

THE PATHWAYS TO RESOLVING WORKPLACE COMPLAINTS

“THE MEDIATION PROCESS”

You have made the determination that the complaint should be resolved through an informal process of mediation, so what do you need to consider to manage this process?

Meet with both parties individually in a preliminary conference

- ✓ Is the matter suitable for mediation and are the parties open to a mediated outcome?
- ✓ Have the parties entered into the process voluntarily?

Arranging the mediation

- ✓ Have you established the process you will follow & the ground rules for the mediation?

Allow both parties to give an opening statement

- ✓ Have you summarised what you have heard reflecting both content & feelings back to the parties?

Establish the topics to be discussed in detail

- ✓ Have you exhausted each topic before moving to the next?

Speak to each party individually

- ✓ Have you start moving the parties from the past to the future, thinking about ways forward and testing their ideas?

Move toward agreement

- ✓ Have you included in your agreement outcomes that are sustainable & mechanisms for monitoring?

In ensuring that mediation is successful the mediator must thoroughly understand the core elements that underpin a mediation and have the appropriate skills to undertake this method of dispute resolution.

Core Elements

The Principles

What are the fundamental principles of a Mediation?

- The aim of the mediation is to **achieve an agreement** between the parties derived by the parties.
- The Mediator must be a **neutral third party**.
- Mediation is a **voluntary process** – at the initiation and throughout. The parties to the mediation can terminate the process at any time (as can the mediator).
- The outcomes are **confidential**
- The process is conducted **without prejudice**.
- There must be a **readiness and willingness** of the parties to resolve the issue.

Mediation Skills

The Skills

What makes a successful Mediator?

- Has completed Workplace Mediation **training**.
- Is seen as **neutral** by all parties.
- **Facilitates** a structured discussion rather than giving advice or advocating for the parties.
- Opens the channels of **communication** and assists the parties to understand themselves.
- Maintains **momentum** in the discussion.
- **Encourages** the development of options.
- **Records, reflects and summarises** progress.
- Effective **listening** skills – good eye contact, uses appropriate non verbal cues and has empathy.
- Manages the **emotions** of the parties.
- Models the behaviour of effective dispute resolution – is **respectful, non judgemental**.
- Manage any power imbalances - real or perceived.

If you need assistance with your mediation as you progress or you want to undertake training in this area, contact PEEL HR.

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