

HRD

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SPECIAL REPORTS

A GUIDE TO DIY
MEDIATION & OUR
VALUES AND MORALS
AT THE DAWNING
OF THE SECOND
MACHINE AGE

JANET DAWSON, GROUP HR DIRECTOR - CARILLION

{ HARD HAT REQUIRED }

“THE ANSWER TO STEM SKILLS SHORTAGES IS STARING US IN THE FACE - DIVERSITY AND INCLUSION”

ALSO FEATURED IN THIS ISSUE

REWARD & RECOGNITION Oodles of recognition is fine and dandy, but at what point does recognition need to be turned into reward?

CONFLICT MANAGEMENT Fighting some cases sends a powerful message that contrived nuisance claims will not be tolerated

TALENT MANAGEMENT Imagine your business is like a Premier League Football club, where every employee has a market value?

SOCIAL MEDIA STRATEGY The scale of social media usage needs no explanation, but the position of intellectual property (IP) is unclear

POURING OIL ON TROUBLED WATERS

TENSIONS, NOT ALWAYS IMMEDIATELY VISIBLE, ARE RATCHETING UP TIGHTER AND TIGHTER. ALL-TOO OFTEN, EMPLOYEES AND THEIR LINE MANAGERS WILL TURN TO FORMAL PROCESSES, SEEING IT AS THE ONLY OPTION. AS WE KNOW TOO WELL, THIS ROUTE LIES ESCALATION.

ARTICLE BY TIMMY KURTULDUM, TRAINING MANAGER - CIC

Silo working combined with organisational change and shifting of responsibilities has led to an increasing sense of team loyalty and grievance, and as a result, an increased demand for inter-team mediation

Readers will be familiar with workplace mediation, and you will have your own views about its efficacy, so I wanted to take this opportunity to promote its virtues because, in my line of work, where I see mediation done well, I see a way of short circuiting the negative currents of conflict for employers. For the sake of comprehensiveness, forgive me for starting with the basics: Workplace mediation provides a simple, informal but structured method of avoiding any serious dispute cases. The approach can come in different forms, but the essential strengths are that it's a step removed from formal processes, that sense of there being 'no way back'. It's voluntary for both sides of the conflict, the process is owned by the participants, and the stages involved can be flexible. Importantly, the non-threatening nature of mediation means it can be introduced quickly and early on before a dispute becomes more serious. It can also still be used even if formal procedures are already underway. Workplace mediation can be delivered by internal staff trained in mediation techniques working alongside an experienced mediator - but often the approach is most effective when professional mediators are used, because of the complexity and sensitivity of issues and the need for a guaranteed impartiality and confidentiality. An external perspective is also useful in terms of providing a pre-mediation stage, providing an independent view on whether workplace mediation is suitable for the situation proposed.

The standard form of mediation is a structure where the two members of staff in conflict meet the mediator individually first and are then in the same room, both given

a specific amount of time to have their say, uninterrupted, and then the chance to respond. Conversations are confidential rather than subject to official record. It's not a mediator-led process, the mediators aren't looked to for judgment or answers but only to facilitate a conversation in a safe and respectful environment, a sharing of different views, assessing needs and helping to negotiate ways forward. In this way people who had seen themselves as being at polarised positions can start to move together and deteriorating relationships can be rebuilt. The structure helps to drain harsh emotions and restore some balance. Where the initial situation doesn't allow for this kind of open conversation, organisations can use shuttle mediation, where employees don't need to be in the same room together for the first stage of the conversation.

Bart's Health NHS Trust in London - the largest NHS Trust in England with 15,000 staff - is an example of a large and complex organisation which introduced an internal mediation process. The organisation was created through a merger of three Trusts in 2012, meaning high levels of change and potential for conflict. The new Trust developed an accredited, multi-disciplinary team of internal mediators able to resolve workplace conflict, with the aim of reducing the number of cases being escalated to use the formal processes. The 20 mediators were selected internally across clinical and non-clinical staff and put through a six-day mediator training programme, using role play, peer coaching and case study discussion. The Trust found that 66 percent of recent

cases that had progressed to employment tribunals could have been resolved by mediation. With the new system in place it's been estimated that the organisation would save more than £200,000 each year in legal fees, as well as the saving in terms of management time (estimated at around 47 hours for each case).

Evidence suggests that silo working combined with organisational change and shifting of responsibilities has led to an increasing sense of team loyalty and grievance, and as a result, an increased demand for inter-team mediation. In these cases, the mediation is based around working with individuals to explore their issues - rather than the team as a whole, where there's the danger of encouraging more tribal and inflexible attitudes - and agreeing next steps with those individuals before bringing teams together to facilitate a way forward. Mediation is a simple, commonsense solution - the challenge for organisations, HR and managers, is more the lack of awareness of the approach. ●



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