

A Short Guide to the Mediation Process in Organisation & Workplace Disputes

*Mediation is a confidential and informal process. It's also entirely voluntary.
As a process, there are various steps that must be taken if it is to be successful.*

Step 1 – Understanding Mediation Benefits and Commitments

You and the mediator meet (often online) and discuss exactly what is involved and the mediator answers any queries you might have about the process. That will take around 30 minutes. It will include discussion on specific clauses contained in a draft mediation agreement to ensure that you are happy to proceed to the next stage.

Step 2 – Committing to Mediation


You and the mediator (and the other person involved in this dispute) will be required to sign a completed version of the agreement to mediate, including names. Without agreement on the terms of mediation, you cannot progress to the next stage.


Step 3 – Exploring Issues and Concerns

You and the mediator meet to discuss your concerns and detail your needs to resolve the dispute in a confidential meeting. The mediator may have already sent you some initial questions so that you can prepare for the meeting. Nothing you say in answer to those initial questions or discuss in that meeting can be passed onto anyone else or used in any subsequent proceedings. You may, if you so wish, be accompanied by a trade union official at this meeting, although the representative will also have had to sign the agreement to mediate. That second meeting may last 1-2 hours and may be a continuation of the first two steps, where appropriate and necessary. The other person in dispute also goes through the same process.

Step 4 - Storytelling

The mediator will have a fair idea about the issues in dispute now, some of the background and assumptions involved by both parties. That knowledge allows the mediator to plan the next stage of mediation, which is what most people think of as 'mediation', although you now know that mediation has already started in separate discussions between a mediator and the parties. This next stage will start on an agreed date with the mediator meeting the parties separately (each of the parties will have 'their' room) and again running through the ground rules of mediation and getting assurances on confidentiality. The parties in dispute will then be brought into a 'neutral' room where the mediator will introduce matters and set the scene. The mediator will then ask one of the parties to tell their story to the other party. When finished, the other party will tell their story.

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Step 5 – Identifying Key Issues and Concerns

The mediator may take a break at the end of storytelling stage, or the parties may agree to continue in the neutral room. The mediator and the parties will then delve deeper into the issues and try to isolate key concerns for each of the parties. These might be set out on a flip chart, or other visual aids or exercises might be used to explore root causes of the dispute.

Step 6 – Finding Solutions


If what really concerns the parties can be identified, the parties can then move onto trying to find solutions to each of those issues, perhaps analysing them one at a time, perhaps grouping certain issues together. Parties decide what works best for them and the mediator will facilitate discussions, clarify positions and reality-test options identified. The mediator will not suggest solutions or options.

Step 7 – Settlement of the Dispute

If both parties agree on solutions, this will be set out by the mediator and signed off by the parties. There may be a partial agreement or there may be total agreement. The agreement may be transactional in nature and focus on structures and interactions, or it may be more transformational, focusing on building relationships going forward. Some items of agreement might need to be signed off by people external to the mediation. They will not be informed of the other terms. Any agreement is confidential. Nothing can be settled or imposed as both parties in the dispute are required to agree to the terms of settlement. If the mediation does not result in agreement, the parties should be no worse off and will be better informed, not only about the other party's case but about what is important to them as individuals. Due to the confidential nature of the mediation process, nothing said in those joint sessions may be used in any future dispute or other processes. The 'mediation' joint meetings can last 4-8 hours, and a day should be set aside for the entire process.

Step 8 – What Happens After Mediation?

Assuming agreement has been reached, the parties should have enough knowledge about what the other party values that they can avoid further disputes. In the best-case scenario, the process can prove to be cathartic, and relationships can be re-built and strengthened. It is rare for parties who reach any kind of agreement to return to mediation, but that could be an option. If no agreement is reached, the parties are free to continue with any formal proceedings open to them, in the knowledge that any information shared in the mediation is confidential and cannot be referred to in those other proceedings.

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