



Dispute Resolution: Mediation

What is mediation? And how can it help?

Mediation can be a useful tool when dealing with a dispute where both sides can come to an agreement, which can prevent a dispute from going to the Employment and Equalities Tribunal (EET). MIRS offers a free mediation service where we act as an impartial mediator to help settle working disputes and create solutions for working together harmoniously in the future. Not only is mediation a quick way to resolve a dispute but it also less formal, flexible, voluntary, confidential and usually not legally binding.

Mediation can help workplace disputes by:

- Finding solutions which suit all parties involved
- Improving the communication between the different parties
- Having an egalitarian approach where all sides have control of the process and outcome

Some of the many benefits of mediation are:

- Reduced levels of stress
- The opportunity to retain valuable employees
- Preventing further grievances being raised in the company
- Being able to avoid a day in a tribunal/court and the legal costs that could go along with it

Mediation is a voluntary service. If you approach MIRS for mediation we will firstly explain what the process involves so you can decide if it is the appropriate approach for you. Similarly, both parties have to agree to mediation before any services commence. Mediation is also a confidential service where the mediator will only share information with the other party if it has been agreed to. Any information or discussion during mediation must be kept confidential.

When can mediation be used? When should I start the process?

Mediation tends to be used when there is a dispute around a working relationship (as opposed to other disputes about payment issues or dismissal). Some of the disputes which mediation may be able to help with are:



- Bullying and harassment claims
- Issues with communication
- Personality clashes
- Relationship breakdowns

It is recommended that any disputes about working relationships are raised informally in the first instance. However, if the problem cannot be dealt with in an informal manner, then mediation can be used. Furthermore, if you do decide to seek mediation services, the earlier the dispute is brought forward and dealt with, the better. This is so the dispute doesn't get worse as time goes on and there is a quicker route to rebuilding relationships after an agreement has been reached.

What is the mediation process?

Typically, mediation involves having private, separate meetings with all parties before having a joint meeting either at the place of work or a more neutral setting such as the MIRS office. After contacting MIRS, we will give you more information as to know what to expect from the mediation process. In first instance both parties may be asked to think about and write down the following for timesaving purposes:

- The problem you would like MIRS to help resolve
- A short list of the main things that have happened and led to the dispute

Separate meeting:

MIRS will firstly meet with both parties separately in order for both sides to have their side of the story heard and it will also be an opportunity for us to find out what each party is looking to get out of the mediation service. There is no obligation for someone to bring a friend/colleague etc. to the initial meeting however if this is desired, discuss this with us along with any other questions you may have.

MIRS will then explain what happens in mediation as well as the benefits so either party can decide whether it's the right approach for them, individually. As mediation is a voluntary service, if any party should decide after the first meeting that mediation isn't the appropriate way forward for them, we will contact the other party to inform them mediation is not possible.

Joint meeting:

The next stage will involve a joint meeting. Here, we will encourage both sides to tell their own sides of the story as well as the main areas of agreement and disagreement without



any interruption. We will also help to shift the focus onto solutions to the dispute as well as looking towards the future rather than the past.

This is not a full statement of the law

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