

NOTES FOR EMPLOYEE MEDIATIONS

Introduction

The background to these notes is that you have a conflict or disagreement at work and are considering mediation as a way to reach a positive resolution. These notes and the papers listed are intended to inform you of what may happen at mediation and help you prepare for an effective and satisfactory mediation meeting.

Before the Mediation

A pre-mediation meeting will normally be suggested. This is a confidential session with a mediator where you can ask any questions about the mediation itself. The mediator will also talk to you about preparing for the mediation, to help you focus on what you may need to think about to get the best from the day. You will also be asked to consider a brief opening statement that you could make at the mediation to explain to the other side, in your own words, how you think the dispute started and what you hope to achieve through the mediation. You should set aside some time to prepare for the mediation, based on your discussions at the pre-mediation meeting.

Papers are not necessary but any papers you want to use at the mediation will be shared with the other side (and vice versa), so these should be sent to us five days before the mediation date. You don't have to present any documents and any you do want to use, don't need to be very detailed.

The mediator will also check that there are no possible conflicts of interest, discuss arrangements for the mediation day(s) and agree a neutral venue for the mediation meeting.

What the Mediators Will and Will Not Do

The mediators will:

- play a neutral role as they attempt to help you resolve or better manage your conflict;
- assist you in understanding one another and in reaching agreements;
- ask questions to help you identify the issues and interests in need of resolution;
- remove or reduce conflict;
- encourage co-operation in the generation of solutions;
- help with the final agreement that comes from you and the other party.

The mediators will not:

- make decisions for you and/or your employer about how your dispute will be resolved;
- determine who is "right" or "wrong";
- talk with the other party or your employer about any private conversations with you, without your permission;
- disclose any details of the mediation or how it went to anyone not involved.

Other Information

The following papers will be useful to you in preparing for the mediation. Please give time before the mediation day to read them carefully.

- Eskhill Mediations: Model Mediation Procedure
- Eskhill Mediations: Frequently Asked Questions
- Eskhill Mediations: Model Agreement to Mediate
- Eskhill Mediations: Terms of Agreement to Mediate
- Scottish Mediation Network: Guidelines on the Practice of Mediations