

Mediation Demonstration

Dispute Type: Workplace
Parties: Janice and Mick
Process: Preparation to Closing

Common Ground

Janice and Mick were colleagues who had worked together in a government IT department for about five years. They got on well in the workplace and were friends outside of work. They were both regularly spent time socialising outside work.

The pair would have coffee together at the start of the workday. This time was often spent discussing workplace issues, or brainstorming ideas on how to tackle difficult projects.

Both Janice and Mick worked for Ian, the Branch Manager.

Three months ago, Ian announced he was leaving to take up a higher position in another Department. Ian's job was advertised internally, and Janice and Mick both applied for the position.

Occasionally, when Ian was on leave, Mick had been asked to fill his position. This happened on two occasions before Christmas last year, each being a week in duration. Having been told he handled the job well in Ian's absence, Mick believed he was favourite to obtain the position.

However, Janice was chosen as the preferred candidate and assumed the duties one month ago.

This matter came to the attention of the Human Resources team after Mick requested a transfer. Upon review of the request, Human Resources offered Janice and Mick the chance to have a mediation to resolve the issues.

Intake with Janice (Party A)

Dispute Type: Workplace

Parties: Janice and Mick

Janice's Concerns and Observations

- Janice is surprised at how unhappy Mick is at not securing the Branch Manager position. She thought Mick would have been able to keep their friendship and professional roles separate.
- Mick has told her and others within the IT team, that he should have got the position based on his performance in carrying out Ian's duties in his absence.
- Janice thinks Mick is sullen, uncooperative, and not supportive. She does not think he respects her as his manager as he constantly challenges decisions she makes.
- Janice is most frustrated at Mick's level of refusal to provide her with progress reports on important projects which he has oversight as his role as Project Officer. Janice said, "He's almost acting like a disobedient child".
- Janice reports that Mick continually presents her with problems about why he cannot complete work. Janice suspects that he has lost his ability to be a problem solver to overcome obstacles. He was previously an excellent lateral thinker, where he could collaborate but now, she feels he is "stonewalling" her.
- Janice is disappointed in Mick as she is receiving feedback from others that Mick is undermining her behind her back.

Janice's Aims for Mediation

- Janice expressed a desire to "go back to normal", meaning her strong, positive working relationship with Mick.
- She seeks to be respected.
- She wants to work collaboratively with Mick but have him acknowledge that she is his manager and requires him to work with her and not against her.
- Janice wants a positive working environment for her team including Mick.

Janice's Narrative

Exploration

During exploration, Janice may talk about the following things. This list is not exhaustive, but gives you a sense of her character:

- You miss the morning catch-up as you and Mick got along really well and shared the same sense of commitment and humour about the workplace. But you can't spend so much time together anymore in the morning as your workload has increased.
- You don't understand why Mick is so secretive about where projects are up to and why he doesn't implement directives you have given. Does Mick have something to hide? Is he just not very good at his job?
- You have tried to have regular meetings with Mick, but he has increasingly been away so it has been difficult to schedule the meetings. You ended up asking him to put information in writing so at least you get some sort of briefing, even though you would prefer to meet in person. Although this is becoming increasingly difficult because of your new role.
- As the program is such a specialist area, you can't just back-fill when Mick is away, so you really rely on him to be at work completing tasks.
- You want Mick to stay as you think that your working relationship prior to the current situation was great, and you could both be a formidable team if you can just get on the same page in future.
- You want Mick to respect you as a manager and not undermine your authority to others within the team.

Private Session

During Private Session, Janice may mention to the mediator, any of the following:

- You are concerned about how you might be perceived by your superiors if you can't deliver on projects. So, if Mick doesn't come through with the project, it will reflect badly on you more than him.
- There is a project that is due in 6 months and it has to be delivered otherwise other departments will be held up, this is the one Mick is overseeing. You have no faith that Mick will deliver. You think that he may purposely delay the delivery of the project.
- You have heard that you and Mick were the final two candidates being considered for the Branch Manager position. If you are not successful in your role during this period, it's likely Mick will be taking over the position.
- The reason that you are not involved with social activities as much anymore is that it is really awkward between you and Mick, and others in the group have started to comment. You don't want to put your mutual friends in the position of having to 'choose' sides if it gets any worse.

Option Generation/Negotiation

During the Option Generation and Negotiation phases, Janice may propose options or proposals that encompass the following:

- You want a positive working relationship with Mick.
- You want Mick to be able to work collaboratively with you, rather than “against you”.
- You would like to meet with Mick fortnightly to discuss how the project is progressing. Perhaps even do this over coffee.
- You would like Mick to develop a project plan for the next 6 months.
- You are aware that others in the area know that you are both having a meeting to work on the future. Nobody outside of HR knows that it is a mediation, and you want to keep it that way as it might reflect poorly on you.
- You want Mick to respect the differences in your respective roles, but want to work together to deliver high quality work.

Intake with Mick (Party B)

Dispute Type: Workplace

Parties: Janice and Mick

Mick's Concerns and Observations

- Mick applied for a transfer as he is no longer happy working in his team. The reason for Mick's unhappiness is due to Janice.
- Mick was "pissed off" that he didn't secure the position as Branch Manager. Ian had told him countless times "what a bloody good job" he had done while acting as Branch Manager.
- Mick acknowledged that his friendship with Janice would not be negatively affected no matter who secured the Branch Manger position. However, this is in the past as Janice's behaviour has changed dramatically. Mick says Janice has become distant, nasty and disrespectful since she become Branch Manager. He said, "the power has gone to her head" and "is out to get me".
- Mick expressed that there have been occasions where he disagreed with Janice's ideas on how to progress projects or decisions. Mick said that "different ideas make a workplace healthy" but what frustrates him most is that Janice does not respect his experience and knowledge.
- Prior to Janice securing the new position, she and Mick would discuss different problems and listen to each other's point of view. They would have regular meetings to debrief about projects they were working on, mostly meeting over coffee in the morning.
- Mick said, "these days, Janice doesn't listen to me and the team culture is negative". He perceives that she only cares about how she looks and does not have time for anything but work. There is no social aspect within the team. It is "her way or the highway". The team dynamic has completely broken down and it is not pleasant to go to work each day.

Mick's Aims for Mediation

- Mick wants things to improve so that he does not dread going into work each day.
- He expressed a desire to be respected as he brings a lot of value to the team which he feels is not appreciated.
- Mick wants to work collaboratively with Janice.
- He expressed a desire for Janice to acknowledge the change in her attitude and treatment towards him since receiving her promotion.
- Mick seeks Janice's respect notwithstanding the current "hierarchy".

Mick's Narrative

Exploration

During exploration, Mick may talk about the following things. This list is not exhaustive, but gives you a sense of his character:

- You really thought that you would get the position over Janice, particularly due to the feedback that you received when you acted in Ian's position a couple of times.
- You don't understand why Janice shuts you down when you try and share your thoughts on projects. She is always too busy or tells you to write it down and send it to her. You feel as though she asks you to send her an email because she does not want to "deal" with you face to face.
- There are some issues which are difficult to put in writing as they are in the infancy stage, and it would be more beneficial to talk these over with Janice.
- You know Janice is busy, but you think that she has lost touch with where she came from.
- You have not been into work as much as you do not feel it is a happy environment; the joy has gone, so you have taken some time off work. It is not like you are rorting the system, it's all flex time and annual leave that you have accumulated.

Private Session

During Private Session, Mick may mention to the mediator, any of the following:

- Your mutual friends are uncomfortable with the tension between you and Janice. They don't really know what's going on, but they want you to sort it out.
- The group does not feel the same anymore as Janice was at the centre. You want Janice to spend more time doing things outside work, and for things to go back to the way they were before.
- Deep down, you understand why Janice has minimal time to spend with you. When you were acting in the position you were working long hours, and you still did not have enough time to get through everything. The workload is very hard to achieve, even with amazing time management skills.
- You are secretly relieved that you didn't get the position as you weren't keen to work the hours that Janice has been doing; it was ok for a short time while you were in acting up, but you couldn't do it permanently. However, your ego has taken a hit having been beaten by a colleague.
- Your main issue is that Janice doesn't seem to value your opinion any further. You are more than happy to play nice, you actually like the project you're working on, but Janice needs to give you more of her time.

Option Generation/Negotiation

During the Option Generation and Negotiation phases, Mick may propose options or proposals that encompass the following:

- You would like Janice to agree to some of the milestones you are planning for the project. You realise that the two of you will need to meet before these can be agreed to.
- You are worried that your friends will blame Janice for your absence, so you want Janice to give some assurance that she won't discuss what's been happening at work.
- You want to work collaboratively with Janice.
- You want Janice to be more accessible so that you can discuss things in person, rather than send emails that do not get responded to.
- You want to be valued and your value and work acknowledged by Janice.