



This is a regular look at recent news in the world of mediation, focusing in particular on the workplace and throwing in some of my own views for good measure. This edition includes a look at one of the major developments in the past few months, the introduction of Employment Tribunal fees. This change has the potential to bring workplace mediation truly into the mainstream—a move which I for one will warmly welcome!

Marc Reid

### SME mediation pilot launched by Government

One of the initiatives proposed in the Government's response to the 'Resolving Workplace Disputes' consultation was a pilot mediation scheme for Small and Medium sized Enterprises. The contract to provide the training for the two pilots in Cambridge and Manchester has been awarded to Consensio (click [here](#) for full article). It is commendable that the Government is trying to help SMEs access the real benefits that workplace mediation can bring to them, but will the proposed model work in practice? This is the subject that I have explored in more depth in my latest blog (click [here](#) to link to the blog). There are major barriers to overcome in this sector, not least the awareness and understanding of mediation as well as recognising the business justification. Whilst the pilot will help I suggest much more will be needed before this sector fully appreciates and benefits from mediation.

### Employment Tribunal fees — more mediation?

The Ministry of Justice has confirmed that from summer 2013 fees will be charged for Employment Tribunal claims (click [here](#) for full article). A key objective of this move is to encourage more mediation and settlement without resorting to tribunal. As a strong supporter of mediation as an effective method of dispute resolution I believe this is a positive move. Often disputes spiral downwards after a breakdown in communication between those involved and this step will encourage them to restart that communication process. Mediation also allows focus to be placed on the key underlying issues of the conflict which would never be addressed in a tribunal.

Want to share a thought or make an enquiry? We'll be glad to hear from you:

Tel: 07870 444444

Email: [enquiry@mediation4.co.uk](mailto:enquiry@mediation4.co.uk)

## Dealing with Workplace Conflict

Invariably it will be the HR Department managers first turn to when facing conflict in their team. This



Personnel Today article (click [here](#) for full article) highlights the benefits to HR practitioners in developing their skill base to include conflict management and resolution skills. I agree this should be a core part of the skillset of a competent HR manager but an understanding of when to call for professional help is also important. A robust conflict management system not only incorporates skills development for employees, managers and HR but also access to specialist mediation expertise as needed.

## Contribution and blame

This article by a Law Professor from Nebraska (click [here](#) for full article) caught my eye as it touches on a very interesting area. The premise of the article is that in any conflict those involved each contribute to the situation even if they are not to blame. Conflict is rarely black and white and this is where mediation can offer advantages over litigated solutions. The law will naturally focus on who is right and who is wrong. A mediator will help participants look at the conflict from different perspectives, enabling individuals to gain insight into their own contribution. The resulting solution therefore has the potential to be win / win rather than the judicial win / lose.

Website: [www.mediation4.co.uk](http://www.mediation4.co.uk)

## Employee Engagement benefits

The Sunday Telegraph featured an article on the benefits of workplace mediation in a special supplement on Employee Engagement (click [here](#) and see p.8 for full article). BT and Marks and Spencer share how they have used mediation. The interesting point in this article is that mediation is positioned as part of employee engagement. This is absolutely the right place for it. Engagement activities foster company loyalty and goodwill, in turn increasing productivity. Offering mediation as an option for resolving disputes is a positive step towards employee engagement. It demonstrates a company's desire to understand underlying causes of conflict and empowers employees to seek their own win-win solutions.

## Busiest year for ACAS

ACAS has released figures showing that demand for its Pre-Claim Conciliation has risen by a third in the past year. (Click



[here](#) for full article.) The figures are further proof that employers and employees are recognising the value of avoiding costly and time consuming employment tribunals. It reminds me of a question that I'm often asked "What is the difference between mediation and conciliation?" The answer is... very little! The processes are the same but conciliation specifically relates to a dispute where there is an actual or potential Employment Tribunal claim and so is normally carried out by ACAS.