

Our Workplace Mediation Service

Do you have conflict in the workplace that takes up your valuable time and has a damaging effect on team performance?

Mediation can help resolve disputes through constructive dialogue.

How could mediation help you? What happens at a mediation?

Meet Our Workplace Mediator



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Rebecca Ireland is a highly experienced employment lawyer and workplace mediator.

Rebecca has a heightened understanding of the emotional, and not just financial, impact conflict within the employment relationship has on both sides. As well as conducting workplace mediations, she utilises her mediation skills when giving employment law advice, to resolve interpersonal grievances before they escalate to formal grievances or an employment tribunal.

Rebecca has extensive technical and commercial expertise, having handled many complex and sensitive matters regarding all aspects of employment law. Rebecca mainly advises employers across a diverse range of business sectors across the UK on both contentious and non-contentious matters. She also supports directors, senior executives, and other employees, particularly in relation to grievances and negotiating exit settlement packages. Therefore, she understands the different perspectives which arise within workplace disputes, which is useful when carrying out the impartial role of a mediator. Her understanding of formal HR processes helps her explain to the mediating parties what the alternative is if a mediated agreement is not reached.

People are at the centre of everything she does.

For Rebecca's full profile, click [here](#).

Workplace Mediation is a **speedy and effective** way so to resolve inter-personal conflict, and invariably leads to an **improved working relationship** in the future. This will have a **positive ripple effect** on the rest of the team and business, and boost performance and well-being.

Workplace Mediation encourages **an open and confidential dialogue**, ideally at an early stage, **to avoid conflict escalating and spiralling out of control**, and perhaps ending up in an Employment Tribunal. It does this by allowing the individuals to express their needs and explore how these can be met.

Workplace Mediation works because **the individuals reach the solution to their concerns themselves**,

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with the help of the mediator's facilitation skills. Whereas the outcome of a grievance process can often not be satisfactory for anyone involved.

Bringing **an external mediator** into the meeting can improve greatly the chances of achieving a successful, sustainable, outcome by offering a fresh approach to resolve a problem. Rebecca can help **calm tensions and facilitate transformed ways of working together** after 'issues' have arisen. She brings a dose of common sense to the table and from **a neutral standpoint.**

A Workplace Mediation tends to take a working day to complete when it is between two individuals, plus there may be some preparation time. If you have a dysfunctional team or Board, the process will take longer, and Rebecca will adapt the basic principles of a Workplace Mediation to suit the scenario.

We have set out below:

- What is the aim of Workplace Mediation?
- When can you use Workplace Mediation?
- What is the mediator's role?
- What happens at a Workplace Mediation?

We will agree **a fixed fee** with you once we understand your requirements.

Please get in touch with Rebecca to discuss:

- the suitability of workplace mediation for your situation
- how much it will cost, and
- what the next steps would be.

What is the aim of Workplace Mediation?

The aim of Workplace Mediation is for the individual involved to sort out their problems within **a safe environment** (physically and psychologically), or at least improve the working relationship, and often results in an action plan.

Mediation is **a more flexible way to resolve disputes**, in that the parties can reach a settlement which includes anything they wish. It is not restricted to remedies available in the Employment Tribunal/Courts. A successful mediation results in a 'win-win' outcome. Whereas a formal grievance process tends to leave at least one person feeling aggrieved still. This is why Workplace Mediation can also be used to help rebuild the working relationship after a formal HR process has been conducted.

When can you use Workplace Mediation?

There are no strict rules for when you can or cannot use Workplace Mediation. The following disputes, however, tend to respond well to Workplace Mediation:

- Personality and management style clashes.
- Communication problems.
- Difficulties arising from re-organisation or re-deployment.
- Perceptions of unfair treatment.
- Harassment, bullying and discrimination (at a low level).

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Workplace Mediation can be used to deal with any interpersonal or behavioural issues which are damaging good working relationships and sapping productivity, creativity, or effectiveness on many levels:

- Within an internal team.
- Between internal teams.
- Between staff and management sides.
- Your board or partnership.
- Joint venture collaboration.
- Important clients or suppliers.
- Key individuals in any of the above.

Workplace Mediation can also be used to integrate an aggrieved employee back into the workplace after a formal grievance, performance, or disciplinary process, to help re-build the working relationship.

Workplace Mediation will not be the answer to all workplace disputes. A mediator's initial role is to assess whether Workplace Mediation is suitable on a case-by-case basis.

Rebecca will also assess its ongoing effectiveness throughout the process. Most importantly, Rebecca will not accept instructions to act as a mediator if she is concerned that the individuals have been coerced into attending the mediation.

What is the Mediator's Role?

The mediator's role is to act as a catalyst to enable the individuals involved to resolve their dispute for themselves. To do this, the mediator will:

- Discover what the dispute is about from each person's perspective, in terms of issues, feelings and concerns, without focussing on specific past allegations.
- Seek to uncover any underlying issues, which may have been hidden previously, and which may be impacting adversely the working relationship.
- Ascertain what is important, and what is not, to each person participating in the Workplace Mediation.
- Try to get the individuals to empathise with the way that each feel.
- Establish areas of common ground which become the agenda for further discussion. Communication is always on the list!
- Invite the individuals to discuss these issues between themselves in an open and constructive way.
- Support the individuals to reach a mutually agreeable resolution to those issues.
- Regulate the joint discussion. For example, if one party is becoming aggressive or rude the mediator will intervene.

The mediator does not take sides and has no authority to make decisions regarding the individuals' issues. In this way, mediation is not the same as arbitration, which is another form of alternative dispute resolution with which you may be familiar.

What happens at a Workplace Mediation?

Initial Contact Meetings with Each Person

The mediator will meet with each person separately and in private. During this meeting, the mediator will:

- Check that the individual is attending the mediation voluntarily.
- Outline how the mediation process will work, and the role of a mediator, as an impartial facilitator rather than an adjudicator or judge.

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- Explain the requirement for confidentiality from both individuals and ask them to sign a short confidentiality agreement, and refrain from taking any notes.
- Clarify that if mediation does not resolve the dispute, other avenues will still be open to the parties (e.g. the formal grievance process)
- Deal with any questions or concerns the individual has about the process and ensure that they are still happy to proceed.
- Invite the individual to set out how they feel about their working relationship with the other person, with a view to establishing what they want to achieve through mediation.
- Seek the individual's agreement to continue with the mediation.

Unless otherwise agreed, up to 1.5 hours will be set aside for each meeting. This should be enough time for each person to tell the mediator their perspective of the situation. The mediator only needs to understand the individuals' concerns and what each wants to happen to improve the working relationship, not on the detailed allegations being made and defences. This is because the mediator does not take sides or pass judgement. **Workplace Mediation aims to help the parties resolve their current differences by looking to the future, not dwelling on the past.**

The mediation process will only progress to a joint session if both individuals agree. This joint session is usually conducted in person, although it is possible to use Zoom or Teams, especially if the individuals work in different locations.

The alternative approach, which may be preferable for one or more of the individuals, at least at the outset, is a **'shuttle' mediation**. This involves the mediator going back and forth between the parties, who remain in their separate rooms, whilst facilitating an arm's length joint session. The disadvantages of 'shuttle' mediation are that:

- It can prolong the mediation process; and
- The individuals do not actually see how each of them really feel about their current relationship, which can be a particularly powerful way for each party to find common ground and reach a mediated solution.

The mediator keeps confidential all matters revealed during each person's initial contact meeting. The individuals can choose what they wish to say to the other in the joint session. However, there may be occasions when one person specifically asks for certain information to be disclosed to the other person. This would inevitably need to occur in a 'shuttle' mediation.

Joint Session

This will usually happen as an in-person session. It may be the first time that the individuals have had the opportunity to really let the other know how they feel about their working relationship. At the beginning of the joint session, the mediator will invite the individuals to agree **a set of ground rules for the conduct of the meeting**, for example, that the parties will be courteous to each other. This will help create a neutral and safe environment, in which they can speak frankly to one another. The mediator will ensure that these rules are complied with and intervene where necessary.

The individuals will each be allowed the same amount of **uninterrupted time** during which they can tell each other how they feel about their current working relationship and, most importantly, be heard. The individuals will then have time to discuss any differences and explore whether there is **any common ground** between them.

The mediator will facilitate this discussion, and ensure it runs smoothly, by keeping the individuals focussed on **the goal**: leaving the mediation with a plan which is going to improve their working relationship, and which will be sustainable.

The exact path the mediation will take is not something which can be predicted; it is a fluid process. The individuals will remain in control of the process, as the mediator may float ideas but does not impose solutions. **At any time, an individual may indicate that they want 'time out' in the side room, or to stop the mediation process altogether.**

The mediator may call a halt to the process, temporarily for a side meeting, or permanently, if:

- The situation is serious, and a formal grievance process should be followed.
- One person's behaviour is unacceptable, and there is no sign of improvement despite warnings.
- One person becomes too distressed to continue.
- There appears to be an impasse in relation to an issue.

Mediation may end in an agreement – verbal or written – between the parties, or there may be no agreement even where there has been no breakdown in the process. **As the matter is confidential, it will be up to the individuals involved to both agree who, if anyone, shall be informed of the outcome or content of the agreement.**

If the parties would like their agreement recorded in writing, the mediator will prepare this at the joint session, for immediate signature. **The agreement is not legally binding but provides a useful reminder of how the parties intend to improve their relationship, which may include specific action points.**

Evaluation

To help us and the referring employer to evaluate the effectiveness of the mediation, we will ask the individuals at the mediation whether they would like to give us feedback (e.g. telephone survey or completing a form), and when. Usually, the parties will need time to reflect after what can be an emotionally charged process.