.



FAQ'S ABOUT IN-HOUSE MEDIATION

1 Do I need formal training to conduct mediation as an HR officer?

A: While formal mediation training is beneficial, it is not strictly necessary to conduct basic in-house mediation. However, understanding the principles of mediation, active listening, and conflict resolution techniques is essential. If you're frequently conducting mediations, pursuing professional training can enhance your effectiveness.

2 What if one party is not willing to participate in the mediation?

A: Mediation is a voluntary process, so both parties must agree to participate. If one party is unwilling, you might need to explore other conflict resolution methods, such as informal discussions or formal grievance procedures.

3 How do I handle a situation where emotions run high during mediation?

A: It's normal for emotions to surface during mediation, but it's important to manage them constructively. If emotions escalate, you can call for a short break, allow the person to express their feelings, and then guide the conversation back to the issues at hand. Reinforce the ground rules around respectful communication.

4 What if the mediation doesn't result in an agreement?

A: Not all mediations end in a resolution, and that's okay. If an agreement isn't reached, discuss alternative options with the parties, such as revisiting the mediation at a later time, using a different conflict resolution method, or escalating the issue according to your organisation's policies.

5 How can I ensure the confidentiality of the mediation process?

A: Clearly communicate the importance of confidentiality at the start of the mediation and include it as part of the ground rules. Keep all notes and documents secure, and ensure that the mediation takes place in a private setting where discussions cannot be overheard.

TYPES OF WORKPLACE CONFLICT SUITABLE FOR MEDIATION

1

Interpersonal Conflicts

- Disputes between colleagues stemming from personality clashes or communication breakdowns.
- Misunderstandings or perceived slights that have escalated into ongoing tension.
- Conflicts arising from differing work styles or approaches to tasks.

2

Team Conflicts

- Issues within teams where members have differing opinions on project directions, responsibilities, or priorities.
- Disagreements about collaborative efforts, workload distribution, or team dynamics.

3

Performance-Related Conflicts

- Conflicts between employees and supervisors regarding perceived unfair performance evaluations or feedback.
- Disagreements over expectations, goals, or the interpretation of job roles and responsibilities.

4

Workplace Behaviour and Conduct

- Issues related to workplace behavior, such as perceived disrespect, inappropriate comments, or unprofessional conduct.
- Conflicts about adherence to workplace norms or codes of conduct, excluding severe misconduct.

5

Cultural or Generational Differences

- Conflicts arising from cultural misunderstandings or differences in generational expectations and communication styles.
- Tensions related to diverse perspectives on work ethics, values, or practices.

6

Workplace Changes

- Conflicts due to changes in workplace policies, procedures, or organisational structure that have caused uncertainty or disagreement.
- Resistance or concerns about new management, processes, or strategic directions.

7

Work-Life Balance Issues

- Disputes regarding flexible work arrangements, leave requests, or workload management that impact work-life balance.

WORKPLACE CONFLICT NOT SUITABLE FOR MEDIATION

1 Allegations of Serious Misconduct

- Cases involving allegations of theft, fraud, or any illegal activities.
- Situations involving serious breaches of workplace policies, such as violence, harassment, or bullying.

2 Legal or Regulatory Violations

- Conflicts where there are clear violations of laws or regulations that require formal investigation or legal action.
- Issues involving non-compliance with workplace safety regulations or discrimination laws.

3 Power Imbalances

- Situations where there is a significant power imbalance between the parties that cannot be effectively managed in mediation, such as when one party is in a position of authority over the other.
- Cases where one party feels coerced or intimidated, making it difficult to participate in mediation freely and fairly.

4 Ongoing Litigation

- Conflicts that are already the subject of legal proceedings or where one party has initiated a formal complaint with an external body.
- Situations where mediation may interfere with or duplicate existing legal processes.

5 Conflict of Interest

- Situations where the HR officer or mediator has a conflict of interest that could compromise neutrality or fairness.
- Cases where the mediator has a personal or professional relationship with one of the parties involved.

6 Non-Negotiable Company Policies

- Disputes involving non-negotiable company policies or decisions that are outside the scope of mediation, such as mandatory redundancies or company-wide restructuring.
- Situations where the desired outcome from one party would require changes to established and non-negotiable organizational practices.

7 Health and Safety Concerns

- Conflicts that involve immediate threats to health and safety that require urgent intervention rather than mediation.
- Issues where the physical or psychological well-being of employees is at risk, necessitating formal action rather than mediation.



WHAT NEXT?

Now that you have an overview of the mediation process, let me know if you need more support putting your learning into practice! I can support you through training, coaching and co-mediation to get you started.

Send me an email on contact@shivmartin.com

Book a call with me here