

## Mediation Case Study - Public Sector

### THE DISPUTE

Jane, an employee in a public sector organisation, had been on extended leave. On her return to work a new unit manager had been appointed and had started to make significant changes to the team structure, work process and expectations.

Jane did not agree with many of these changes and felt that the team already had strong rapport with all departments, was operating well and achieving strong outcomes through a collaborative culture.

Conflict was escalating between Jane and her new manager, Tom. Tom felt that Jane was resisting the new processes, undermining him and gathering co-worker support to return to the "old ways".

Tom was becoming increasingly frustrated at Jane's unwillingness to take direction and had started excluding her from meetings and planning sessions, on the basis that she was too disruptive.

The referral to mediate was initiated by Employee Relations following a formal complaint from Jane, suggesting unfair treatment and exclusion by her manager.

### PRE-MEDIATION FINDINGS

Pre-mediation meetings with both parties revealed that Jane felt disrespected and not engaged in key decisions. She felt Tom was dictatorial, didn't consult others and was unwilling to see an alternate viewpoint. She felt the credibility she had built up internally was being undermined, but really loved where she worked and wanted to stay.

Tom wanted a cohesive working team. He had been charged with a number of critical stretch targets and was determined to deliver for the business.

Whilst he would prefer Jane was part of the journey, he also understood that it may be too difficult for Jane and if so, would prefer she left rather than create further angst in the team.

The organisation was keen to retain both parties and improve team performance overall.

Jane had seen a doctor and obtained a first medical, alleging bullying and had indicated she would lodge a claim.

#### OUR MISSION

Cost effective,  
professionally  
facilitated  
dialogue, leading  
to sustainable  
solutions.

## MEDIATION

A successful mediation was conducted with both parties.

### KEY OUTCOMES:

- ✓ Agreement to inclusive consultation
- ✓ Framework for change agreed
- ✓ Responsibilities and KPI's clarified
- ✓ Jane acknowledged that Tom's analytical perspective added great value to the team
- ✓ Tom acknowledged that Jane's credibility, seniority and experience would ensure changes agreed would be workable, and meet stakeholder requirements
- ✓ Tom agreed to communicate to the broader business the details of changes of way of working for the department. He would consult the broader business and proposed rationale for proposed changes
- ✓ Jane agreed to take an active role in seeking feedback and better understanding the changes required, to be able to provide input into ideas generation
- ✓ Jane and Tom agreed to have fortnightly one on ones to discuss the change process and clarify any communication issues

## OUTCOMES

- ✓ A workers compensation claim was not lodged
- ✓ Both parties continue to work for the business, and add value
- ✓ Both parties were able to continue to challenge and raise issues, in a more respectful and constructive way
- ✓ The departments performance continues to improve six months down the track, and the organisation has retained two valuable members of staff

## VALUE

By investing \$2,500 in mediation, the organisation was able to avoid exposure to a psychological injury claim

The average anticipated cost of the claim is \$58,775 (WA WCA statistics).

*Note: This does not include the organisation saving on staff retention, team cohesion and overall improved performance.*

Referral to mediation outcome: 5 days