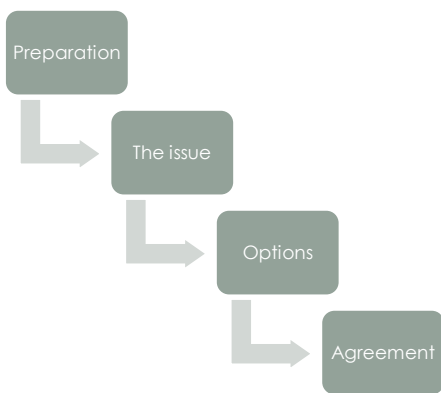




# THE PROCESS OF MEDIATION

## A SEQUENTIAL PROCESS

Core to mediation skills is the ability to manage the process successfully and guide the parties



thoroughly. It is important that once a stage has been closed it cannot be re-opened. Therefore to adopt suitable techniques will help in ensuring that each phase is completed exhaustively.

The process is tiring and it is important that the room is comfortable

A preliminary phone call can take place to talk with the parties about the process but NOT THE ISSUE.

“Do you have any concern about the process”

Important to explain that process is without prejudice

*The “without prejudice” principle means statements made*

*in a document marked “without prejudice” or made verbally on a “without prejudice” basis, in a genuine attempt to settle the dispute, will generally not be admissible in court as evidence against the person making the statement*

*(Mhc.ie – Jason Harte)*

NB : Step 2 “Understanding the issue” is about the past while Step 3 “Developing Options” is about the future.

Approach to use in Phase 2 - “Understanding the Issue: SING”



Useful questions Phase 2

“Do you want to mediate”?

“What do you know about WRC?” “How to you feel about entering joint session”?

Mediation must NOT seek for agreement at all costs and mediations might end without an agreement. An apology might be a sufficient conclusion of Step 4 – Agreement

## PERSONAL TAKEAWAYS

### THE IMPORTANCE OF CURIOSITY

Mediations must not be afraid about asking questions. “Tell me more” “Why is that important” “I am not sure I understand, could you help me”

### TIMING

Mediation can take a long time. Usually Workplace mediation that involves interpersonal conflict can be completed in 2 day Morning: Preparation – Individual meetings with parties Afternoon: Joint session and Agreement A 3<sup>rd</sup> half day might be necessary is options and agreement might required a more technical solution or consultation with other parties (eg. HR)