

## Mediation Information for Union Representatives

### Why do I need to know about mediation?

From April 2009 the government has introduced a new legal framework for individual employment disputes and is supporting an expanded ACAS helpline service. These changes are likely to promote a wider use of early dispute resolution, including mediation, in issues and disputes involving your members. The impact of changes in employment legislation is always difficult to predict. But one thing is certain: union representatives and full time officials will have to respond to members' questions about mediation and employer initiatives to use mediation in individual cases such as workplace mediation schemes.

### What is mediation?

Mediation is a process in which disputing parties seek to build agreement and/or improve understanding with the assistance of a trained mediator acting as an impartial third party. Mediation is voluntary and aims to offer the disputing parties the opportunity to be fully heard, to hear each other's perspectives and to decide how to resolve their dispute themselves.

### Why use mediation?

Mediation is a solution-seeking procedure about finding a way forward that satisfies everyone. It has the potential to enable employees to resolve individual disputes with their line manager or colleagues or others in a mutually acceptable way which can maintain and adjust the working relationship. Using Tribunals and Courts will often result in one party losing and as a judgment can only cover remedies available in the law, it cannot be customised to suit the needs of the parties. Many employees suffer stress and depression as they go through the Tribunal system.

However, mediation is not always appropriate. It is important that an employee who has been offered or is thinking of asking for mediation, only proceeds on the basis of informed consent. Union reps will therefore need access to information about mediation, including the pros and cons and safeguards for members entering mediation.

## Free information and resources

SMN is a voluntary organisation funded mainly by Scottish Government and our member subscriptions. We do not provide mediation services – we are a network of mediation providers, users and others interested in mediation. Our members include trades unionists and we encourage you to join if you wish to develop your interest in mediation. Whether or not you join, our information is freely available to you.

Our website contains many free resources to download including a regular e-newsletter Collaborate and a discussion document “Should I try mediation?” written for union members and reps by full time union official, David Bleiman.

## For information on mediation

**Visit:** [www.scottishmediation.org.uk](http://www.scottishmediation.org.uk)

**Call the Scottish Mediation Helpline:** 0131 556 8118

**Email:** [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk)

The Scottish Mediation Network is a registered charity funded by the Justice Directorate of the Scottish Government.