



Banc Ceannais na hÉireann
Central Bank of Ireland
Eurosystem



Human
Resources

Mediation Policy

Applicable to: All Staff & Management.

Policy Owner: Employee Relations Manager, Human Resource Division

1. Introduction

The Central Bank of Ireland endorses workplace Mediation as a voluntary process to be used in appropriate circumstances to resolve individual work related disputes quickly, amicably and informally.

Whilst resolving disputes in a harmonious and consensual way is always preferable, participation in Mediation is a matter for individual choice and does not interfere with an individual's rights under any other Central Bank policy. It is hoped that staff would give serious consideration, in conjunction with their advisor(s) or line manager or union/staff representative, to the use of Mediation in appropriate circumstances. Staff who are considering the use of Mediation are also encouraged to discuss its potential use with Dignity at Work Contact Officers or HR colleagues such as HR Support, HR Business Partners or the Mediation Co-ordinator (see below).

2. Scope

This Policy will apply to all employees.

3. Rationale and Principles

- a) The purpose of a workplace Mediation scheme is to try to resolve workplace disputes informally as close to the source as possible, without resorting to formal, time-consuming, expensive and potentially distressing and damaging processes.
- b) Mediation is designed to be a positive process, as it focuses on the future, rather than trying to apportion blame for the past.
- c) Managers have a responsibility to try to resolve issues if members of their team are in conflict with each other, but if they cannot do so a mediator may be able to help.
- d) Where Mediation is deemed to be appropriate, the decision to proceed with it will rest with the parties to the dispute.

4. Mediation

- a) Mediation involves an impartial third party bringing two or more parties together with the aim of reaching a mutually acceptable agreement.
- b) Mediation is a confidential and informal way to resolve disputes between people who work together with the assistance of trained mediators.
- c) The process is voluntary, is not legally binding and is without prejudice to staff's rights under other Central Bank policies or otherwise.
- d) Mediation distinguishes itself from other forms of conflict resolution in a number of ways. Mediation is:
 - i. Informal – it does not form part of the Grievance or Disciplinary process
 - ii. Flexible
 - iii. Voluntary – the parties are assisted in working out their own solution rather than having something imposed on them

- iv. Morally binding but has no legal status
 - v. Faster than other dispute resolution procedures
- e) Mediation will be impartial and confidential. It encourages individuals to take charge of their own decisions and to accept responsibility for the consequences of their own decisions.
- f) Mediation aims to resolve conflicts at an early stage and to reduce tension, anxiety and fear.
- g) Types of issues suitable for workplace Mediation could include those around work or management styles, working arrangements and environmental conditions, for instance:
 - i. Interpersonal conflict/personality clashes
 - ii. Perceived discrimination, harassment and bullying (please also refer to the Central Bank's *Dignity at Work: Appropriate Workplace Behaviour Policy*)
 - iii. Unreasonable work demands
 - iv. Inappropriate behaviour or treatment
 - v. Differences of working style or approach
 - vi. Communication breakdown
 - vii. Inappropriate use of power, status or position.
- h) The Central Bank reserves the right to take formal action in the case of serious issues, rather than support Mediation.

5. Mediators

- a) Mediators will typically be trained and qualified colleagues from within the Central Bank.
- b) Mediators will be independent/neutral of the situation to ensure impartiality.
- c) In general, mediators will work alone, but this does not rule out mediators working in pairs in appropriate situations.
- d) Depending on the circumstances, the Central Bank may choose to assign an external mediator(s).

6. Representation

- a) Representatives, whether a union representative or staff representative, can have an important role in the Mediation process.
- b) While experience generally suggests that Mediation works best when involvement is restricted to those who are directly involved in the dispute, it is recognised that in certain circumstances the direct involvement of a representative may assist the process.

7. Supporting the scheme

- a) The Central Bank will support the scheme by ensuring that mediators have the necessary time to undertake Mediation, subject to the balance with other work requirements.
- b) Awareness of the Mediation scheme will be raised through appropriate channels to ensure that staff are aware of its potential uses.

- c) The Central Bank will appoint an appropriate member of staff to perform the role of 'Mediation Co-ordinator' (see below), who will act as administrator and owner of the Mediation Policy.

8. What happens during Mediation?

Mediation is a flexible process and the structure of the Mediation will change depending on the needs of the parties. Below is an outline of the way in which Mediation may be structured:

a) Separate Meeting(s)

First contact with individuals

The mediator will meet individuals separately in order to explain the role of the Mediation and the process of Mediation, including confidentiality, and to define the core issues and the outcome each party hopes for. The primary aim of the first meeting is to allow each individual to tell their story and find out what they want out of the process.

b) Joint Meeting(s)

Hearing the issues

The mediator brings the participants together and invites them to give their side of the story. At this stage the mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the Mediation process.

Exploring the issues

Having identified the issues to explore, the Mediation is now about encouraging communication between the individuals, promoting understanding and empathy and changing perceptions. The aim of this part of the process is to begin to shift focus from the past to the future and to begin to look for constructive solutions.

Building and writing an agreement

As the process develops the mediator will encourage and support joint problem solving by the individuals, ensure the solution and agreements are workable and record any agreement reached. The mediator must also ensure that any solution(s) do not conflict with or compromise Central Bank practices and policy and may need to appropriately consult the Mediation Co-ordinator in that regard.

Closing the Mediation

Once an agreement has been reached, the Mediator will bring the meeting to a close, provide a copy of the agreement to those involved and explain their responsibilities for its implementation, including appropriate review arrangements. It will be agreed who will receive copies, for instance whether or not the relevant line manager(s) or HR Business Partner would receive a copy.

9. The Role of the Mediation Co-ordinator

- a) The Mediation Co-ordinator is responsible for appointing a mediator in appropriate situations.

- b) The Mediation Co-ordinator decides (if necessary, in consultation with relevant line management and HR Business Partners) if Mediation is appropriate in the circumstances of a request.
- c) There are situations where it may not be appropriate to use Mediation, but it is often not clear and it will be a matter for the Mediation Co-ordinator to make a decision on a case-by-case basis. The decision of the Mediation Co-ordinator will be final in this regard.
- d) In deciding whether or not Mediation is appropriate in a particular situation the Mediation Co-ordinator will have regard for the fact that Mediation should not be:
 - i. Used as a first resort – staff should where possible attempt to resolve matters between them directly or speak with a manager before seeking a solution via Mediation.
 - ii. Used by a manager to avoid managerial responsibilities.
 - iii. Used where behaviour or performance is at issue and the matter is more appropriate to other Central Bank policies/procedures such as the Disciplinary Policy, Performance Improvement Policy or the PMDP Independent Appeals Process.
 - iv. Used where either party wants a formal investigation.
- e) The Mediation Co-ordinator will not be privy to details of discussions during Mediation, nor will they receive a copy of Mediation agreements. However, the Mediation Co-ordinator may be appropriately consulted by a mediator to ensure any proposed solution(s) aligns with Central Bank practice and policy. The Mediation Co-ordinator will, in any event, be informed by the mediator in a particular case of whether or not the outcome was successful.
- f) The Mediation Co-ordinator will maintain a record of Mediation requests received. The Co-ordinator will record details of the Mediator appointed, if any, and whether or not Mediation was successful.
- g) When the Mediation process has concluded in a particular case, the Mediation Co-ordinator will inform relevant line management and HR Business Partners as to the success or otherwise of the process.

10. Confidentiality

- a) Unless otherwise agreed by the parties, the contents of any discussions during Mediation are to be kept confidential to the parties involved and the mediator. The exception to this would be if a party raised issues of harm to self or others, issues of serious misconduct or where a disclosure is required by law.
- b) A record of the Mediation process is not to be kept on personal files. Any notes taken by the mediator will be discarded once the Mediation process has been concluded.
- c) Agreement reached at Mediation will be confirmed in writing by the mediator. A written agreement made as a result of Mediation will be kept only by the parties involved and not shared with others unless agreed by the parties. Unless otherwise agreed by the parties to the Mediation, copies of a Mediation agreement will not be retained by the mediator, the Mediation Co-ordinator or any other party. Where it is agreed to share the Mediation agreement with others then this will be specifically detailed by the mediator in the agreement.
- d) Similarly, unless otherwise agreed, line management or HR Business Partners do not receive details of Mediation discussions other than that the process was successful or unsuccessful.

11. Mediation Request Procedure

- a) The parties to the dispute jointly agree to participate in Mediation and each separately completes the **'Request for Mediation Form'** and submits it to the Mediation Co-ordinator. The parties' request Forms will not be shared with each other unless both parties request that they be shared.
- b) The Mediation Co-ordinator will acknowledge receipt of the Form.
- c) The Mediation Co-ordinator will, in consultation with line management and the HR Business Partner(s) as appropriate assess whether the case is suitable for Mediation and communicate a decision to the parties, normally within **three working days**.
- d) If the case is suitable for Mediation, the Mediation Co-ordinator allocates the case to one of the mediators, based both on the type of the case and on the availability of mediators, and forward to them the completed request Forms.
- e) It is important for the effectiveness and credibility of Mediation that it takes place in a timely fashion. Therefore the joint meeting between the two parties will normally take place within **two weeks** from the time that the two parties have submitted the Forms to the Mediation Co-ordinator.
- f) Where the Mediation Co-ordinator decides that mediation is not appropriate to a particular situation, the parties to the request will be so informed and advised of the rationale for the decision. The Mediation Co-ordinator can, in consultation with the relevant HR Business Partner(s) and line management, discuss other options for dispute resolution with the parties if required.

12. What happens if Mediation does not resolve a dispute?

- a) The Mediation Co-ordinator can be available to discuss, in consultation with the relevant HR Business Partner(s) and line management, options for dispute resolution with the parties if required.
- b) The parties may opt to progress the matter in accordance with another Central Bank policy, such as the Grievance Policy or Dignity at Work Policy.
- c) Relevant line managers and HR Business Partners will be informed that the Mediation process was unsuccessful.

13. Review

This Mediation Policy will be reviewed after 12 months of operation.