



UNIVERSITY OF
LIMERICK
OLLSCOIL LUIMNIGH

Alternative Dispute Resolution for Employees

Mediation Procedure

Document Version	HRX019.1
Document Owner	Human Resources
Approved by	Executive Committee
Date	26 June 2024
Effective Date:	26 June 2024
Scheduled Review Date:	June 2027

1. Introduction

- 1.1. The University of Limerick is committed to the development and maintenance of a positive working environment in an atmosphere of dignity and respect, collaboration, openness, safety and equality and which is free from all unacceptable behaviours. To bolster this, the University has in place a suite of policies and procedures to address situations where interpersonal differences among employees arise. In particular, all employees, including managers, should be familiar with the *Workplace Dignity and Respect (Anti Bully and Harassment) Policy and Procedure*, the *Acceptable Behaviour in the Workplace Policy*, and the *Grievance Policy*, and specifically with the definitions and procedures contained within them. The Mediation Process should be viewed in parallel to these policies.
- 1.2. While the University aims to create a safe and respectful environment where people feel encouraged to come forward with the issues they are experiencing and to have trust and confidence in the process that the issues will be dealt with appropriately and fairly, it also strives to resolve any issues that arise as informally as possible wherever it can. Mediation may be an appropriate and effective way of dealing with and resolving various disputes and disagreements that may arise in an informal manner and should be considered if initial attempts to resolve matters at a local level been unsuccessful.

2. Purpose

- 2.1 This Alternative Dispute Resolution for Employees Mediation Procedure outlines the procedures to be followed in respect of an employee request to avail of mediation.

3. Scope

- 3.1 This procedure is available to all employees of the University.

4. Definition of Mediation

- 4.1 Mediation is a confidential, facilitative and voluntary process in which parties to a dispute, with the assistance of an independent mediator, attempts to reach a mutually acceptable agreement to resolve the dispute.

5. Principles of Mediation

5.1. What is Mediation?

- 5.1.1. Mediation is generally understood to be an effective *alternative dispute resolution* mechanism. It is acknowledged that occasionally there may be disputes or disagreements between colleagues which, although they can evoke strong feelings and result in a difficult working environment, may not strictly match the definitions of bullying

or harassment, unacceptable behaviour, or may not warrant invoking the stages of the Grievance Policy. Resolving disputes may be difficult; however, while employees are encouraged to avail of **all** existing mechanisms, supports and procedures available to address disputes, it is expected that they do so in a proportionate way. Parties involved in such disputes may agree that it is best to seek to resolve issues in accordance with the principles of mediation without the need to escalate matters to be immediately dealt with under formal procedures.

5.1.2. Mediation is a voluntary, confidential process that allows two or more disputing parties to resolve their issues (conflict) in a mutually agreeable way with the help of a mediator who has the requisite training and experience to facilitate resolutions effectively, fairly, and sensitively without prejudice to any party.

5.1.3. The objective of mediation, which importantly is accessible without making a formal written complaint, is to resolve matters speedily and confidentially without recourse to a formal investigation. Therefore, it is intended to ameliorate the circumstances and to reduce the level of conflict and stress for the individuals involved.

5.2. What a mediator can do:

- Help the parties to individually analyse the problem and decide what they wish to achieve.
- Help the parties to jointly discuss the issues at hand and to reach common ground.
- Make suggestions about options available and possible best ways forward.
- Advise Human Resources that the situation has been resolved with the agreement of the parties involved or that the process has been unsuccessful in achieving an agreed resolution.

5.3. What a mediator cannot do:

- Solve the problem independently and on their own for the parties involved.
- Act as a formal intermediary between the parties and the University.
- Make any judgement about the case.

5.4. Benefits of Mediation:

Mediation is particularly helpful in resolving interpersonal disputes due to its common-sense and facilitative approach. In particular mediation:

- Gives those involved an opportunity to step back and think about how they could put the situation right, including consideration of their own behaviour.
- Presents an opportunity to resolve a problem in an informal non-adversarial way.
- Enables parties to come up with their own practical solution(s).
- Allows parties to rebuild relationships as they work together to find an agreement.
- The resolution of the issue remains in the control of the individuals directly concerned. They will be involved in the development of the solution and as a result the outcome is likely to be better and longer lasting.
- Focuses on the future, with an emphasis on ameliorating working relationships and is not a means of apportioning blame or seeking retribution for past events.

- Has the potential for a high success rate and positive outcomes where the parties are genuinely committed to a resolution.
- Is flexible to the needs of the parties and normally much faster than more formal processes.
- Can be entered into by the parties involved in an attempt to resolve matters at any stage of a dispute, unless it is the view of the University that formal investigation is to be pursued.
- Helps resolve interpersonal difficulties between two parties at early stages, but can also be of value in helping to restore the working and professional relationship following a formal complaint or investigation.

There may be circumstances where mediation will not be recommended, for example where disciplinary action has commenced or where the seriousness of the matter is subject to pursuing formal procedures under University policy.

6. Procedures for Requesting Mediation

- 6.1. Access to mediation is made available through Human Resources - Employee Relations. Any individual who is considering mediation can contact the Employee Relations Team or the HR Business Partner (HRBP) assigned to the relevant Faculty or Division to arrange a discussion if they wish to find out more information about the process. See contacts here: <https://www.ul.ie/hr/about-hr-division/meet-team>.
- 6.2. If an individual wishes to request mediation prior to the commencement of formal procedures, they should contact their line manager, or the next level of management if the issue is with the line manager, to discuss mediation as a means of resolving the issues they are experiencing. The line manager, or next level of management if applicable, must be satisfied that all local level options have been exhausted in the first instance. If the manager feels that mediation is an option to be explored, they should advise the employee to contact Employee Relations or their HRBP as above to find out more about mediation, if this has not already occurred, prior to making a request for mediation. A manager may also initiate a discussion with their employee suggesting the option of mediation, once all informal attempts at local resolution have been exhausted, as a means of resolving issues or restoring the professional relationship between two individuals.
- 6.3. As mediation is a voluntary process, both parties must agree to engage with the process of mediation. If the employee initiating the request for mediation wishes to engage in the mediation process, the relevant manager should contact the other party identified by the individual to ascertain if they are willing to consider engaging in mediation. In the case of the other party being employed in another area, the relevant manager should contact the relevant manager of the other party so that they can approach the other party regarding mediation to advise them to contact Employee Relations or their HRBP for further information prior to making a decision.
- 6.4. If both parties indicate their consent to engage in mediation, the "Request to Enter into Mediation" form (appendix 1) must be completed by the initiating manager and sent to a member of the Employee Relations team or the relevant HRBP for forwarding to Employee Relations. The form will require the names of both parties, the local level

interventions that have taken place to date, the nature of the issue, and the signature of the relevant manager(s). The signature of the manager(s) is/are required to confirm that local level interventions have taken place and also that they are confirming their consent to release the employees for mediation meetings. On receipt of the completed form, Employee Relations will contact the relevant manager(s) and once satisfied that all local level interventions have been attempted, will also re-confirm with the other party their agreement to participate in mediation. Employee Relations will then begin making arrangements to commence the mediation with a mediator. The process is outlined below at Section 4.

6.5. Managers may at any time consult with Employee Relations and/or the relevant HRBP in respect of the option to request mediation.

7. Mediation Process

7.1. The first stage in the process involves separate meetings between the mediator and the individuals involved. These meetings are designed to ensure that the parties:

- Understand and have confidence in the mediation process and mediator.
- Discuss the issues from their perspective.
- Think about key issues discussed with the mediator at the initial meeting so that they are better prepared for the joint meeting.

7.2. After initial meetings, the parties will be invited to a joint face-to-face meeting where, with the support and guidance of the mediator, they will work towards reaching a mutually satisfactory outcome.

7.3. During the mediation process, the following principles will be adhered to:

- The mediator is impartial and does not take sides.
- Mediation is solution focused and the object of the exercise is to reach a workable and mutually agreeable solution to the conflict or issue(s) at hand.
- The purpose of mediation is to provide a safe space where people can be open and honest.
- Mediation is future focused. Past issues may be reviewed only for the purposes of agreeing how to work together better in the future.
- Mediation is a confidential process. The mediator will agree with the parties whether they will disclose any information arising in the mediation process.
- The parties themselves must maintain confidentiality as to what happens at mediation except where they mutually agree otherwise.
- The terms of a mediation agreement remain confidential to the parties and to the mediator except if parties otherwise agree.
- All meetings are confidential. The only exception to this rule is where there is evidence of a breach of Statutory/University rules or policy or where there is evidence of risk to health and safety. In those circumstances the process will be terminated and Employee Relations will be informed who will refer the matter to the Director of Human Resources to decide on the next course of action.

- Any party has the right to withdraw from the process at any time.
- 7.4. Toward the conclusion of discussions, the mediator will assist the parties to draw up an agreement if one has been reached. This agreement is confidential to the parties unless they mutually agree to share it with the University (in some instances, for example, the agreement may include a request for action from the University).
- 7.5. The Mediator will notify the University as to whether an agreement has been reached through Employee Relations who will notify the relevant manager(s) that the matter is resolved.
- 7.6. It is not appropriate for any information learned through the mediation process to be used in a grievance procedure or other formal process. This does not include information that parties were aware of prior to mediation.
- 7.7. Any mediation agreement does not prevent any employee from requesting mediation or making a new formal complaint in the future.

8. Review

- 8.1. This procedure will be reviewed in 24 months or earlier if there is a necessary requirement to do so.

9. Other Relevant Policies and Procedures

- 9.1. The University has in place a suite of policies, procedures and supports to address situations where interpersonal differences among employees arise details of which can be found below:
- Grievance Policy
 - Acceptable Behaviour in the Workplace Policy
 - Workplace Dignity & Respect Policy & Procedure
 - Designed Contact Persons Panel
 - Employee Support Services

Mediation Procedure – Appendix 1

REQUEST TO ENTER INTO MEDIATION FORM

Please note:

- This form must be completed to request mediation with another party.
- It should be completed fully, dated and signed by you and your manager (or the next level up) and the other party's manager if employed in a different area, and emailed to a member of the Employee Relations Team or the Relevant HR Business Partner See contacts here: www.ul.ie/hr/about-hr-division/meet-team.
- Both parties must have agreed to mediation prior to submitting this form.
- Both parties are advised to request a separate briefing on the mediation process prior to commencing mediation in order to be fully informed as to what is entailed.
- Mediation is a confidential process including the details in this form.

1. Person requesting Mediation - Details

Name:	
Email Address:	
Contact Number:	
Job Title / Area:	

2. The Person whom mediation is requested with - Details (where known)

Name:	
Email Address:	
Contact Number:	
Job Title and Department / Shcool:	

3. Please confirm that the other party has indicated agreement to enter into mediation with you.

Yes

4. Please provide details of the matter to be mediated.

--

5. Please provide details of local level attempts which have been made to resolve the matter and the outcome(s).

--

Nature of relationship:

- Line Manager
- Direct Report
- Co-worker/colleague
- Other*

*Please indicate:

I confirm that I have read and understand the Alternative Dispute Resolution for Employees Mediation Procedure and agree to comply with its requirements including the confidentiality requirement referred to in the policy.

Signature of Relevant Manager: Job Title and Department / School: Date:	
Signature of other area Manager (if applicable): Job Title and Department / School: Date:	
Signature of Person Requesting Mediation: Date:	
Signature of Person whom Mediation is requested with: Date:	

For HR office use only:

Confirmation of receipt:	Date: _____	Name: _____
--------------------------	-------------	-------------