



## Nipping Workplace Conflict in the Bud

According to a paper published in 2008, the average UK employee spends over two hours a week dealing with conflict, meaning that more than 370 million working days were lost in 2008, at a cost of £24 billion to the UK economy.

In the past employers have been slow to consider referring employment disputes to mediation. This may be set to change. The new ACAS Code on Discipline and Grievance procedures now highlights that Employers should consider using an independent third party to help resolve disputes – be that an internal mediator not involved in the dispute or an external mediator.

We consider that mediation is a highly effective way of reducing conflict in the workplace. In our experience clients have seen a number of benefits from developing mediation skills and procedures in the workplace including:

- avoiding disputes arising;
- avoiding Employment Tribunal claims;
- resolving disputes internally;
- saving costs and management time;
- improving employee morale; and
- displaying commitment to staff development.

Anthony Collins Solicitors are at the forefront of the development of using mediation as a tool in the workplace.

## Case Study

### What was our brief?

Andrew Lancaster is an experienced mediator and a Partner at Anthony Collins Solicitors LLP. He was appointed by a large international organisation and a senior employee who were in dispute over bonus entitlements for the previous three years and in respect of future entitlement. An internal grievance procedure had failed to resolve the difficulties and the next step would have been for the employee to issue proceedings. This would have irreparably damaged the relationship of trust and confidence between Employer and Employee.

### What did we do?

Andrew asked each party to prepare a written mediation statement setting out what they considered to be the main issues that needed to be addressed at the mediation. They also sent to Andrew relevant documents for consideration.

The mediation took place at our offices. Everyone present signed a mediation agreement to



regulate the confidentiality of the process and Andrew explained that he was there to help the parties to analyse the difficulties and to find a solution. He explained that his role was to manage the process and to be entirely neutral but that he would help the parties together and separately to work through the problems and to find their own solution.

### How did we add value?

The mediation process provided a structure and process that enabled each party to take stock, analyse and to find a solution where the grievance process had been unable to do so.

Using Andrew's mediation experience and skills enabled the parties to resolve the issues of past and future bonus entitlement to the benefit of both parties. The relationship was preserved in a way that was beneficial to the organisation and the employee and costly and time consuming litigation was avoided.

### How we can help

We can:

- help you build mediation into your disciplinary and grievance procedures;
- provide training to explain workplace mediation, when you can use it and its benefits;
- equip your managers with mediation skills to conduct mediations “in-house” and to informally resolve disputes in their own teams;
- act as an independent, external mediator.

If you would like further information on how we can help you develop mediation within your organisation please contact:



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