



## Mediation...What, What, What ?

**What is it all about? What does it involve? What do I have to prepare?**

### What is it all about ?

A mediation involves parties joining in a facilitated discussion about the terms of their working relationship. The aim is to develop a mutually acceptable outcome about the parties terms of engagement or working relationship. The outcome will be signed by the parties and will form the basis for an ongoing professional relationship.

The mediation is not about fact finding or judging. Nor is it about a mediator imposing a solution. The parties in a mediation need to work hard at devising their own resolution to their relationship. The mediator will support them in this process.

### What does a Mediation involve ?

#### STAGE 1 Preliminary Conferences

One or more meetings will be held between the Mediator and each participant separately in order to assist them to understand the process and prepare for the mediation. The Mediator will support the parties to identify a positive and collaborative future. This may involve gaining a greater understanding of their individual operating and communication styles.

The Mediator will also meet with the line leaders to the mediation participants to explain the process and

assist them in supporting the participants through the mediation and beyond.

#### STAGE 2 Mediation

Participants will each give some background and then, together with the Mediator, they will identify the discussion points/topic area. All participants will discuss their perceptions in relation to each topic area including identifying their needs, concerns and fears. The mediation may break and the Mediator may meet with each participant privately in order to check on the progress of the mediation and assist the participants to prepare for the next session identifying new parameters of relating between the participants.

The next part of the mediation session will be firmly focussed in the future involving the participants making proposals to achieve a mutually acceptable outcome in the form of a Mediation Action Plan.

The Mediation Action Plan, if achieved, will be committed to writing. The Mediation Action Plan will be concrete and detailed ensuring the outcome is operationally feasible, sustainable and accountable. Each participant receives a copy of the Mediation Action Plan as does the HR contact and immediate managers together with any other person identified by the participants. The Mediation Action Plan is a confidential document.

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At the end of the mediation, the participants agree to what will be reported back to the business.

### STAGE 3 Review of the Mediation Agreement

The Mediator will contact the participants over the telephone to review the implementation of the Mediation Action Plan. The review discussions will generally occur over the following 3 - 6 months. The purpose of the review is to ensure there has not been any pertinent matters left unconsidered and the parties are accountable to their commitments.

#### The Mediator's Role

- > To explain the process of mediation
- > To assist the participants reflect on the working relationship
- > To support the participants preparation for the mediation
- > To facilitate a change paradigm between the participants
- > To assist the participants articulate their concerns and proposals for the future.

#### Ground Rules for Discussion

Participation in the mediation is voluntary – you can leave the process at any time.

Confidentiality must be maintained unless the law requires otherwise. This is not negotiable. It is necessary to create a safe work environment and allow for open and frank discussion. Only one person can speak at a time.

#### What do I have to do to prepare ?

Prior to the mediation session, participants should consider the following steps-

- > List your own concerns, feelings, fears and perceptions
- > List all the topics you would like to mention in the mediation and the detail in relation to each topic
- > Make a guess at what you think might be the topics the other participant would like to discuss
- > List your broad desired outcomes from the mediation
- > List at least two proposed solutions for the future in relation to each topic you have listed
- > Think about what might be the other participants desired outcomes from the mediation
- > List what might be the proposed solutions put forward by the other participant in relation to your and their topics. Consider whether you would be prepared to agree with them.
- > Consider what alternatives are available to you should the mediation not provide you with your desired outcome
- > What you would like to say in your opening statement – this needs only be dot points, not a script