

Mediating Online in Dual Languages Challenges and Opportunities



A veteran of preparing cases and representing respondents at in excess 50 UK Employment Tribunals over the past 40 years and having witnessed at first hand the cost and consequences of conflict in the workplace and found how the adversarial procedures in employment cases were costly and time consuming. Furthermore, they rarely resulted in people getting what they really wanted and need and usually broke working relationships beyond repair. What a waste! It was cases like this and many more of them that left me disappointed in the way that workplace conflicts were unsatisfactorily resolved, if at all. I was inspired by the results that mediation can bring to the workplace. As a consequence I undertook an intensive residential Workplace Mediation Training course. This final Public Course of whose Managing Director reported that in 20 years of running this type of course this particular group of participants, of which I was one, were probably the best she had ever trained. The coursework included submitting a 20,000 report on Workplace Mediation. This led to me being recognized by the Open College Network as an Accredited Workplace Mediator. In addition, I am Fellow of the *Chartered Institute of Personnel and Development* and a member of the *Professional Mediators Association*.

I am a Workplace Mediator based in England. Following participation in the Virtual Mediation Lab - 2 hour training in online mediation and some simulations with other mediators from around the world, I became very excited about online mediation.

As a result, on 8th April 2016 I mediated my first global online mediation simulation in dual languages; Persian and English, with the close support of a proficient Persian/English translator. It was interesting to note that the parties did not require a computer to participate in the simulation. They used the same iPad or Smartphone that they use every day.

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After that experience, I thought it would be useful to recall my main observations and share them with the increasing number of mediators, who, like me, are very interested in online mediation.

The purpose of the online mediation simulation was to:

>>To describe the expression of mediation and how the process works

>>How an impartial and neutral mediator can assist in resolving disagreements between people no matter in which language and no matter how intractable the dispute may appear to be

>>The parties to this workplace mediation simulation were both Persian speaking nationals

>>The mediator was an English speaking national

>>The translator was fluent in both English and Persian and a Persian national

>>The translator was based in Tehran

>>The two parties to the mediation were based in other major Persian cities

>>I was based in England

>>The parties were encouraged by the mediator, to speak and to listen to one another and apportion to each other contrasting ways of looking at the various workable resolutions to their dispute

>>To achieve a determination of their disagreement which is agreeable and to achieve a win/win outcome, which is more desirable outcome than the alternatives

>>*For example*; adversarial, expensive, time consuming and stressful litigation, which probably would conclude with a win/lose outcome and without a satisfactory resolution for those involved in the disagreement

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The challenges:

>>Sourcing a proficient dual speaking translator whom has an understanding of both cultures and who is efficient in understanding of sometimes technical descriptions and interpreting these to the comprehension of all parties involved in the mediation.

>>The mediator to have a basic understanding of both cultures, especially when disputes have been traditionally in certain cases, been resolved by means of an arbitrator, who makes the decision on behalf of the disputants rather than a neutral mediator who encourages by talking and listening to those in dispute to resolve their disagreement themselves and conclude in a much more satisfactory and lasting resolution with a win/win outcome.

>>As mediation is a voluntary process, persuading those in dispute to agree to go to mediation as a first step and secondly to agree to the mediation being conducted with a translator together with an English speaking mediator and importantly; mediated online.

>>As the party's may not have participated previously in mediation, an explanation by the mediator to the party's, as to what mediation means its benefits and usefulness for efficiently resolving disputes, especially online.

>>Potentially to overcome what might appear to be, the daunting experience perceived by the parties in utilizing technology to resolve disagreements online.

>>The pace of mediation with a translator is not as quick as a mediation without a translator. However, because of the slower pace it does provide the opportunity for more thoughtful responses by all concerned in the process.

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The opportunities:

As described earlier; the main benefit of online mediation is that the mediation can be successfully conducted online, at any time anywhere in the world.

>>Online mediation with the services of a proficient dual speaking translator opens up further opportunities for conducting online mediations globally to any group of people who may not, thus far, have had the opportunity to participate in mediation as a cost effective and quick way of resolving issues that may not have otherwise been resolved. Thus causing problems to manifest themselves and leading to serious business inefficiencies affecting the profitability of the organization.

>>The party's to the online mediation are in the safety and security of their own home or office. The party's may be placed on 'hold' whilst private conversations are discussed with one party or the other with the mediator. Online mediation is particularly useful in the case of party's who may have a disability which makes travel to a face-to-face meeting, challenging. The sometimes disconcerting experience of anyone taking notes, as in a face to face mediation is not seen in an online mediation as the party's cannot see each other's hands or what notes they may be taking.

>>Travel, room hire and other expenses are not required for online mediation. Therefore reducing costs involved in the more traditional face-to-face mediations.

>>Global online mediation with a translator has the potential to bring greater understanding to various cultures and countries throughout the world and has the added benefit, in a small but effective way, of perhaps allaying any perceived anxieties that possibly may have not been fully understood.

>>Finally, global online mediation with the use of technology, which will only improve and presents potentially tremendous business opportunities for those who are willing to step out of their comfort zones.

If any readers wish to comment on this article, I can be contacted

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