there's always a solution with a touch of PRAGMATISM
MEDIATION & EMPLOYEE RELATIONS

MEDIATOR BRIEF (Thursday)

Background

You have been asked by Andrea, the HR Director of a food manufacturing organisation, to help with a dispute between a Production Manager and one of their direct reports, a Team Leader. The company manufactures chocolate bars for all the major supermarkets, so customers are extremely demanding. Volumes are very high, and the factory operates 24 hours per day, 7 days per week (with maintenance planned in).

The business carries out employee engagement surveys which have highlighted issues such as poor communication, employees not feeling that they are listened to and management not proactively resolving issues. The senior leadership team (which Andrea is part of) are keen to address these issues within the business.

Brief

Although she is not sure what is going on with the two people concerned, Andrea is convinced that mediation will help as both employees have suggested separately to members of her HR team that they are considering formal processes. The Team Leader wants to raise a grievance against the Production Manager. The Production Manager wants to "get rid" of the Team Leader via the performance management process. Andrea wants to avoid any formal processes if possible, as she believes that grievances never resolve the real issues. She also believes that the performance management process will just escalate the conflict and make the grievance even worse.

When you spoke to Andrea, you asked for more background information from the HR team, but she confirmed that her team had not explored the issues too deeply. She felt that it would give both employees the impression that they were starting a formal process, and if things do escalate through either formal process, then she needs her HR team to be impartial. Instead, Andrea and her HR team have encouraged both employees to give mediation a try, explaining that the formal processes remain as an option should mediation not work.

Andrea's view is that both employees can be quite emotive characters but are generally good people. She explained that they were both equal peers as Team Leaders up until six months ago, but then one was promoted to Production Manager to manage the team.

Neither employee has raised formal issues against each other or anybody else previously nor have they been the subject of any formal disciplinary or formal complaints. Andrea is surprised and disappointed that it has got to this stage, and she is really hoping that you can help them to work together professionally.

Andrea has explained to you that her main concern is that the word "bullying" has been used. She feels that this word tends to be used easily but hasn't investigated this matter enough to make any judgement about each employee's behaviour. She is clear that she wants to ensure that any bullying or intimidating behaviours are eradicated from the business immediately.

© Pragmatism (UK) Ltd. Do not duplicate or distribute without written permission from Pragmatism (UK) Ltd.

there's always a solution with a touch of PRAGMATISM
MEDIATION & EMPLOYEE RELATIONS

Pre-mediation

You had previously sent the Agreement to Mediate to Andrea, who has already sent you the agreement signed by both parties. You have also signed the agreement.

Last week you had a pre-mediation call with each party individually. This was mainly to ensure they were both comfortable with the mediation process and to answer any questions that they had. They both seemed comfortable with the process. Both were a little tentative about what will happen in the mediation; mainly because they could not see a resolution, or how they could continue working with the other person.

Both parties have expressed nervousness about being in the same room together, and you have explained that nobody will be forced to do anything that they don't wish to do during mediation.

The purpose of the pre-mediation call was not to go through the issues, but inevitably each did give an opinion about the other. Some opinions you picked up from the calls are:-

The Production Manager feels that the Team Leader is incompetent – they were not great at their job when they were peers, and they are just the same now. Whilst they got on reasonably well when they were at the same level, it's different now. The Team Leader is the weakest link, and their poor performance will mean that they will fail. The Production Manager is very worried that they are going to fail in their first leadership role, but they don't want the Team Leader to know that they are worried. They feel frustrated that HR did not just start the performance management process.

The Team Leader feels that the Production Manager is a bully and is picking on them, but not others. They feel that the Production Manager has always had a bit of an issue with them, even when they were both Team Leaders. They did explain to you that they applied for the job, but they don't want the Production Manager to know as they will just gloat. They do feel that they would do a much better job if they had been appointed. They feel frustrated that HR have asked them to attend mediation rather than launching a formal investigation into the bullying. They don't believe mediation will work but are willing to try. They would prefer a formal investigation.

The Task

As the mediator for this case, you have control and will commence the mediation at the allotted time.

The task for today is to hold separate meetings with the Production Manager and the Team Leader in the best way you see fit given the circumstances. The aim is to facilitate the conversation between them and work towards bringing them together. You should end this part of the mediation when either the allocated time expires, or when you would be bringing the parties together – whichever comes first (you will bring them together tomorrow). Best of luck!

© Pragmatism (UK) Ltd. Do not duplicate or distribute without written permission from Pragmatism (UK) Ltd.