

Catalyst Mediation

A Case Study in Employer/Employee Disputes.

Brief details of the dispute

Party A, a foreign national, was contracted by his employers to provide specific professional services for 23 years. 5 years ago, a dispute arose with his immediate line manager over promotion expectations and accusations of unprofessional conduct. A series of instances of miscommunication resulted in a deepening of the conflict, leading to an internal disciplinary action whose outcome was inconclusive. Eventually Party A lodged a race discrimination action as was determined to see his employers, and the line manager, exposed in court.

Particular features

- Relationship issues: Party A was convinced that institutional racism was involved and there was little chance of mediation succeeding.
- Legal Issues: Party A wanted to leave his employment, so a Compromise Agreement was likely.

Mediation

A pre-mediation meeting was held with Party A to reduce his concerns about mediation and help him prepare with his advisor. He was therefore clear and well prepared to discuss the central issues and his desires from the mediation. Party A's attitude enabled the Employer to respond by apologising for the misperceptions that lay at the root of the conflict and outlining their position and desired outcomes. Over several meetings, the mediators were able to encourage both parties to recognise and discuss the real issues and thereby diffuse a potentially damaging situation. Once this had been accepted both sides were able to concentrate on the future.

Outcomes

With the help of the legal advisors, over several meetings the mediators created an atmosphere in which a range of solutions were discussed, including some creative approaches. This included a meeting between Party A and his employers CEO, where he was able to make positive recommendations on how this situation could be avoided in future. This meeting, with a letter of apology, enabled Party A to be happy with a lower financial settlement than might have been expected through a Tribunal action.

Learning points

- Mediation can be extremely effective in reducing the emotional stress of the conflict by focusing parties on the real issues and their futures.
- Even when a dispute has been going on for years and there is suspicion on all sides, frank, facilitated discussions can still lead to unexpected outcomes.

Note

Mediations are always confidential unless the parties agree otherwise, so while many details have been changed, the Clients comments are verbatim and the outcomes factual.

Dispute Duration

The conflict had been ongoing for five years.

Mediation Length

24 hours over three days.

Client Comments

"I felt my concerns were listened to for the first time in years and that I was able to contribute to informing the senior management of what was going on. The relief I felt was incredible."

"The mediators encouraged us to keep going, even when we were in apparent deadlock, and by maintaining goodwill helped us see what was really important."

"In this case the mediation provided a confidential setting in which we could reach a conclusion. No one wanted the stress of a public hearing, which could have been damaging to all sides".

Mediation Budget

Total cost circa £5,500.

