



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 the latest research from the CIPD on how conflict in the workplace is handled and it shows things are at least heading in the right direction! Plus there is a great workplace example of a case that went all the way to tribunal when it could so easily have been nipped in the bud.

Marc Reid

CIPD Research as ET cases drop by 70%

New research by the CIPD (click [here](#)), has found that employers are divided over the future of employment tribunal (ET) fees. The introduction of fees in July 2013 has resulted in a 70% drop in ET claims. Most employers (38%) said fees should be left but almost as many (36%) believe they should be either significantly reduced or abolished altogether with the remainder (27%) being undecided. It is pleasing to note that this research also evidences an increased focus on trying to resolve issues before they escalate by training managers and better equipping them to handle conflict as well as an emphasis on greater use of mediation, either by internal mediators or external experts.



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

Should mediation be voluntary or mandatory?

In this article by mediator and trainer Katherine Graham (click [here](#)) she challenges one of the "sacred cows" of workplace mediation, that it must be voluntary. Her main reasons for this are:

- 1) Workplace mediation is different from other types of mediation
- 2) We need to help, not to collude with, the person with the conflict
- 3) The numbers make sense

These points are all valid and are all good reasons to mediate, but do they justify removing the voluntary nature? Forcing someone to mediate when they have no intention of making it work wastes everybody's time. What I would suggest is to have a mandatory consideration of mediation meaning those involved have to discuss what mediation is, confirm that they have considered it and give reasons for not doing it if they do not agree to mediate.

What happens when office romance turns sour?

This is the question posed by Rebecca Ireland, a partner in law firm Blake Morgan's employment team in her article for B4 magazine (click [here](#)). Rebecca writes that an employer who wants to keep two valuable employees whose relationship has broken down may find that paying for workplace mediation makes financial and business sense. I agree with this wholeheartedly as no employer would want to lose good employees unnecessarily. Mediation can be very effective in helping them find ways they can carry on working together. This is particularly relevant to a small organisation where there is less flexibility to move them to other parts of the organisation.



MP calls for mediation to solve 'toxic' boundary disputes

This article (click [here](#)) focuses on Tory MP for Dover and Deal Charlie Elphicke and his campaign for compulsory mediation in boundary disputes. His proposal involves placing disputes with mediating surveyors from each side with cases to be sent to an adjudicating independent surveyor if necessary. On the surface this looks like a good idea but the emphasis of the campaign is still too much on third parties, the surveyors, thus taking control away from the neighbours in what appears to be an adversarial process. Often it is the relationship that is the problem between neighbours and the border is just the battle they choose to pick. Mediation between neighbours is the best way to help them work on their relationship and thereby resolving any disagreements between them.

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Bookkeeper sacked over phone call is unfairly dismissed

This article (click [here](#)) is a great example of how workplace situations can escalate. In this case a bookkeeper tells her employer that she has been too busy to complete a low priority task and the employer puts their hands in front of her face with the words "aren't you lucky to have a job". This minor incident was handled poorly and led to a breakdown in relations which ultimately resulted in a tribunal case. The tribunal noted a complete lack of communication between the parties and emphasised there is an onus on an employer to address conflict in the workplace. The bookkeeper was found to have been unfairly dismissed. Another case where mediation and good communication could have saved money, time and stress.

Can HR mediate?

Often HR is asked to mediate between two disputing employees. 'Can HR mediate?' is the subject of my most recent blog (click [here](#)) and asks if it is always appropriate for HR to do so. In the article I suggest three key criteria to consider:



- 1) HR manager has the necessary knowledge to know what to do
- 2) HR manager has the competence to mediate effectively
- 3) It is appropriate given HR manager's situation in the organisation.

If the answer is yes to all three criteria, then yes HR can mediate, why not?