

## MEDIATION NOT LITIGATION: YOUR GUIDE TO RESOLVING CONFLICT AT WORK

With the end of furlough and fundamental changes to how, and also where we all work, there has been a steep rise in employer/employee tensions resulting in formal grievances and tribunal cases. This is a brief ABL guide to how to avoid expensive, time consuming and emotionally difficult employment - related court cases in this new post pandemic world.

We hope it's useful! .

### WHAT IS MEDIATION ?

- It is quick and confidential workplace dispute resolution without having to go to tribunal
- It is mediated by an accredited, impartial, non-judgmental facilitator in 1:1 and joint sessions which can take place remotely or in person

### WHY IT HAS BECOME MORE IMPORTANT IN THE PAST 18 MONTHS?

- The reality of work has changed radically but people have remained subject to organisational requirements and have been, at times, under considerable pressure
- In some cases, resentments have built up and trust has been stretched to breaking point
- The pressures of the last 18 months have exaggerated issues around communication, differences in work styles and personalities, work hours, issues of health and wellbeing and work locations

### WHAT HAVE BEEN THE KEY TRIGGERS FOR CONFLICT?

- Personality clashes and a perceived lack of respect
- Initial selection for furlough and returning to work after furlough
- Changes to work habits
- Changes to terms and conditions
- Changes to work locations
- Individual competence/performance related issues
- Levels of support or resources for the employee
- Agreeing and monitoring performance targets in hybrid or 100% remote methods of working
- Poor people management skills
- Requirements to return to an office full time and requests for flexible working

### WHAT ARE THE COSTS OF WORKPLACE CONFLICT?

- The costs to UK business is £30 billion a year, (2021 ACAS report)
- 370 million working days p/a lost due to conflict
- Huge impacts on individual and business health and performance

### WHAT ARE THE BENEFITS OF WORKPLACE MEDIATION?

- A high success rate (usually 80-85%)
- Restores goodwill and helps rebuild relationships
- It is confidential and flexible and can take place at any stage in a dispute
- Mediation can be set up in a matter of weeks and can be undertaken remotely
- It is based on a fixed fee basis typically from £150 per hour - paid by the employer
- The mediation fee is agreed in advance along with the expected time frame, so there are no escalating fees
- Average cost is approximately £1000 per mediation depending on the complexity of the issue, the number of participants involved and the experience of the selected mediator

### HOW TO FIND AN ACCREDITED MEDIATOR

- Ask your HR colleagues or network for a recommendation
- Contact national mediation organisations such as: The Society of Mediators or the Civil Mediation Council (CMC)
- Ask your lawyers if they have a list of mediators they recommend
- Most counties have their own mediation associations which may offer workplace mediation services

### A MEDIATOR WE RECOMMEND

Nikki von Bülow at Venn Mediation UK is a specialist workplace mediator with an HR background. For more information on the services Nikki von Bülow and Venn Mediation UK offer, visit her website:

<https://venn-mediation.co.uk/>