

# Catalyst Mediation

## A Case Study in Employee/Employee Disputes.

### Brief details of the dispute

The HR director of a large organisation had two senior colleagues (George and Martha – not their real names) who were unable to work with each other. This has been going on for over two years, there were rumblings about formal bullying / discrimination claims from Martha who had involved her union and she had been off sick for 9 months through stress. An internal review had not made the situation any better. It was highly desirable, for a series of reasons, for the two to work together. The HR director had tried everything but Martha had adopted a deeply held position and a public Tribunal looked almost inevitable.

### Particular features

- **Complex relationships:** George and Martha held very different views of acceptable behaviour, based on their upbringing and training. Each perceived the behaviour of the other as unacceptable.
- **Power imbalance:** although superior in experience, Martha felt less powerful, which was as much to do with her personal as her professional life and this made George's actions appear to be bullying; George, a more self confident individual, was shocked that he could be seen as a bully. However neither thought that gender was an issue.
- **Organisation:** Martha had become deeply suspicious of "management" actions, which she felt undermined her position; George had taken on a mixed professional/management role which Martha saw as making him untrustworthy; at Board level there was a concern that, due to the disruptive effect on the team and the costs of a replacement, without some resolution one or other of the individuals would need to be dismissed.

### Mediation Process

Individual private meetings were held with George and Martha to reduce their concerns about mediation and help them prepare. As a result each was able to discuss their central issues and express the desire that the mediation would help them to re-establish their working relationship, although Martha felt strongly that George was beyond redemption.

Because the issues were very complex and mountains of paperwork had been prepared, an Issues Summary of two pages was prepared by Martha, with help from the mediators, and shared with George.

Everyone involved recognised that more than one meeting would be needed to rebuild some trust and agree positive, practical ways in which they could work together. A total of 4 day sessions was agreed, with intervening telephone and written discussions between the mediators and, mainly, Martha. A final joint communiqué was prepared by the two, again with help from the mediators.

### The Mediation Meetings

During the meetings the mediators created a "safe" forum in which neither side felt threatened and both were able to tell their story, face to face. While initially the atmosphere was one of "controlled distrust", this gradually dissipated.

During the meetings several important turning points were achieved.

First, Martha was able to ask George why he did certain things and explain how she felt as a result. George was able to explain his actions, some where he had not in fact done anything and others where he was able to apologise for any mistakes on his part and the hurt this had caused Martha. This began to change Martha's view of George.

Secondly they were able to say that they respected each other as professionals and interestingly, Martha was able to show that she agreed with certain organisational changes being suggested, which surprised George who felt she was against the changes.



Thirdly they were able to come to an understanding of how they differed in certain central elements of their belief systems. While these differences came as something of a shock to each of them, they were able to accept that, while they might disagree, this didn't mean that the disagreement would have to cause conflict – they could agree to disagree.

Fourthly George was able to understand Martha's underlying complaint, which combined the type of work she was being asked to do and the amount, which was eating into her private life. George was in a position to recommend changes to management which would help Martha and the fact that he offered to do so again helped Martha see him in a different light.

The progress Martha and George achieved was not as smooth as this may suggest. Between each day long session Martha especially would consider what had happened and rebel against some of it – three steps forward, two back. This was not unexpected and the mediators sought, through telephone conversations and an exchange of emails, to help her overcome the fears that resurfaced when she was out of the mediation environment. One aspect of this type of conflict is that what seems reasonable during the mediation may, in the cold light of day when you have nothing else to think about, become questionable and possibly sinister.

### **Outcomes**

Both have been on a considerable journey, especially Martha, in self analysis and in allaying the suspicions that had built up over two years. Both believe that have started to rebuild trust in each other and can work together again. They recognise there are hurdles to be overcome, but feel they should be able to do that face to face. There are specifics that Martha wants to see put in place, more to do with organisational change than George's behaviour, and these may also cause problems, but Martha is beginning to see George as a possible ally. They prepared a joint communiqué to "management" which included some difficult admissions from each of them, the belief that they would work together well and some specific elements that would need to be addressed in Martha's work life balance.

### **Learning points**

- Conflicts of this type are based on a complex story on multiple levels and it takes time and a relaxed atmosphere for each to be expressed, analysed and resolved.
- When the conflict has become central to one individual's life, it takes them time to come to terms with the reality of returning to work.
- The mediation environment needs to be safe, but when they return to normal life, this may create a three steps forward, two steps backwards reaction, which needs to be understood and gently overcome.
- Even where one individual has apparently extreme views of another, with careful management, they can talk to each other in such a way that the suspicions begin to go away, trust starts to be re-established and their real needs, to be a member of a team doing work they enjoy, can be realised.

### **Note**

Mediations are always confidential unless the parties agree otherwise, so while names have been changed, the conflict and progress of the mediation are real as are the outcomes.