Mediation for Organizations

The Conflict Resolution Professionals Group

A practical guide to mediation for HR and business leaders.
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Introduction

A new approach to conflict management

As the cost of legal services as increased over the past 20 years, mediation as emerged as a viable cost effective and quick way to handle disputes. From civil break down, family disputes, tackling bullying at schools, and work place disputes, mediation is playing a larger role in all our lives. Now it is time for organizations to take advantage what mediation has to offer.

As organizations face new challenges and do more with less, they are faced with the demands to respond to conflict quickly, and with transparency and with transparency and participation of its clients, and members. Creating a culture that can do this is no easy feat, but it is possible and essential for survival in the twenty first century.

Mediation is the key to allow organizations to meet the demands that conflict places on them. There is increasing evidence that mediation works. When an organizations leaders and members are conflict competent they are able to be flexible and capable to handle conflict at the point of disruption in the organization. This paper provides expert guidance and best practices to help cut the cost of conflict and embed mediation into your organization.

Cost of Conflict

Increasing numbers of business leaders and HR professionals have expressed concern and serious dissatisfaction with formal and legal processes in dealing with conflict and workplace disputes. These traditional methods are slow, adversarial, and costly. The cost of conflict can be extremely high- Costing U.S. employers approximately $350 billion in paid hours or the equivalent of 385 million days lost in managing conflict.

1 The Real Cost of Workplace Conflict http://www.entrepreneur.com/article/207196
Unresolved conflict continues to hurt organizations. From the field to the boardroom unresolved conflicts:

- Undermine effectiveness and productivity
- Destabilized teams and creates toxic workplaces
- Increases unemployment costs, absences, workers compensation
- Increases theft and sabotage
- Wastes time, money, and energy

Many organizations are accepting that more needs to be done. They are becoming aware that their current policies and practices are not meeting the demands that conflict places upon them. They understand that how conflict is managed internally reflects how their members interact and take care of their clients.

**Mediation Works**

Mediation is being used by numerous organizations to help resolve disputes quickly and effectively. These organizations are now reporting significant benefits for their managers, employees and their customers. The Chartered Institute of Personnel and Development (CIPD) found that almost 60% of companies using mediation see a significant reduction of employment grievances by almost 50%.

Mediators are trained to facilitate difficult conversations - they guide parties to constructive mutually agreed solutions rather than making a judgment and creating a sum zero end game. Mediation is a safe, non-confrontational process that provides practical remedies to time-consuming disputes.

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**Mediation Advantages**

- Creates safe space to work on disputes
- Mediation is fast - Saves time and money
- Generates creative, practical, effective solutions.
- Repairs and saves relationships
- Discovers the root causes of the conflict.
- Creates lasting solutions
- Allows parties to speak to each other in a safe and honest way.
- Teaches people how to handle disputes.

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2 CIPD mediation survey available at [www.cipd.co.uk](http://www.cipd.co.uk)
Conflict at Work

For most HR professionals conflict is a dirty word. Most HR professionals that we talk with describe conflict as costly, time consuming, painful, unpleasant and demanding. They depict images of fear, pain, anger and confrontation. Most likely you are very familiar with conflict and are probably handling a dispute as we speak.

Conflict does have a bad reputation and can be destructive. However, there are a growing number of HR professionals and business leaders who feel it is time to rewrite the books and give conflict a makeover.

Constructive conflict

Constructive conflict allows us to focus on interests and needs. It strengthens relationships and builds cohesive teams through dialogue and debate. When an organization understands and uses constructive conflict, they are more creative, and innovative. They see conflict as an opportunity and a tool to direct their organization.

Constructive Conflict

- Increases awareness of problems
- Promises change and adaption
- Promotes awareness of others
- Enhances personal development
- Strengthens relationships
- Reduces hidden workplace costs

Conflict is neither bad nor good it just is.
What we mean is conflict is what you make of it. Conflict is a natural part of any relationship. It is our behavior and response to conflict that can make it either constructive or destructive. Conflict can be healthy in producing good outcomes, and driving innovation. If managed well it can be a key asset for your organization and team development. So what goes wrong when and why does conflict become so damaging? Let us look at the two outcomes of conflict.
Destructive Conflict

This type of conflict is toxic and damaging. It creates division, put up barriers, and creates toxic workplaces and undermines the organization’s and its member’s wellbeing. It prevents the needs and interests to be met which in turns creates feelings of loss anger and frustration.

Detoxing Conflict

Listed below are a few strategies that can help managers to detox conflict and create a positive approach.

- **Separate the person from the problem** - making it personal will make it worse.
- **Separate the facts from the perceptions** - make sure you understand what is fact and what is just a perception of what happened.
- **Seek first to understand** - take the time to understand what the other party wants, needs, and perceives.
- **Ask open-ended questions** - ask questions that allow the other person to give full answers.
- **Recognize emotions** - acknowledge the emotions and feelings of others.
- **Acknowledgement** - acknowledge the problem and the perception of the other party.
- **Do not walk away** - Commit to finding a solution.
- **Reach out** - Take the risk to reach out to the other party with solutions and perhaps with concessions.
Assessing your Organization’s Conflict Health

This quick assessment is to help you get an idea as to how well your organization handles conflict.

We understand that not all organizations are alike. But this assessment will allow you to understand what type of organization you are in terms of conflict management and what steps may be required of you in order to become more conflict competent as an organization.

Directions: For each of the statements, mark if you agree or disagree with the statement. The next page includes an answer grid, explanations and recommendations for next steps.

<table>
<thead>
<tr>
<th>Statements</th>
<th>Agree</th>
<th>Disagree</th>
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<tbody>
<tr>
<td>1 My organization includes mediation in our policies.</td>
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<td></td>
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<tr>
<td>2 My organization includes mediation in our employment contract.</td>
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<tr>
<td>3 Unresolved workplace conflict is a problem within my organization.</td>
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<td></td>
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<tr>
<td>4 Our HR team received mediation training.</td>
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<tr>
<td>5 Our managers usually ignore or avoid dealing with conflict until it is too late.</td>
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<tr>
<td>6 Mutual respect and dignity at work are part of our organizational culture.</td>
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<tr>
<td>7 In the past 12 months, we have used a mediator to help resolve a workplace conflict.</td>
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<td>8 We would like to improve the way that we manage workplace conflict.</td>
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<td>9 We have lost a good employee due to unresolved conflict.</td>
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<td>10 In the past 12 months, we have seen an increase cost associated with conflict.</td>
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<td>11 Staff stress/sickness is on the rise due to unresolved workplace conflict.</td>
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<td>12 Important organizational changes are hampered by disagreements and disputes.</td>
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<td>13 We regularly review grievances to identify patterns and opportunities for learning.</td>
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<td>14 We do not measure the financial and human impact of conflict.</td>
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<tr>
<td>15 We have a team of trained and accredited internal workplace mediators.</td>
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</table>
Analysis

Quick Conflict health Check

Please circle the answers you agreed with in the table below. Then add up your answers. Each answer in the left hand column is worth 3 points. Answers in the right column are worth 1 point. An explanation of your company’s conflict management approach is set out below.

<table>
<thead>
<tr>
<th>If you agreed with these questions, each is worth 3 points.</th>
<th>If you agreed with these questions, each is worth 1 point.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 2 4 6 7 8 13 15</td>
<td>3 5 9 10 11 12 14</td>
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Total Score ___________

Scores 0-11
Your organization is experiencing destructive conflict. For your managers and employees involved this is very damaging and unhealthy. Your business performance may be undermined and the atmosphere may be tense and toxic. You are most likely losing money because of conflict.

Recommendation for Action:
It is not too late to correct the situation. Training your HR team and managers as mediators will create immediate results. Develop a grievance resolution procedure with more emphasis on resolution and mediation.

Scores 12-17
You are on the right track and have some innovative systems in place for handling workplace conflicts. However, some conflicts are not being responded to as quickly or as effectively, thus causing some managers and employees to experience some harmful effects.

Recommendation for Action:
Consider taking a detailed conflict audit to access the real costs of conflict to your business. Establishing an internal mediation program and training your Managers and supervisors would insure better management.

Scores 18-24
You appear to have a very positive working environment where virtually all workplace disputes are handled in a positive manner. You have embraced mediation and the value of constructive conflict where employees talk openly with each other to resolve conflict.

Recommendation for Action:
Consider mediation in other business areas to resolve disputes with clients and businesses.
What Is Mediation

Mediation is the process where a neutral third party is invited to intervene in a conflict to assist in a non-judgmental and constructive resolution in the conflict. The mediation process is confidential and all decision are controlled by the parties involved. The mediator moves to help the parties to an agreement.

The Key Features of Mediation

- Mediation is voluntary. Parties are not forced into mediation. However, it is reasonable for employers to promote mediation and expect consideration by their employees as an alternate form of resolution.

- Mediation is confidential. Neither parties nor the mediator discloses what was said in a mediation. In some states mediation is protected from being used in court.

- Mediation is safe. Ground rules are set to protect the parties.

- Mediation is solution focused. Mediation allows differences to be aired. Mediator helps parties to work to a solution.

- Mediation works. Eighty percent of mediated solutions keep their agreements. This is because all parties are involved in finding solutions that they can live with.

- Mediation is not time consuming. Unlike court, mediation can resolve most disputes in a matter of hours. The mediator creates conditions where parties can work quickly and cost effectively.
• Mediation is cost effective.

Mediation is much cheaper than lost production, attorney fees, and added cost of conflict.

The Role Of The Mediator

The mediator begins by meeting each party separately and listens to each parties’ needs. The mediator helps each party to identify the root cause of their conflict.

The mediators then creates a safe space in which both parties can come together to communicate their feelings, and goals and begin to work towards an agreeable solution to the conflict.

Mediators transform destructive into constructive conflicts. Mediators facilitate new possibilities and new opportunities with the parties. They promote face-to-face dialogue over the tough issues and conflict that keeps the parties at odds. Even in the most polarizing, complex and protracted conflict, mediation works!

The Mediator’s Role

• To provide confidential, non-judgmental support to all parties.

• To promote and secure early commitment to the process

• To create a safe space where parties can engage in open and honest dialogue.

• To encourage parties to shift away from their early positions and discover and discuss their interests and needs.

• To provide each party the opportunity to consider, describe and discuss the causes and impacts of the conflict on themselves and others.

• To make engage all parties in the mediation process.

• To make sure that each party is being treated equally in a safe manner.

• To help all parties to explore the issues in full and support the parties in generating solutions.

• To support the parties in creating a solution that all can agree upon.

• To provide support for all parties after the mediation.
The Mediation Process

The mediation process does not have to be a formal process and its principals can be used in almost any type of setting. Chances are that you use mediation skills more often than you think. Nevertheless mediation can cause people to be a little apprehensive. Maybe this is because they never have experienced mediation or because it is done behind closed doors. Generally when people understand the process their apprehension dissolves. Let’s look at the process itself.

Initial Preparation

- The Mediator received a referral to mediate. This provides basic information on the dispute.
- The mediator talks to each party on the phone to explain the process and prepare them for mediation.
- All parties sign an agreement to mediate and a confidentiality clause.

The Pre Mediation Meeting

- The mediator meets with both parties separately to allow the parties to set the narrative of their conflict.
- The mediator listens actively and uses their skills and experience to identify the root causes and impact of the conflict.
- Mediator prepares the party for mediation.

The Joint Mediation Meeting

- The mediator welcomes the parties and makes them feel comfortable.
- The mediator encourages respect, openness, and honesty at all times.
- The parties speak uninterrupted and listen carefully- this is a critical exchange of information.
- The parties enter an exchange of questions and ideas.
- The mediator may use short breaks or caucuses, but the majority of time is together around the table.

Reaching Resolution

- The final stage is about problem solving.
- Parties identify solutions, and options.
- The mediator helps the party craft solutions that all parties can agree too.
- The agreement is written out in an action plan.
- The plan is signed and a dispute clause is agreed upon if other issues arise.
- The mediator will remain in contact for an agreed amount of time by the parties to monitor and provide support.
Embedding Mediation Into Your Organization

Mediation works for almost all forms of workplace conflicts from the seemingly minor to the extremely serious. The key to successful mediation is the willingness of all parties to engage in mediation. The more organizations can do to make mediation normal and part of everyday business, the more likelihood those organizations will see mediation flourish. Building an organizational culture of valuing constructive conflict is important.

Steps To Help Embed Mediation

1. Choose a mediation partner who can help you embed mediation. CRPG is a trusted and experience group. It is not a process that should be taken lightly and having an expert partner can help you avoid the common pitfalls.
2. Promote mediation in your values and refer to it in your recruiting. It will help make you a employer of choice.
3. Recruit and train a team of internal mediators who are certified.
4. Make specific mentions of mediation in your employee handbook, policies, hiring agreements, and contracts.
5. Rewrite your grievance policy to include mediation.
6. Engage fully with your union and staff to ensure that they support mediation.
7. Train your managers in mediation. CRPG has a range of short manager trainings.
8. Secure senior management buy in to mediation.
9. Publicize and promote mediation in company newsletters, announcements and other external and internal company communications.
10. Take time to evaluate your mediation program after one year of implementation.

Visit us at www.theconflictresolutionprofessionals.org
About Conflict Resolution Professionals Group

CRPG is a full service conflict management group. We are dispute resolution professionals who work with organizations, non-profits, and businesses to manage and implement strategies to reduce, resolve and manage conflict. People come to us because they can trust us. They know that our teams of trained mediators and trainers have the skills, depth of knowledge and experience to deliver results.

- We are a leading provider of business, workplace and consumer mediation services.
- Our mediators have extensive training and advanced degrees in conflict resolution.
- We have over 30 years of combined experience in mediation, conflict resolution and training.
- We have trained hundreds of HR professionals in conflict resolution.
- We work with national non-profits, churches, professional associations, and organizations.
- We have developed and embedded mediation systems for national non-profits.
The Services that CRGP Offers

CRPG designs and delivers a comprehensive portfolio of mediation, conflict management services to its clients.

The CRPG MEDIATION SUITE

*Market leading mediation and dispute resolution services.*

- Setting up a mediation scheme
- Providing external independent mediators in workplace disputes and grievances.
- Mediating team and collective disputes.
- Civil and commercial mediation services.
- Small claim and small business mediation services.

- Expert neutral evaluations of complex workplace disputes (harassment, bullying, and discrimination.
- Conflict coaching
- Managing change and transformation.

THE CRPG CONFLICT MANAGEMENT SUITE

*A Holistic package of conflict management services to help you prevent, resolve, and transform a conflict at work.*

- Undertaking conflict audits and developing conflict management strategies.
- Delivering high quality workplace investigations. (ombudsperson)
- Developing dignity, fair treatment, and fairness, at work or related HR and ER policies.

THE CRPG TRAINING SUITE

*An extensive program of progressive innovative courses designed and delivered by conflict experts.*

- Accredited mediation training services for internal mediators.
- Practical mediation skills for managers.
- Practical investigation skills
- Core mediation skills
- Managing positive conversations
- Handling complaints
- Managing strong emotions
- HR as mediator
- Employee engagement best practice for HR and managers
- Managers stress, absence and presenteeism.
- Developing stress and well-being strategies.
Contact Us

We would love to talk to you about your conflict. It is our passion. Contact us to talk about what we can do to make your organization a better place.

1-888-978-2229

www.TheConflictResolutionProfessionals.org

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