

Yes!

How to get people to say **Yes!** to mediation

Once mediation is underway, participants quickly see the benefits but getting them into the process can be tricky. The following will help referrers/managers to overcome common barriers.

Provide accurate information

- Give potential participants the opportunity to consider clear written information about mediation and the supportive role of the independent, expert mediator. We find few people have an accurate understanding of this. Some may have experienced a manager acting as an informal mediator, for example.
- Research shows that people are more likely to accept the offer of mediation if the description:
 - ✗ does **not** emphasise it as 'talking', or the mediators as being 'impartial'
 - ✓ **does** focus on the 'step-by-step process' and the outcome eg "by the end you'll have a clear way forward that will improve things for the future."
 - ✓ We can provide an information sheet for participants – please ask.

Voluntary or not?

- Employees may fear it will count against them if they turn down the option of mediation. This can undermine their own good faith in attending mediation and lead them to doubt the other person's. It is therefore helpful to let them know that:
 - ✓ the mediators will give everyone **freedom to decide whether to continue at each stage**
 - ✓ the mediators **will call a halt if they have doubts about anyone's good faith**
 - ✓ they can **revert to formal procedures if mediation doesn't succeed**.
- The power of 'willing'
 - ✓ Asking each participant whether they are 'willing' to try mediation is often effective.

What are your concerns?

Responding to common concerns and objections

- **Concerns about power imbalance**
These are not unusual when participants in mediation are at different levels in a hierarchy. The 'junior' participant may worry about being able to be open, or the impact on their career, for example. Equally, the 'senior' participant may be concerned about a challenge to their authority or how they are being perceived. Try saying:
 - ✓ *"The mediator(s) will ensure that everyone has an equal chance to be heard. They'll encourage you both to be open and will keep things constructive."*
 - ✓ *"You will find that the mediator(s) keep the discussion balanced and appropriate. They will challenge where necessary to keep the outcome realistic for you both."*
 - ✓ *"Don't forget that everyone, including the independent mediators, will keep things confidential. There'll be no report to anyone else unless everyone agrees."*
- **Objections to talking e.g. 'We've tried talking', 'I can't talk to her', 'He won't listen to me'.**
 - ✓ *"In mediation you'll have a different kind of conversation. The mediators will keep things constructive, help you to get your point across and focus on what's important."*
 - ✓ *"It's not just about talking. You can agree concrete action, recorded in writing, to help you improve things."*

- **“They’ve already been spoken to by [someone else] and nothing has changed.”**
 - ✓ “This is a chance to try a different approach. It makes all the difference when people hear directly from each other.”
 - ✓ “You can explain why you need things to change and ask and answer questions.”
 - ✓ “The mediators will help you agree concrete steps to improve things in future.”
- **“I haven’t got an issue with them. It’s their problem.”**
 - ✓ “How will you feel/ what are the implications if they continue complaining?”
 - ✓ “If they feel mediation would help, would you be willing to give it a go?”
- **‘The other person won’t agree to mediation.’**
 - ✓ “Leaving them aside for the moment, are you willing to give it a go?”
- **“They are just not competent/ don’t like being managed.”**
 - ✓ “Mediation is not a means of managing people or dealing with competence, but it will help you with aspects of your working relationship such as communication, expectations or behaviour. That can give you a foundation to address other issues afterwards.”
- **“I can’t face [the other person]. I’ll get upset/ angry/ overwhelmed.”**
 - ✓ “The mediators are experts and will support you through the process. You’ll see them privately first. They will help you to prepare for the mediation and manage your emotions.”
- **“Things have gone too far.”**
 - ✓ “When a conflict feels overwhelming it can often be unlocked by working out what’s at its core. A shared understanding of what’s happened and why can give you a platform to move forward. You can look at options for changing or exiting the relationship.”
- **“I want an apology [or other pre-condition] before doing mediation.”**
 - ✓ “The other person needs to know why that’s important to you. Mediation will give you the opportunity, at the beginning, to put that across.”
- **Objections about the time/ effort/ expense of mediation**
 - ✓ “You’ve been dealing with this for x weeks/months. In a few hours you could put the whole thing behind you and move forward.”
 - ✓ “Think how it would feel to wake up the day after mediation knowing the problem is sorted.”
 - ✓ Explore the *alternatives to mediation* as relevant: eg the time/ effort/ cost of finding a new job, moving department, recruiting a new employee, of a prolonged formal process.
 - ✓ Explore the *implications* - for themselves, colleagues, the organisation, clients - *of doing nothing*, eg by avoiding each other.

Why not speak to the mediator and see what you think?

When people speak direct to the mediator, they are usually willing to give it a try.

Please get in touch for help with a workplace conflict situation:

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