

MEDIATION PACK



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Mediation Guide

“Mediation is a process whereby an independent third party intervenes into a workplace conflict or dispute to assist the participants to reach a satisfactory outcome”

The purpose of this guide is to provide you with details of the role, process and philosophy of mediation. It is designed to assist you in deciding whether mediation could be an appropriate mechanism for dealing with your particular workplace problem.

During mediation Agency Officers, acting as mediators, will work with all those involved to explore the underlying issues and through their constructive approach they help all participants listen to one another. The ultimate goal of mediation is to focus on the future by acknowledging areas of commonality and difference in an attempt to build bridges and restore effective working relationships.

Resolving workplace conflict can be hard work and very tiring but support is available every step of the way. The mediator will listen carefully to what each party says and will encourage them to talk through their problems in a constructive way. The success of the mediation process will in the main be driven by the participants. If they want to find a solution they will find it. The mediator will do everything they can to help those involved find a positive and constructive way forward. There are three key aspects to the mediation process.

(1) **Impartiality:** The mediator will maintain a balanced and impartial stance at all times and will not pass any judgement or make any determinations on who is right or wrong.

(2) **Confidentiality:** All of the work undertaken is confidential between the participants and should remain so. Any breach of confidentiality can seriously undermine the process.

(3) **Voluntary:** Mediation is entered into voluntarily and by agreeing to utilise the process participants are giving a commitment to work through their issues in a constructive manner.

What is a Mediator?

A mediator is an independent person who is invited into a conflict or dispute, to work with the people involved, as they try to find a positive way forward. The mediator does not judge who is right or wrong, they do not apportion blame and they do not tell people what to do.

Mediators seek to build positive, safe and constructive interactions between the participants thus encouraging them to identify, consider and discuss their past, current and future needs.

Principles of Mediation

Mediation is voluntary

People should enter into mediation because they want to, not because they feel pressured or coerced to do so.

Mediation is a safe and constructive way of speaking and listening

The mediator will prevent the process from being used as a means to threaten, intimidate or bully.

Mediation encourages fair and equitable problem solving for the **future**

Every person involved in conflict has an idea of how it can be resolved. Mediation encourages openness and honesty and ensures that every person's point of view is considered. Through mediation, the participants develop realistic, agreed and measurable action plans.

Mediation is confidential

Nothing said during mediation is shared with anyone outside the process. The Agency has developed a standard confidentiality agreement which participants sign at their first joint meeting.

Mediation is flexible

When dealing with a typical mediation case mediators will normally deal with the participants via a series of joint or side meetings but are not prescriptive about the sequence of these meetings. As flexibility is a key element in the process the mediator, in consultation with the participants, will determine how the case is handled as the discussions develop.

The outcome from Mediation

The main aim of any mediation is normally centred around restoring a positive and productive working relationship.

During mediation participants consider what a positive and productive working relationship means, how it can be restored, how it should happen and how they can ensure that it can be maintained.

How will the process be managed?

(1) Referral

During the initial referral we will explore the background to the dispute in order to determine that mediation is the most appropriate intervention.

(2) Contact with participants

Once it has been established that mediation is appropriate we will then contact the participants, usually by phone, by way of introduction. The main purpose of this contact will be to discuss the mediation process and answer any queries that the participants may have.

(3) Mediation Meetings

Following the initial contact the mediator will then meet with the participants. A mixture of separate and joint meetings will be conducted. Separate meetings are used by the mediator to discuss issues on a one to one basis with participants. Joint meetings, which are facilitated by the mediator, are used to deliver common messages to participants and ultimately to have them discuss their issues and problems face to face. The sequence of the meetings will be determined by the mediator who will have considered the attitude and concerns of the individuals involved and the nature of the issues in dispute.

What will the Mediator do?

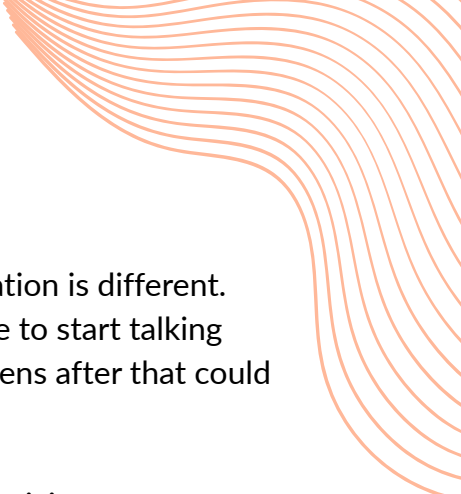
Mediators need to be clear about the nature of the dispute and will seek to get an appreciation of the situation and an understanding of the individual needs and expectations of those involved. They will listen carefully to what individuals have to say and will ask questions in order to understand the nature of the conflict. This may include a discussion about the experiences, emotions, perceptions and expectations of the participants. They use their skills to address the concerns and issues and consider what the problems are from each perspective.

Mediation is not easy and at times it can be very challenging, frustrating, complex and tiring. However the mediator will guide the participants through the mediation process and will fully explain and prepare them each step of the way. It is their responsibility to manage the process and ensure that participants are given an opportunity to discuss their issues in a constructive way.

The mediator will explain and clarify their role and discuss with participants how the case will be handled. They will discuss the participants' goals for mediation and outline the requirement for participants to sign a confidentiality form.

Throughout the process the mediator will consider with the participants how they could better manage their conflict and will ask them to consider future needs, expectations and options. However it is important that all involved realise that the mediation process is a tool used to make a situation better - participants will only get out of the process what they are prepared to put in.

Mediators will not make recommendations on how the participants should resolve their difficulties. They will work with them to explore the underlying issues and through a constructive approach help them to listen to one another. The ultimate goal of mediation is to focus on the future by acknowledging areas of commonality and difference in an attempt to build bridges and restore effective working relationships. Where participants are unable to resolve their differences via mediation they are then free to pursue other formal processes.



There are no set formulae for how mediation should end as every situation is different. What is important is that both participants have been given the chance to start talking again and agree what they want to happen for themselves. What happens after that could include:

- An action plan being put in place which will be monitored by both participants
- An agreement outlining how the participants will interact in the future
- Consideration of training and development issues or supervision and coaching needs.

The mediator will record any outcomes in writing for the participants to keep and make use of.

How long do mediation meetings last?


The time taken for mediation itself, as with the overall process, will vary depending on the number of people involved and the nature of the complaint. In the first instance we ask participants to set aside one full day.

Where will the mediation take place?

The mediation will normally take place at our Head Office in Belfast or the Regional Office in L/Derry.

Involvement of Representatives

Involving representatives in mediation is not generally encouraged, whether that is a lawyer, a trade union representative or a friend. The key point of mediation is to provide an opportunity for those in conflict to find their own solution to the situation they find themselves in, and for the participants to remain central to the process. That said we will consider requests from individuals to have someone with them as moral support bearing in mind the views of all participants to the mediation.



STRICTLY CONFIDENTIAL



MEDIATION REFERRAL FORM

This form should be completed as fully as possible and returned to us by email to mediation@lra.org.uk

1. **Your details**

Your Name	
Organisation	
Position	
Full Address (Including postcode)	
Contact Tel No (s)	
Email Address	
Date	

ESSENTIAL INFORMATION Please note that we contact all parties in advance of mediation. It is therefore important that we are provided with contact details that will enable us to make substantive contact with the participants where we will be able to have a confidential discussion with them.

2. Details of participants

	Participant 1	Participant 2
Name		
Position		
Department (If Applicable)		
Work Contact Tel No (s)		
Email address		
Nature of their relationship		

3. Please provide a brief summary of the situation (attach any relevant documentation if deemed appropriate).

4. Please provide details of any action taken to date including outcomes (continue on separate sheet if necessary).

5. Additional information

Please advise if there are any ongoing processes or procedures concerning the participants such as:	Yes/No
Ongoing disciplinary processes	
An investigation which could lead to the disciplinary procedure being invoked.	
Any ongoing industrial or fair employment tribunal	

Please note that if the answer to any of the above points is yes, it may not be appropriate to proceed with the mediation until such processes are concluded.

6. Please advise us of any specific needs of the parties, including reasonable adjustments

7. Please outline your expectations of mediation.

8. Other relevant details (please tick)

I understand the confidential nature of the process and that any feedback to me will require the agreement of the parties (beyond whether the mediation took place and whether an agreement was reached or not)	
I confirm that I have met with the participants to explain:	
Why the organisation is suggesting mediation.	
That the Labour Relations Agency has been asked to provide mediation.	
That an Agency officer will contact them by telephone prior to commencement of the process.	
That our expectation is that mediation will restore a positive and productive working relationship.	

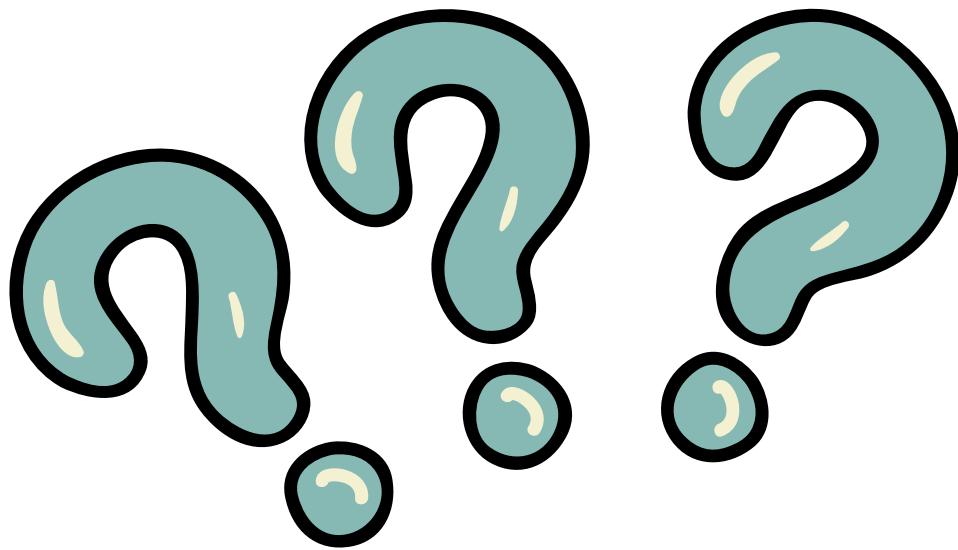
9. Please use this space to provide any further information that you feel is relevant to this case (continue on separate sheets as required).

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10. How did you hear about our services? (Please tick)

NI Chamber member	
Labour Relations Agency website/ social media	
Other, if so please state where	

LRA mediation frequently asked questions



What does the LRA do?

The LRA promotes good employment relations as a key contributor to productive workplaces and a healthy, thriving economy. It supports new and growing businesses in Northern Ireland.

LRA services include advice on good employment practice and the resolution of workplace disputes through conciliation, mediation, arbitration and independent appeals.

What is mediation?

The Labour Relations Agency offers workplace mediation as part of its alternative Dispute Resolution (ADR) services. Mediation is a mechanism for managing conflict. It is a non-judgemental, confidential, voluntary process which aims to restore a positive and productive working relationship. The mediator is impartial and does not take sides.

What are the benefits of mediation?

Mediation can help participants resolve their problems at an early stage in an informal and collaborative way, reducing reliance on formal procedures. Conflict at work can be stressful for employees and can impact on productivity.

Why is LRA partnering with NI Chamber to promote its mediation service?

The LRA's new mediation strategy prioritises the provision of mediation services to small and micro businesses and partnering with the NI Chamber to promote the mediation service will ensure we are reaching the appropriate employers.

When should mediation be considered?

Mediation is particularly effective after informal management interventions have been attempted and before time-consuming formal procedures have commenced. The issues that can be addressed via mediation include relationship breakdown, personality clashes, communication problems, allegations of bullying and resolution of grievances.

When is mediation not suitable?

Mediation should not be used as a first resort – people should be encouraged to speak to each other and to their manager before they seek a solution via mediation. Mediation should not be used by managers to avoid their responsibilities in a challenging situation. As mediation is a confidential process, it is not suitable for disputes that require investigation, a reportable outcome, a decision about whether someone is right or wrong, or where the participants do not have the power to settle the issue between them.

The LRA will not accept a mediation referral where disciplinary procedures are ongoing. If a claim has already been submitted to an Industrial Tribunal or Fair Employment Tribunal this should be highlighted immediately to allow the LRA to assess which service is most appropriate.

The LRA will not continue with mediation if it becomes apparent that an employment relationship is about to end or that either party has been forced to attend.

How does the referral process work?

Interested parties complete the LRA's referral form and email to the LRA via mediation@lra.org.uk with sufficient information to provide the mediator with an understanding of the dispute and with contact details of the relevant participants. The Labour Relations Agency will retain control over the number of cases they accept on a monthly basis which may vary dependent on resources.

How will participants know what to expect from mediation?

LRA has produced a Mediation Guide to be provided to participants before seeking their consent to a referral. Participants will have an opportunity to speak with a mediator early in the referral process.

Participants need to be released from work for a full day. The day will involve relatively short separate one-to-one meetings between each participant and the mediator and longer joint meetings. The joint meetings are facilitated by the mediator and allow participants to meet face-to-face to discuss and resolve their issues together. This process does not require representation, so participants almost always attend by themselves. If a participant wants to bring someone with them, they can only do so by request in advance and only then if the other participant and the mediator consent.

What information is shared by LRA?

The LRA mediator will tell the referrer whether mediation took place and if so, whether agreement was reached.

How do I find out more?

The Agency will take initial enquiries regarding mediation via e-mail, in person or by telephone. Our contact details are as follows:

Head office

4th Floor, James House
2-4 Cromac Avenue Belfast

BT72JA

Telephone: 03300552220

Email: mediation@lra.org.uk

Regional Office

3rd Floor, Richmond Chambers
The Diamond
Derry/Londonderry

BT486HN

Telephone: 03300552220

Email: mediation@lra.org.uk