

The Definitive Guide to Workplace Mediation and Managing Conflict at Work

INTRODUCTION

Why this definitive guide?

You should read this guide if:

- You want to know more about the concept of mediation in the workplace
- You want to know how your organisation can save time and money, increase efficiencies and gain competitive advantage
- You want to improve employee engagement at your organisation
- You are a HR professional, line manager or trade union representative wanting to know how to manage conflict and build better relationships at work
- You are an employment lawyer wanting to train as a mediator or offer a mediation service to your clients
- You want to know more about how to respond to the Gibbons Review and the 2008 Employment Bill

The world of work is changing. I wrote this guide to assist everyone who works: employees, representatives, leaders and managers of all kinds of corporations. Everyone can learn more about building better relationships at work which will lead to personal and organisational improvement. I spent 20 years in corporate organisations, working firstly in operations, followed by HR (Human Resources) and six years as an HR director. It was becoming clear that working as an HR generalist, employee relations specialist or a line manager was becoming increasingly difficult. The continual focus on legislation and rights was having an overpowering effect on morale and performance in the workplace. Organisations were devoting more and more time and money managing the introduction of new employment related legislation. Just when it appeared that an organisation was coming to terms with new aspects of legislation, more were introduced. Job security had become a thing of the past and layers of complexity and intricacies had to be managed. I began wondering if there would ever be a stop to it, but soon realised that it was here to stay.

After resolving many relationship breakdowns between my colleagues, as an HR director, it was pointed out unwittingly to me that I had established something of a reputation for being a problem solver. It was after helping resolve a particularly difficult dispute between some of my fellow directors that a colleague tapped me on the shoulder and referred to me as Kofi Annan. I had no idea that the activity I was engaging in had a badge sometimes referred to as conflict resolution or mediation. It was this comment that prompted me to look deeper into an area that I had developed a natural leaning towards. After taking the route to becoming an accredited mediator, I began to help many individuals and organisations find a way of building relationships and working together in a way that didn't involve a tribunal or some other legal process. The success I have witnessed compels me to tell others about an alternative option for managing workplace relationships. This option helps people to be released from damaging, destructive and toxic conflict that can have both financial and non-financial impacts on lives.

The way in which organisations deal with disputes at work is scheduled to change from April 2009

Subject to the completion of the parliamentary process, the existing law dealing with disputes at work will be replaced by a simpler and less prescriptive system. It will no longer be essential to follow the existing 3-step procedure for dealing with discipline and grievance issues. However, organisations will still be expected to act reasonably when dealing with a discipline and grievance issue and may face financial penalties in employment tribunal cases if they do not.

Under the new system, the intention is to introduce greater flexibility to resolve problems at an early stage – saving time, expense and stress of employment tribunals. The Department for Business state “the changes being made present a real opportunity for organisations to review existing procedures to ensure that, wherever possible, problems are resolved at work, and not in an employment tribunal. That may mean your organisation needs to think about the training of managers and directors, to ensure that they are equipped to avoid or resolve problems at work as early as possible”.

In organisations everywhere, employees are facing increasing pressures in trying to be both effective at work and maintain a quality home life. Modern business demands high quality performance, short response times, long working hours and heavy workloads. At home, people face increases in costs of living, family demands, education concerns, high lifestyle expectations and limited time with loved ones. When an employee has a problem, whether the origin is work or home-based, performance in the workplace is likely to be adversely affected.

In December 2006 the DTI, Department for Trade and Industry (now BERR, Business, Enterprise and Regulatory Reform), ordered a review of options available to simplify and improve all aspects of employment dispute resolution to make the system work better for employers and employees – the Gibbons Review. I was privileged to be invited by the appointed panel to give my views about the problems with the current system and suggest alternatives for improvement. The DTI had gathered evidence about the effect of previous changes to the dispute resolution system. The terms of reference included looking at the current legal requirements, how employment tribunals work and the scope for new initiatives to help resolve disputes at an earlier stage. Alistair Darling, the then Secretary of State at the DTI, said:

“We must make the employment disputes system work better, both for business and employees. By reducing the number of disputes and resolving those that do happen more quickly, we can raise the UK’s productivity and ensure better employer relations. We can also cut the cost of dealing with disputes, which can be substantial. At the same time, we are determined to protect the rights of employees and ensure that they have access to justice”.

The cracks in organisational systems have become so deafening that the government has had to take action. It would be untenable for businesses to continue limping along without some help to kick-start the process of making things better. There must be a healthier way for employees and employers to work together. Through this guide, my objective is not to tell you what to do, but to provide you with tools that will help you better understand how to respond when relationships break down and conflict in the workplace begins. Based on considerable corporate experience, I outline pragmatic, rather than academic stages that will help you better understand how relationship breakdowns can be proactively managed.

Few of us have received training in how to work collaboratively to resolve conflicts. I share some of my experiences with you in the hope that you and your organisation might also benefit. The UK is likely to see huge growth in the area of workplace conflict resolution in the next few years and I

predict that it will be similar to the growth we have witnessed in the world of coaching over the last 10 years.

I encourage you to learn from your allies, opponents and the people with whom your working relationship has been strained. Remember that although everyone faces their conflicts alone, no-one ever resolves them alone. I do hope you find reading this guide valuable and find its steps easy to follow. I wish you and your organisation every success as you move towards a new way of working and harnessing improved relationships and the associated benefits.

If you are embarking on incorporating mediation at your organisation, this guide will help you. It is also useful if you are considering training to become an in-house or freelance mediator. The guide includes a number of case studies and reflective stories from previous cases.

How this Guide is structured

The guide is split across three main themes. First, it gives an overview of how the world of work has changed and how it continues to change. It outlines how, as a result of these changes, there has been a huge impact on employee relations in the workplace. There is increased speed, tension, stress, anxiety, fear and worry. A few of these key areas of change are covered.

Second, the guide covers an overview of conflict. It covers what it is, what it's not, how it can be spotted, how it can be managed and how it can be prevented. It also includes text that outlines the business case and economic imperative for conflict prevention and resolution strategies.

Third, the guide provides an overview of mediation within the workplace. It covers what it is, its background, its current status as a dispute resolution tool, how it can be used and incorporated within organisations and its likely future use within the world of work. The guide includes a number of case studies. All the case studies are based on real-life events but names have been changed and sectors kept deliberately broad so that parties and organisations cannot be identified. The guide integrates theoretical principles with practical techniques and applications.

If you want to go straight to understanding what mediation in the workplace is, you can turn to Chapter 4 right away. If, however, you want to develop a better understanding about why it has become a necessary tool, then continue reading from here.

The guide is recommended as a best practice resource for organisations that want to save money by taking a strategic approach to conflict resolution and building better relationships in the workplace. It provides step by step guidance as a 'how to' guide for anyone involved in or considering mediation.