

Mediating Employment Conflicts

In mediation the parties meet together, and/or separately, with a designated neutral who has been trained as a mediator. The parties themselves voluntarily identify the issues under dispute and negotiate their own settlement. The Ombuds may serve as mediators to facilitate the communication and assist the parties – in joint and/or individual sessions—in searching for a mutually acceptable resolution which satisfies their needs and interest. If both parties consent, each may be accompanied by an advisor or advocate who is not an attorney. A co-mediator, particularly someone of another gender, race, religion or sexual orientation, is also a possibility.

If the parties agree on common ground, the mediators may help them formulate a written settlement statement. The mediator does not arbitrate, and does not adjudicate the fairness of the settlement reached. If both parties agree, they may include in the settlement the right for each to ask supervisors or legal counsel to review the document before they sign. Adherence to the settlement, once signed, depends on the good faith of the signatories; the mediators have no enforcement power.

Either party may withdraw from the mediation process at any point. If the mediation is not successful, either party may turn to another option as if the mediation had not taken place. The mediation process is confidential, and the mediators may not be called as witnesses in a subsequent formal process. The only record of the mediation process is the written agreement, if any, between the two parties; copies of the agreement are kept by the parties themselves.

If the parties are colleagues or peers, mediation may be especially helpful for resolving interpersonal conflicts, or issues involving division of labor, shared responsibility, or differences in working style. “Ground rules” for future interactions may be tailored to the specific workplace situation. When a supervisory relationship is involved, the mediation setting may help establish a temporary sense of a “level playing field” between individuals during the process. However, the realities of the power imbalance will persist, and the supervisor will continue to have disciplinary and decision-making authority and responsibility.

The mediation process is often an efficient means of breaking through an impasse in communication, and may provide a model of collaborative problem-solving that could be carried back to the workplace. The parties may gain clarification of the situation as well as increased understanding for each other. And they may gain experience in mutually respectful negotiation and conflict resolution that will be helpful in years to come.

Please contact the University Ombuds at (919) 843-8204, or ombuds@unc.edu if you would like more information.