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Managerial
Mediation

The Key

What If It Fails?

- Managerial Mediation is 90% successful, but . . .
- Options:
 - 1) One more try
If progress is being made, but time expires.
 - 2) Final offer selection
“You cut, I pick.”
 - 3) Med-arb (mediation followed by arbitration)
The manager has not relinquished authority by attempting to resolve by mediation.



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Managerial Mediation is designed to include only one outcome-targeted three-way meeting, not an ongoing series of sessions. When used as intended, this supervisory tool has a remarkable 90% success rate, i.e., the parties reach an agreement by the end of one meeting.

Nevertheless, agreement sometimes remains elusive at the end of a meeting despite the manager-as-mediator’s best efforts. What back-up options does the manager have?

One more try — If the mediator senses that the disputing employees are making some progress, but that time ran out before Breakthrough was reached, one more meeting may be scheduled to continue the dialogue.

Final offer selection — Most interpersonal disputes in the workplace are so-called “personality conflicts” where the substantive issues are not technically complicated. However, in mediations in which the parties are earnestly trying to solve the problem, but are unable to find a solution that is compatible with their respective self-interests, the manager may introduce the “final offer selection” option, which is a “mild form” of arbitration. Here, each disputant is asked to prepare a detailed written proposed solution to the problem that he/she would be willing to accept. The manager will then select the one proposal that best resolves the business problem.

Med-arb — If, when the time set aside is nearing an end, the employees seem to be stuck in impasse, the manager may advise them that he/she will need to assume the conventional role of manager-as-arbitrator if they are unable to resolve the issue in the time remaining.