



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 thoughts on how mediation could be used more broadly. Mediation has proved powerful in helping employees suffering from stress return to work and could be a valuable tool in dealing with conflict in social media.

Marc Reid

Stress related absence and the benefits of mediation



Figures published in the annual HSE statistics show that stress continues to be a major cause of lost working days (click [here](#)

for article). Over 27 million days were lost during the 2011/12 12 month period of which nearly 40% were due to stress, depression or anxiety. Whilst figures have decreased, stress remains a major cost to businesses. Mediation can play a key role in supporting a return to work for employees suffering from stress. Evidence from the Fit for Work pilot programmes backs this up, concluding '*Conflict resolution and personalised support are the key interventions towards a successful outcome.*' (click [here](#) for article). There is clear learning here for HR and Occupational Health; using mediation to resolve underlying conflict can help reduce workplace stress.

Tribunal finds against religious harassment claim

All too often I read articles which leave me exasperated and thinking 'did it really have to go that far?' Just such a case is the Times sub-editor who pursued a tribunal claim following a colleague's apparently derogatory comment about the Pope (click [here](#) for article). The tribunal ruled the comment was 'trivial and transitory' and dismissed the claim. Based on the details in the article, this sounds like a clear case for mediation. Often the incident itself is just the trigger, a 'final straw' which prompts the employee to take action. It is probable there are major underlying issues which a tribunal case, unlike a mediation, would not endeavour to resolve.

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

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Social Media-tion?

A recent widely reported court case revolved around a posting on a Facebook page by Adrian Smith, an employee of Trafford Housing Trust. THT deemed his comments a breach of its Code of Conduct and demoted Mr Smith who subsequently won a breach of contract case. This case focuses attention on an area where businesses are struggling to decide where boundaries should lie. It's a subject that interested me enough to explore in a blog (click [here](#) for the blog) because an informal mediation type approach rather than formal processes can be preferable where boundaries are still being established.



"Mediation is the future"

Former Lord Chancellor, Lord Falconer, recently expressed his view that the use of mediation will be far more widespread in the future (click [here](#) for article). Interestingly, as a lawyer himself he questioned whether the legal profession can practice as both lawyer and mediator. From my point of view I don't see an issue provided the lawyer can draw a clear line between acting as a lawyer (in which case they must represent their client's best interests) or as a mediator (when they must remain impartial). What we must avoid is the assumption that a mediator needs to have a legal background. This is absolutely not the case. Certainly some of the skills of a lawyer, such as negotiation, are valuable but a good mediator needs a much wider skillset and experience to draw on.

Website: www.mediation4.co.uk

People managers are failing

A recent piece of research by ETS showed the worrying trend that managers performance in key people management areas is decreasing (click [here](#) for article). But before laying the blame at the poor managers door, how much is this due to the failure by employers to value people management skills and train managers accordingly? Managers are often blamed for not tackling difficult issues, but do they know how? It is an area where they need support and I recently put together a simple pragmatic framework managers can use to address conflict situations. I can train managers to develop the competence and confidence needed in a half day workshop. The next one is on Jan 30th. More details [here](#).

Survey highlights mediation use

Results from a recent survey into current workplace mediation usage point to some interesting conclusions (click [here](#) for article).



Where mediation is being used (principally in relationship issues and grievance / disciplinary situations) it is found to be highly successful. However, there remains much to be done to raise awareness of how mediation can be used and the benefits. This is consistent with my own findings so during 2013 I'm on a mission to spread the word! I have a free presentation I run for HR teams and managers (donuts also provided!) so let me know if you'd like me to run this for your team.