

Mediation Case Study - Team

THE DISPUTE

A team of five (5) case workers in a not-for-profit community organisation, were working with a newly appointed Leader, Mary. Mary had previously been a co-worker within the team.

The team had escalated issues around communication, workload, and Mary's unwillingness to follow protocol, policies and procedures. One team member, June, had utilised the whistle blower process to bring broader attention to an escalating situation.

HR made a referral to mediate between Mary and June due to escalating tension.

Mary had taken sick leave and was off work, indicating that she would lodge a Workers Compensation claim, as the situation was unworkable.

PRE-MEDIATION FINDINGS

Individual pre-mediation meetings with both Mary and June suggested the problem was more widespread. Information provided suggested that a number of other team members were having treatment for mental health issues associated with bullying behaviours, sabotage and a lack of professionalism from their leader.

It became clear that mediating between the two parties was unlikely to lead to an effective or sustainable resolution. In addition, there was a broader risk of other potential Workers Compensation psychological injury claims.

ACTIONS

The Mediator contacted the HR Manager to discuss the potential risk and suggest mediation be expanded to cover remainder of the team and individual pre-mediation to be conducted with all team members.

This was agreed with the following key issues identified:

- Lack of professional supervision and support
- Lack of team engagement and willingness to listen to suggestions
- Disregard for policies and procedures that had historically worked well
- Difficult stakeholder relationships

OUR MISSION

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

MEDIATION

A successful mediation was conducted with all parties, including senior management.

DURING MEDIATION THE TEAM SHARED:

- ✓ Details of the events that led up to the conflict
- ✓ Concerns about raising issues for fear of reprisal
- ✓ Inconsistent application of case allocation and other procedures
- ✓ Stakeholder challenges and their perception that this had been exacerbated by the team conflict
- ✓ Perceived conflict of interests

The team were able to gain some insight into the organisational parameters and background, which they had previously not had. Leading to a generalised agreement that the session had served to provide improved insight and understanding.

The team was also advised of proposed organisational changes in the management of the stakeholder issues, including clarity of criteria and professional accountability.

KEY OUTCOMES AGREED:

- ✓ Escalate issues when red flags become evident; appropriately and in a timely manner
- ✓ Continue to develop and apply consistent policies and procedures, including new client allocation and record keeping
- ✓ A more equitable distribution of work; based on equity, capacity, and expertise
- ✓ Escalation of critical stakeholder issues to the CEO
- ✓ Availability of external support

POST MEDIATION REVIEW:

June and another team member chose to resign, choosing a change in sector and fresh start. The remainder of team continue to work harmoniously with a new leader.

OUTCOMES

Whilst some parties chose to resign, this is considered a good outcome as the process assisted them to reflect on their work and personal priorities.

Both were able to move on productively without impacting the organisation culture and further productivity.

VALUE

By investing \$4,500 in mediation, the organisation was able to avoid potential exposure to 5 psychological injury claims.

The average psychological injury claim cost is \$58,775 (WA WCA statistics).

Indicative saving - \$293,875.

Referral to mediation outcome: 7 days