

Mediation Case Study - The Power of Collaboration

THE DISPUTE

A local government employee (Max) sustained a physical injury – the injury itself was common for the type of work he does and he was recovering according to standard recovery timelines. On his return to work with a suitable duties certificate he approached his manager (Ross) who was flustered with morning scheduling. Ross sent him to work in an area he had not had training for. Max thought Ross was dismissive of his medical certification and did not listen to his concerns.

Max developed an anxiety/stress related response to the incident – feeling devalued, unsafe and disrespected by his manager. His GP was concerned about the escalation of symptoms over a series of months despite a return-to-work full hours at an alternate site. The GP coordinated psychological adjustment counselling and recommended mediation to bring the parties together. Max already had a rehabilitation provider supporting him and an Injury Manager from his employer.

PRE-MEDIATION FINDINGS

Max requested that his rehabilitation provider attend the pre-mediation discussion for support, as he was anxious about meeting someone new. The mediator quickly developed rapport with Max as he started to provide his perspective.

It became clear that he had a strong desire to be heard, share how he had been feeling and ensure that by doing so others did not need to be exposed to the same experience. The mediator suggested that although it would be challenging for Max to attend the mediation independently it would provide a sense of empowerment and confidence.

Max could see the value but was concerned he would be unable to express himself clearly.

It was agreed that the rehabilitation provider would assist Max to prepare his thoughts and the mediator suggested he attend with some notes he could reference.

It also became clear that Max's Manager, Ross also had a new boss, and it might be worthwhile considering their involvement to demonstrate broader company support.

Premeditation meetings with the employer revealed a willingness to apologise for any unintentional offence and to share the changes that had been underway whilst Max had been working in an alternate department - the Senior Manager was keen to detail his strategy to access feedback and implement change

OUR MISSION

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

MEDIATION

Max attended the mediation on site alone (both significant steps forward). It should be noted that a collaborative series of contacts from the mediator, IMA, Rehab provider and GP were required to enable this .

Max was able to clearly share his perspective and have the confidence to correct any misconceptions.

OUTCOMES

- ✓ Parties all found the mediation productive and successful.
- ✓ Commitment was provided to improve engagement, communication, and visibility of the change strategy within the department.
- ✓ Max was provided with an apology and his employer shared the mechanisms underway to ensure increased awareness and ensure other employees did not have the same experience.
- ✓ Management encouraged Max to participate in departmental feedback sessions to continue to share his insights.
- ✓ Max saw his GP the following day who had been provided with the outcomes of the mediation and was certified fit to resume work in his original department on a graduated basis.

All involved parties worked collaboratively to support Max's return to work - all were clear on their role. The discrete intervention of mediation - was able to shift the dial on a protracted claim which was spiralling

Max is on target to resume full preinjury duties. He is engaged with his employer and eager to upskill and advance in his role.

VALUE

By investing \$2,500 in mediation, the organisation was able to get Max back to full normal duties.

They were able to retain an engaged, hard-working employee (in an environment where it is difficult to attract staff), mitigate a secondary psychological injury claim and reduce the overall claims cost.

Indicative saving: including potential secondary psych claims, wages and psych treatment upwards of \$30k

Referral to mediation outcome: 8 working days