



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 features an example of why managers should not avoid tough conversations; looks at the second edition of UK Mediation Journal; has a second page littered with examples of “surely mediation would have been a better idea” and is rounded off with some workplace bullying!

Marc Reid

Managers are avoiding tough conversations

People Management Magazine published a case study (click [here](#)) showing that staff at ad agency Ogilvy & Mather had not been confrontational enough! Ross Bartlett, UK group head of L&D described Ogilvy when he joined in 2012 as a “nice place with nice people...this was creating a real problem. Managers weren’t having tough conversations”. Poor performance issues were not being addressed and people retained who shouldn’t have been. Bartlett introduced training for managers to develop the skills needed to face difficult topics. As a result “fewer bad hires fall through the net” and “line managers are reporting being in a better place mentally”, proving once again the importance and business benefits of training managers in conflict management skills.

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

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UK Mediation Journal - Second Edition

Issue 2 of this excellent free publication is out (click [here](#)). On pages 14 & 15 you will find my article ‘ACAS Research - Conflict Conundrum to Mediation Miracle?’ which evaluates the recent ACAS research into the impact of workplace mediation at Northumbria Healthcare NHS Foundation Trust. There are many other interesting articles relating to mediation and conflict resolution. The content touches on everything from the psychological resistance to mediation and mental health issues, through peer mediation in schools, to mediating whole teams in the workplace and the benefits of mediation to HR and management. The Mediation Journal is a great resource for anybody interested in or involved with mediation in all it’s many and varied forms. It emphasises the value of mediation and the positive contribution it makes in so many areas and is well worth a read!



BBC £0.5m on failed ET case

The Guardian (click [here](#)) relates how the BBC spent almost £500,000 fighting an unfair dismissal claim by former chief technology officer John Linwood after reportedly being offered the chance to settle for a tenth of that sum. Finding unanimously in Linwood's favour the employment tribunal criticised the BBC's "wholly inadequate" disciplinary procedures which were carried out with an "apparently cavalier disregard for any of the accepted norms". It seems a massive error for the BBC to have let this one go to Tribunal when their own processes were so flawed. If common-sense had prevailed this dispute could have been settled earlier with less waste of public funds, less stress for the people involved and without the attendant bad publicity for the Beeb.

Chelsea team doctor battle goes to Employment Tribunal

The Telegraph covers the legal battle between Chelsea's team doctor Eva Carneiro, and Jose Mourinho (click [here](#)). Carneiro raised a constructive dismissal and sex discrimination claim when Mourinho's anger at her decision to treat a player on the pitch towards the end of a match resulted in her departure from Chelsea. Mourinho could be personally liable to pay her hundreds of thousands of pounds in compensation if she wins her case (and Chelsea failed to indemnify him as part of his severance package). Clearly the relationship between them broke down. Could mediation have been used following that match so their issues could have been discussed without the publicity and expense of an ET? Could this become one of Chelsea's most costly own goals?

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When mates rates go sour



Another Telegraph article (click [here](#)) serving as an excellent example of a case where mediation could have saved a lot of trouble.

Wealthy couple Peter and Lyn Burgess had ambitious plans for a re-design of their back garden. Having asked their friend, an architectural designer, to manage the project they were unhappy with the job and had to employ a new builder to complete the work. They then sued their friend for £265,000 saying she was responsible for delays, cost-overruns and a litany of defects allegedly left behind by the builders. Urging both sides to settle their differences, Judge Nissan concluded: "I cannot think of a more appropriate case to which mediation is suited". What a sensible judge!

Workplace Bully - Malicious or Misunderstood?

My latest blog (click [here](#)) followed being asked onto BBC Berkshire radio to discuss the ACAS report on bullying in UK workplaces. The interview prompted me to reflect on my experience and lead me to conclude that there are probably four categories for those with the 'bully' label placed on them. The blog which I published also on LinkedIn introduces the reader to Victim Vic, Annoying Anne, Blundering Beth and Malicious Mike. My blog obviously struck a chord as it received over 3,000 views on LinkedIn. Ultimately the point I wanted to make is that an increased understanding and usage of mediation can only be beneficial when dealing with bullying in the workplace.

