

Workplace Mediation – “It’s good to talk”

Conflict at Work

Conflict in the workplace can have huge adverse consequences for businesses of all sizes. If not resolved, conflict can lead to a very costly Tribunal claim particularly as the number of Employment Tribunal claims has rocketed over recent years to over 200,000 per year and this continues to rise.

Conflict in the workplace is on the increase for a number of reasons:

- Modern organisations are dynamic and complex
- Increasing diversity in employees’ background (leading to differing opinions, values and expectations)
- Organisations are under ever increasing competitive pressures
- Individuals are under increasing pressure to deliver results
- Legislative changes continue to be enacted resulting in change, in terms of organisation and working methods
- Businesses are under huge pressure to “go the extra mile” particularly in recessionary times so as to retain previously loyal customers

Conflict – the cost to Businesses

The financial, time and human cost of conflict at work goes beyond the actual legal fees, and compensation that may be payable in the event of a successful Tribunal claim.

- In family run businesses eg: farming, relationship breakdown at work can be devastating not only to the business itself but also for family relationships.
- It has been reported that the average costs of conducting an internal grievance and linked disciplinary action can be up to £8000 (in terms of lost time)
- Conflict leads to sickness absence and staff turnover
- Loss of team morale
- Reduction in productivity levels
- Individual stress and ill health

So what is Mediation and how can it help?

Mediation is where an impartial third party (the Mediator) helps the parties in dispute to attempt to reach an agreement. Mediation has very distinct characteristics. It is informal, confidential and voluntary. This can be compared to other methods of dispute resolution, for example, Tribunal action which is very formal (akin to a Court process), open (in the sense that final Hearings are open to the public) and compulsory (the parties have no option but to become embroiled once an action has been started). Furthermore Mediation is very cost effective and the costs involved are a fraction of the legal fees that are likely to be incurred in the event of a Tribunal claim.

In what circumstances can Mediation be effective?

Mediation can be effective at work in lots of circumstances, including the following:

- Relationship breakdown – this is the most common reason why mediation is considered. Where the parties have misinterpreted language or behaviour but through the mediation process relationships can be re-built.
- Bullying and Harassment – both parties have an opportunity to communicate through the Mediator. The “victim” can be assisted to see the other person’s perspective and the Mediation process can help the “offender” to see how their behaviour is affecting their colleague
- Disciplinary/Grievance Procedures - often these procedures are used where there is conflict in the workplace. Such formal procedures can actually make the relationship deteriorate whereas early intervention through Mediation, can be used to rebuild relationships.

Can Mediation be effective in other types of disputes?

Absolutely! Mediation is widely used in an attempt to resolve many different types of Business disputes (including partnership issues), disputes between neighbours, family disputes and inheritance matters.

And finally..... does it work?

The statistics are very positive in that it is reported that the approximate success rate is 90% in terms of resolving disputes that are referred to Mediation.

Crombie Wilkinson has a team of Mediation experts who have professional accreditations in relation to Commercial/Civil mediation, Workplace/Employment mediation and Family mediation.

If you require any further information please telephone Neil Largan on 01904 624185.

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