MEDIATION INTAKE PROCESS – TRAINING AT IMAW

Monday 9th November 2026

Mediator – Craig Anderson AMDRAS

12:00–1:00 pm | Pre-Mediation Sessions Can Assist in Reaching an Agreement
Presenter: Craig Anderson, Mediate Me
Consider how preparation can help people take part in difficult conversations.

TIME ALLOTTED FOR PRE-MEDIATION INTAKE – 1 TO 1.5 HOURS

BASIC REQUIREMENTS

1. Agreement to mediate signed
2. Risk and Suitability screening - Ensure that each party is able to proceed concerning their well being.

PARTY INTAKE PROCESS - PURPOSE

1. Prepare parties for their mediation,
2. Explain the process,
3. Parties to tell you about the issues from their perspective,
4. Keeping them safe - Assess whether it is appropriate to proceed to mediation.
5. Coach the parties to assist them to prepare for their mediation.

1. PREPARE PARTIES FOR THEIR MEDIATION

✓ **Signed the Pre-Mediation Agreement?**

✓ **Available for the time allotted?**

✓ **Confidentiality** – Except if safety concerns or criminal activity ...(gives confidence to be open and honest)

1. Agreements will be given to HR / Management as they are responsible for managing the workplace relationship in the future.
2. If they disclose something that the employer has a legal obligation to action then you will need to disclose that to the employer (such as allegations of sexual harassment). This is not to say that you tell the manager or HR everything. Most of the time we do not even speak to HR / management post-mediation.
3. Usually, they get a copy of the agreement in the email which the participants will be copied into.
4. If mediation does not proceed, you need to advise the employer why you didn't proceed.
5. Any notes taken will be destroyed.

✓ **Disclosures to the team** – Say something innocuous

✓ **Voluntary** – Mediation is referred to as an informal process. Nothing that is said in a mediation can be used later in a legal case. You cannot be forced to participate. Your choice to participate is what is called coming in good faith – that is you are truly wanting this conflict to be resolved and you are willing to address issues.

2. EXPLAIN THE PROCESS

✓ **Mediator's role** – The mediator is independent and impartial and unbiased.

✓ **Your role as a party to the mediation**.

One, that they don't interrupt each other.

Two, verbal abuse will not be tolerated. Speak respectfully to each other.

Three, Be future focussed.

✓ **The facilitative process**; opening statements, agenda setting, exploration, private sessions, option generation and capturing agreements.

✓ **Post-mediation**;

1. Get feedback from them about the process – management will feedback to the mediator;
2. Determine whether they need any further support to assist them to keep their agreements;
3. Management may schedule a time to review how their relationship is progressing. If their relationship is not developing in a constructive way, the employer will consider more formal interventions.
4. An agreement is not set in stone – sometimes it might need to be updated or adjusted. It's a good thing to keep the agreement in the spirit of the agreement rather than the letter of the agreement. – A small failure does not cancel the agreement.

3. PARTIES TO TELL YOU ABOUT THE ISSUES FROM THEIR PERSPECTIVE

✓ **Questions for the parties.**

- Invite them to share their story (Ask clarifying questions).
- How long have you been working for this company?
- What are you passionate about?
- Do you love working for this company?
- Have you had any conflict with other people apart from the one involved in this mediation?
- Closing sentence; is there anything else you wanted to tell me that you haven't had an opportunity to yet?

5. KEEPING THEM SAFE - ASSESS WHETHER IT IS APPROPRIATE TO PROCEED TO MEDIATION

1. They can call a stop at any time – it's a voluntary process.
2. Each party is required to listen, without interrupting.
3. Use of respectful language.
4. Private session/break is available.

5. COACH THE PARTIES TO ASSIST THEM TO PREPARE FOR THEIR MEDIATION.

Coaching; we will coach our participants and alleviate and address any fears. We want to teach them how to work through a difficult conversation.

A. We must find the <u>motivation</u> for them to do their best to reach a workable agreement.

- Every person comes into the room with the attitude – "I am a good person, I have done my best, I have tried to be fair, but this other person is not good, they are dirty rotten so and so. This is a positional view.
- It's never about who is a good person and who is a bad person. Or who is right and who is wrong.
- We ***<u>will</u>*** unpack events from the past that have led to this conflict and bad outcomes; but we can't change the past. So, why do we go through it all again? - As each person shares their perspectives and feelings and troubles and pain – We listen actively, we come to a place where we understand one another better. We will get to the point where we can say, "OK, I kind of get you now. I kind of understand why you do what you do, why you say what you say."
- Then we move forward – mediation is future focussed – and we work out how are we going to describe a better way to work together going forward?
- The goal is not to become best buddies – no, it is to have a respectful workplace relationship.
- In every job – we must work with lots of very different people – different personalities, different work styles, different backgrounds, different nationalities etc. Everyone has a preference for how to manage communication – some want always face to face; some want only emails, some want lots of detail others push back and way too much info. SO – we need to learn how to work with different types of people in every workplace.

B. Reasons to try hard.

- Do you want to <u>enjoy coming to work</u>?
- If we can't reach an agreement – <u>is the alternative more uncomfortable</u>? (Get them to think deeply about that question) Sometimes people lose their job, sometimes there is PIP's Performance Improvement Plan. (lots of work and interrogation) or maybe a transfer to another department?
- Being involved in Mediation can give you <u>important leadership skills</u> and people management skills that could help you in the future.
- This experience could be helpful because <u>in the future</u> maybe you will work with other people who are difficult to work with.

C. Attitudes that really help

- Come in good faith. – Are you willing to engage in mediation? The aim is to improve communication and reach an agreement about how this relation works moving forward. Be happy with an outcome you can live with, maybe not a perfect result.
- Explain active listening. – Listen to understand; not listen to respond.
- Mediation can feel like a Rollercoaster ride. (prepare for feelings of anger or irritation)
- If other party seems aggressive – Reflect exactly what you hear, that is repeat exactly what you heard them say – this will cause them to relax a little bit. Give the other party E.A.R. (Empathy, Attention and Respect) (When someone is upset and angry their responses are created in the Amygdala – the Fight or flight response – When they relax because of EAR they start to think logically with their frontal cortex)

D. There are three superpowers you possess –

a. **Listen** to understand rather than listen to respond.
b. **Respect** - be prepared to show respect even if you feel the other party does not deserve it. Why? Law of Karma/reap what you sow/what goes around comes around.
c. **Humility** – It is wise to consider – maybe I need to change, to do this a bit differently, to acknowledge things could have been done better. A Research paper about the top 500 companies in the USA asked the CEO – what is the leadership qualities that make you successful – 70% said vulnerability – that's another word for humility.