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MANAGING WORKPLACE CONFLICT

By THERESE RYAN



IN TODAY'S busy market place the one thing that is proving the greatest challenge for managers and employers is how to manage the conflicts that arise in the workplace. Most organisations have policies in place for bullying, discrimination, diversity, to name but a few.

However by the time an employee has had to resort to raising such an issue, the likelihood is that the conflict has escalated and that the working relationship has dissolved and both parties are suffering from work related stress.

Examples of disputes appropriate for mediation are:

- Breakdown in a working relationship
- Issues arising from a grievance and disciplinary procedure (particularly before a matter becomes a disciplinary issue)

Mediation is being viewed as the way forward to enable organisations to provide a solution focused approach to workplace conflicts and is endorsed by the (Irish) Labour Relations Commission and the Law Society of Ireland, who have established a mediation committee.

Mediation is an 'Alternative Dispute Resolution' (ADR) Model that enables the parties in conflict to meet with a neutral, trained party who will provide the opportunity to find a resolution that is agreeable to both parties, which prevents the conflict deepening. Many organisations in Ireland are now advising disputing parties to enter into mediation, and this is proving to be a valuable, cost-effective and stress managing tool for both parties.

So what are the workplace benefits of using mediation for both employers and disputing parties?

- It allows the employee to return to workplace productivity more quickly, since the need for a lengthy investigation process and adversarial relationship with the employer has been avoided and resolved.
- Mediation, if successful, saves time, energy and any other costs associated with the issue, contributing to workforce effectiveness, and provides organisations with the opportunity to practise and implement positive employee relations.
- Mediation is about finding practical solutions and remedies that are unique to the individual party and their employment circumstances. For example, some of our non-monetary remedies have included:
 - Restating and reinforcing company policies.

- Identifying a designated contact person in a plant to whom the parties can go with questions or concerns.
- Explaining or clarifying the reasons for the actions the company takes.
- Providing diversity awareness training for co-workers or supervisors.
- Providing the charging party with a positive or neutral letter of reference.
- Transferring the charging party to another job location or department.

To summarise, mediation promotes a better work environment, reduces costs, and relieves and resolves the stress experienced by both parties.

Many people I meet have a misunderstanding about what is involved in the mediation process. Hopefully the following commonly asked questions will provide the relevant information to decide how mediation can support business and help resolve workplace conflicts:

Can disputing parties be obliged to take part in mediation? No. Mediation is voluntary. The parties need to know that they are free to leave or withdraw at any time. This allows them to drive the process themselves, rather than feeling that they are being driven towards an agreement. The result is that the parties feel more empowered by the mediation process.

By taking part in mediation will I not give up my right to invoke other measures? No. Mediation is 'without prejudice', and parties who decide to try mediation reserve their right to use other measures. Mediation is a very valuable conflict resolving tool, however it does not fit all conflicts and it is important to discuss with the mediator whether mediation is the most suitable ADR tool for such a conflict.

Just how confidential is mediation? Very. The process of mediation is a confidential process, where both parties are treated equally and with respect. The mediator will not divulge any confidences that are shared unless given permission to do so, and no notes or records of the mediation will be kept.

What if the parties do not have the authority to settle the dispute? Then the people who do have such authority need to be involved. The mediator(s) and the referring organisation must ensure that the correct parties, i.e. those who are empowered to make the agreed changes, are involved from the outset.

What if the parties don't like the mediated agreement? It is the parties who are responsible for deciding what is agreed. The mediator works with the parties to put the agreement that is mutually agreed together. The content and terms of the agreement are a matter for the disputing parties to agree. It is important to realise that no agreement can be imposed through the process of mediation. The mediator is there to mediate the dispute – they are not there to impose an agreement.

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