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Workplace mediation: success in the second-oldest profession

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Abstract

The focus of this research is mediation in workplace disputes between individuals; and the research population, those ACAS staff mediating in such disputes. The research questions ask what constitutes success, and how mediators achieve it. The theoretical framework is that of systems, a workplace dispute being a sub-system of the organisational system.

Success is often defined in the mediation literature as a written agreement. Measures other than agreements, written or otherwise, are also mentioned. The literature identifies many variables leading to success. These have been grouped into those contributed by mediators, and those of a situational nature.

The researcher adopted an interpretivist research paradigm and, primarily, the case study methodology, ACAS mediators being the case. A model predicting success in workplace mediation is outlined. Various research methods were used, in particular, participant and non-participant observation, focus groups, individual interviews, and

reviewing records.

Most mediators interviewed defined success as getting an agreement. They also identified indicators of likely success and reinforcers of agreements. Another important finding was that a so-called dispute impact approach to success resonated with mediators. Under that approach, success depends on what mediators seek to achieve: either to limit the dispute, or to settle it, or to address its root causes. The primary mediator variable leading to success was found to be the mediator's experience; and the primary situational variable, the tractability of the particular dispute.

Although success can be measured objectively, for instance by a written agreement, a relative measure such as the dispute impact approach provides a more nuanced gauge. Also, this thesis concludes, a systems approach is useful, not only when looking at the dispute to be mediated but also when considering the mediator, if s/he is part of an organisational system supplying mediation services. This system, in turn part of a wider economic/political system, shapes the key approaches to be adopted by the mediator, including the style of mediation and the time normally allocated to a case. Moreover, in this case study, it was found that the organisation (ACAS) gave less importance to mediation than to its other dispute resolution services.

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