Reflections of an internal mediator

I'm not sure what first prompted me to put myself forward for training as an internal mediator. As an academic in the HRM division of my business school at the time, I had a keen interest in workplace conflict and its resolution. It was probably a combination of this and an increasing interest from our students and client groups in the subject area; and also the discovery that the University had an established mediation service that led me to think: 'Why not!'

'I've been a manager, so I know how to manage conflict.' 'I've been a trade union local representative and TUC officer. So I know how to find solutions to workplace problems.' 'As an academic, there might be the opportunity to do some research in the area.' Looking back on that decision a number of years on, I don't think then that I fully appreciated the challenges, most certainly to move from being a problem solver to a facilitator for seeking solutions, but also the professional and collegiate satisfaction that the role would bring.

This article is intended to be a reflection of my time as an internal mediator and, I hope, a useful overview for readers of one person's perspective of that role. To that end, the discussion covers my early expectations and experiences, the different approaches to mediation I have encountered both as a practising mediator and also as a researcher and closes with some reflection on the future.

In terms of recent government strategy and policy on managing workplace conflict, it can be argued that mediation is seen as a system for dispute resolution whose time has come[i]. Current research also supports this argument in that, in these times of more individualised employment relations, mediation offers a degree of equality for the employee in managing conflict in the workplace that is largely absent in other more 'formal' dispute resolution procedures[ii]. My overall experiences of being a mediator, and researcher, do to a greater degree support that view; albeit with some caveats that will be covered in the discussion that follows.

Initial expectations, the process and confronting the realities of internal mediation

You have completed your practical training with your provider. You produce the portfolio of evidence of learning to achieve your accreditation. Finally aware that you hadn't quite realised how long that would take! You then await your first assignment from your coordinator.

It is valuable at this stage to briefly outline the usual process of assigning a mediator to the disputants. The mediation co-ordinator is the first point of referral through the channels established in that particular organisation. This could be via HR, training and development, the equality team, the union, line managers or directly from the disputants. The co-ordinator 'triages' the case and decides if mediation would be of value to the disputants. As an internal mediator you are part of a team from which the coordinator will then make their choice.

The basis for that choice varies across organisations but is typically based, of course, on availability or having no direct knowledge of the disputants (in a university this would mean, for instance, allocating a mediator from another school or faculty). Biographical variables, such as ones position or gender, in my experiences can occasionally be a factor for the disputants; in which case the mediator may seek to accommodate this request. Interestingly in the HE sector, for disputes

amongst more senior colleagues who request a particular level of neutrality, a network of universities if in existence can enable a mediator to be brought in from another university to facilitate the process, or alternatively they engage the services of an external provider.

The first time

Your first thoughts: They said nothing on the course about having to email the disputants? How do I word it? In fact, why are they so hard to contact? How do I plan to get them from position to interest based? Why did I volunteer to do this? In truth the first mediation (and probably the second and third) is very daunting in my experience. Nevertheless, for many organisations this is alleviated by dual mediation, and having later also done this with a new mediator in our team it can be a lot less stressful introduction.

In reality, as with all training I feel that the role plays, the portfolio building and extra reading can only take you so far. Ultimately, for this and indeed every case you undertake, it is crucial to have faith in your own ability. To draw on the organisational and planning but, fundamentally, also the empathetic, rapport-building and listening skills that first made you realise that you could do the job, and with practice do it reasonably well.

I completed my first assignment and the feedback from the disputants was generally positive; although, as I note elsewhere, there are always limits to what can be achieved. Nevertheless, to help colleagues continue to work together, to rebuild their relationship, to better understand how the other thinks and, therefore, why they act the way they do within that relationship, remains for me a successful outcome and why I believe that mediation is a valuable tool in addressing workplace conflict.

However, on occasion I felt the outcome, even when the disputants shook hands and ostensibly agreed to the solutions identified, for many reasons might be only a partially successful in its implementation. Crucially, the first key barrier to success remains, for whatever reasons, that one or both parties in reality have not fully 'bought into' the process. Perhaps less well acknowledged, the second, with my apologies for the laboured analogy of the 'elephant in the room', is that all workplace mediation takes place within the context and therefore the constraints of the influence, management style and strategy of those who manage the disputants from higher in the organisation.

This aside, in terms of the importance of empathy and rapport, it soon struck me in my early cases that once you had reassured your colleague of the nature of the mediation process, in terms of confidentiality and its voluntary nature, how they were able to open up to you a relative stranger. It is always humbling for me that in the context of the dispute colleagues are willing to share deep seated concerns and the vulnerability this engendered in themselves. Without being at all trite, I think that this demonstrates a lot of courage and supports research I have undertaken with colleagues that highlights the cathartic nature of the process[iii].

'Managing academics is like herding cats'

For a number of management writers, managing workers in the workplace can best be described as 'a bit like herding cats'[iv] Therefore, you will perhaps recognise my delight, in terms of an opportunity to cross-reference, when whilst researching mediation in higher education that two HR managers

both reported that 'managing academics is like herding cats'. The metaphor was clearly an expression for them of the challenges facing HR professionals in supporting the management of employees who by the nature of their work are strongly protective of their autonomy. In their defence it could be argued that this propensity to object to being closely managed is what makes them good at what they do. This early insight into the nature of the culture of HE, and specifically the academics as a sub-group, was to hold me in good stead when I began the task of facilitating conflict resolution between academic staff myself. Examples of cases I have mediated or reported to me in my research, highlight as an internal mediator that one must be sensitive to the expectations of autonomy that lecturers have. The conflict this can precipitate when managers in the sector, under pressure to achieve evermore demanding targets, are inclined to attempt to 'micro- manage' these traditionally very independent workers is easier to understand. If we are being honest, for many readers in other sectors I am sure the 'herding cats' analogy reads equally well when trying to manage conflict amongst many professional groups – be they doctors, salespeople, R&D colleagues or senior managers. As an internal mediator, the lesson for me was to really know the culture and, crucially, the sub-cultures, of your organisation in order to be able to effectively facilitate disputes amongst staff for whom challenges to their position of autonomy do not always come easy.

The strengths and limitations of internal mediation

Drawing on the findings of research that was undertook by myself and colleagues for ACAS[v], there was evidence that the use of internal mediation has clear advantages; in the sense that external mediators are tasked to come in and resolve a dispute in a limited timeframe. Whereas the internal mediator, not constrained by time and cost to the same extent as their external counterpart, can often spend more time on the process and provide the possibility of follow up more easily as part of that process. Crucially, in terms of managing the process the research further suggested that the internal mediator offered the advantage to the disputants of being able to manage the practical elements of rooms, initial meetings, timings etc. which an outside mediator often has not the resources to address. As noted above, another major advantage is that as employees of the organisation themselves they have a deeper knowledge and understanding of the culture of the organisation, its policies and processes.

Conversely, there are disadvantages to an organisation employing a team of internal mediators. Cost is a major consideration. The balance between the number of disputes appropriate for mediation and whether it is more cost effective to bring in an external expert is crucial. This is certainly true in the sense of committing many thousands of pounds in the training of an internal team of mediators and allowing them time off to undertake that role. Equally key is the reality that, due to work commitments and actual opportunities to practice mediation – which turns on how many disputes in a year are actually put forward and accepted for mediation – most internal mediators would acknowledge that an external mediator generally has far more experience in the process.

Some closing thoughts

I continue to enjoy my role as an internal mediator. I remain convinced that with the good will of the disputants to 'give it a try' that many workplace disputes lend themselves well to the process. What is equally clear for me is that mediation also develops a mind-set and a body of skills and knowledge that we should be seeking to develop in all of our managers. As I alluded to above, often

the limitation facing any mediator is that unless the dispute is specifically between employee and employee or manager and team member, there is another typically higher level of authority in that workplace whose management style or strategy can have a major influence on the degree to which any dispute can be fully resolved. At best, maybe the mediator's goal, internal or external, is to achieve a resolution between disputants within the context of their environment. A major advance would be also in some way to influence that whole workplace environment towards a more conciliatory approach to managing the employment relationship. It is here perhaps that the unique mind-set offered by workplace mediation could play a greater role in managing the causes and consequences of workplace disputes in organisations.

For now, my hope is that I have offered some insight to readers into the role of internal mediator. Also to reiterate that it offers an excellent opportunity to develop new skills, knowledge and insight whilst genuinely providing colleagues with a less stressful and empowering route to seeking an equitable outcome to their workplace dispute.

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http://www.uclan.ac.uk/research/environment/groups/institute_research_organisations_work_employment_irowe.php

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[i] Gibbons, M. (2007), *Better Dispute Resolution: A Review of Employment Dispute Resolution in Great Britain,* (Department of Trade and Industry, London); BIS (2011), *Resolving Workplace Disputes: Government Response to the Consultation*, (Department for Business Innovation and Skills, London).

[ii] CIPD (2011), *Workplace Mediation: How Employers do it*, (CIPD Publications, London); Latreille, P. (2011) Acas research paper 13/11

[iii] Saundry, R., Bennett, T. and Wibberley, G. (2013) Workplace mediation: The participant experience Acas research paper 2/13

[iv] Watson, T. (2006), *Organising and managing work*, 2nd Ed. FT, Prentice Hall; Bennis, W. (1999) Managing people is like herding cats, Executive Excellence Publishing.

[v] Saundry, R., Bennett, T. and Wibberley, G. (2013) Workplace mediation: The participant experience Acas research paper 2/13