

Impactful Conflict Management for Leaders: Mediation Skills

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OFFICE OF THE OMBUDSMAN
FOR UNITED NATIONS
FUNDS AND PROGRAMMES



OUR OBJECTIVE

- **Describe** mediation as an **informal component** of the administration of justice at the UN
- **Showcase** how mediation is **making a positive difference** in addressing and resolving workplace conflicts
- **Explore** the guiding principles of mediation and **see how it works in practice**
- **Discuss** skills that mediators use that potentially could be useful for managers and leaders

MEDIATION

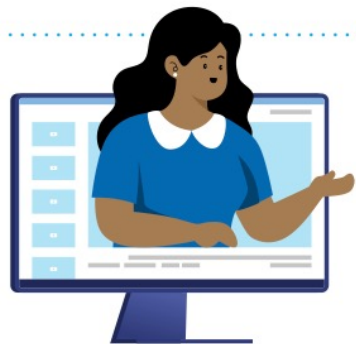
Facilitated confidential dialogue between two or more disputing parties with the assistance of an impartial & neutral third party—the mediator.



WHAT ARE THE **THREE** MOST COMMON WORKPLACE ISSUES THAT MAY BE CONSIDERED FOR MEDIATION?

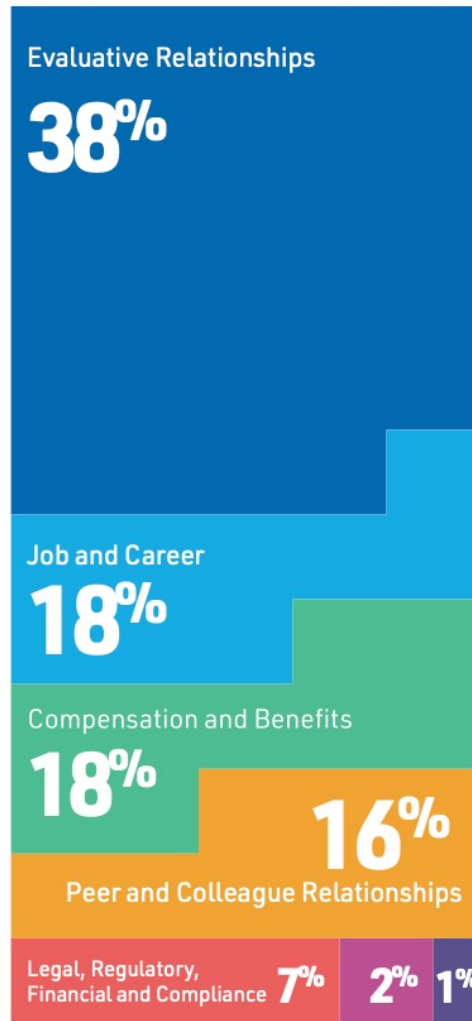
- A. Peer-Colleague, Legal & Regulatory, Values & Ethics
- B. Values & Ethics, Safety & Health, Work-life balance
- C. Supervisee-Supervisor, Job & Career, Compensation & Benefits
- D. Legal & Regulatory, Compensation & Benefits, Safety & Health
- E. Legal & Regulatory, Supervisee-Supervisor, Work-life balance

Mediation Highlights of 2020



1000+
colleagues attended mediation webinars

Breakdown of issues in mediation cases (%)



● Safety, Health, Wellbeing, Stress and Worklife
● Values, Ethics and Standards

63

on-call mediators from around the world available to mediate conflicts involving all personnel of the five organizations served.



450+

HR colleagues trained on mediation referral techniques

Our survey shows that

100%

of users recommend mediation regardless of the outcome

★★★★★ Testimonials

Anonymous accolades or comments from those who have been a party to a mediation.

"I did not reach out to the Office but was 'taken' or 'reported' - as I initially took it, to the Office. At the end of it, it was a very useful, productive, learning and growth opportunity. I never thought I would end there, but glad that I did and learnt so much. The mediators were very professional, understanding, empathetic, used the right approaches and made us value each other in ways we had not done before. I am fully satisfied with the process and do appreciate the outcome. I now see the relevance of the Office more than before and would recommend this process or procedure for any manager or staff who find themselves in the situation we both did."

————— **Manager** —————

"The mediator was outstanding. With his exceptional mediator and legal skills, he was able to understand the issues and facilitated the mediation process."

————— **Consultant** —————

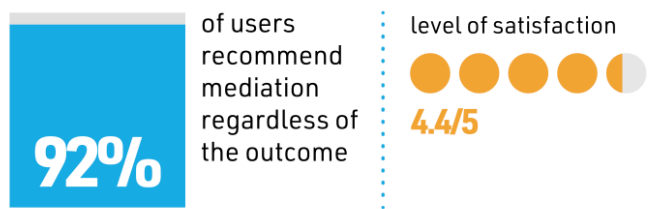
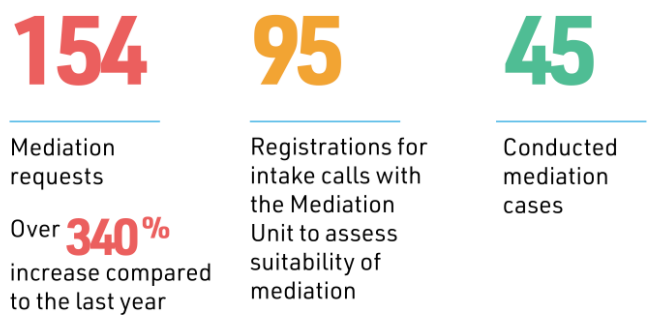
"Mediation played an important role in bringing significant changes in the relationship between my supervisee and me, including helping me understand better how I can support my team."

————— **Manager** —————

Our survey shows an average rating of

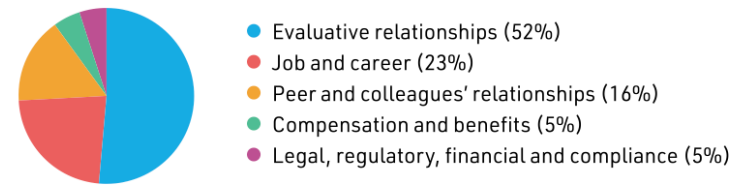


Mediation Highlights 2021

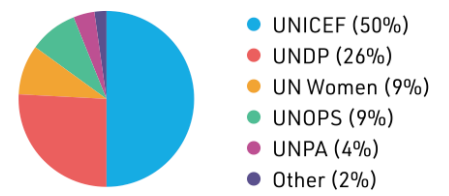


In 90% of cases mediation takes less than **16 hours**, i.e., 1-4 mediation sessions are sufficient to find a resolution.

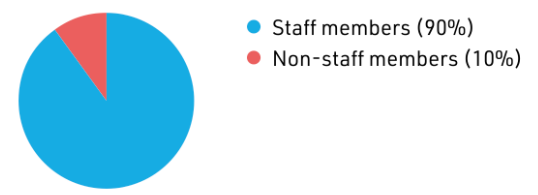
Breakdown of categories of cases



Mediations by agency



Mediation by category of staff



★ ★ ★ ★ ★

Testimonials

Anonymous accolades or comments from those who have been a party to a mediation.

I thank the mediators involved in the process and praise them for their competency, specially [X]. I was patiently heard in a delicate moment when I was feeling extreme vulnerable. They were super respectful and conducted the process in the most diligent way possible. The session was conducted with a high level of professionalism.

This is the first experience I have with mediators and really grateful to have been guided through the process by them.

The process was managed very well.

Great experience, well facilitated.

Mediators were very nice , helpful and supportive.

The process help me with information and skills on how to relate to my supervisor which made to take charge of what I can control.

TYPES OF CONFLICTS - EXAMPLES

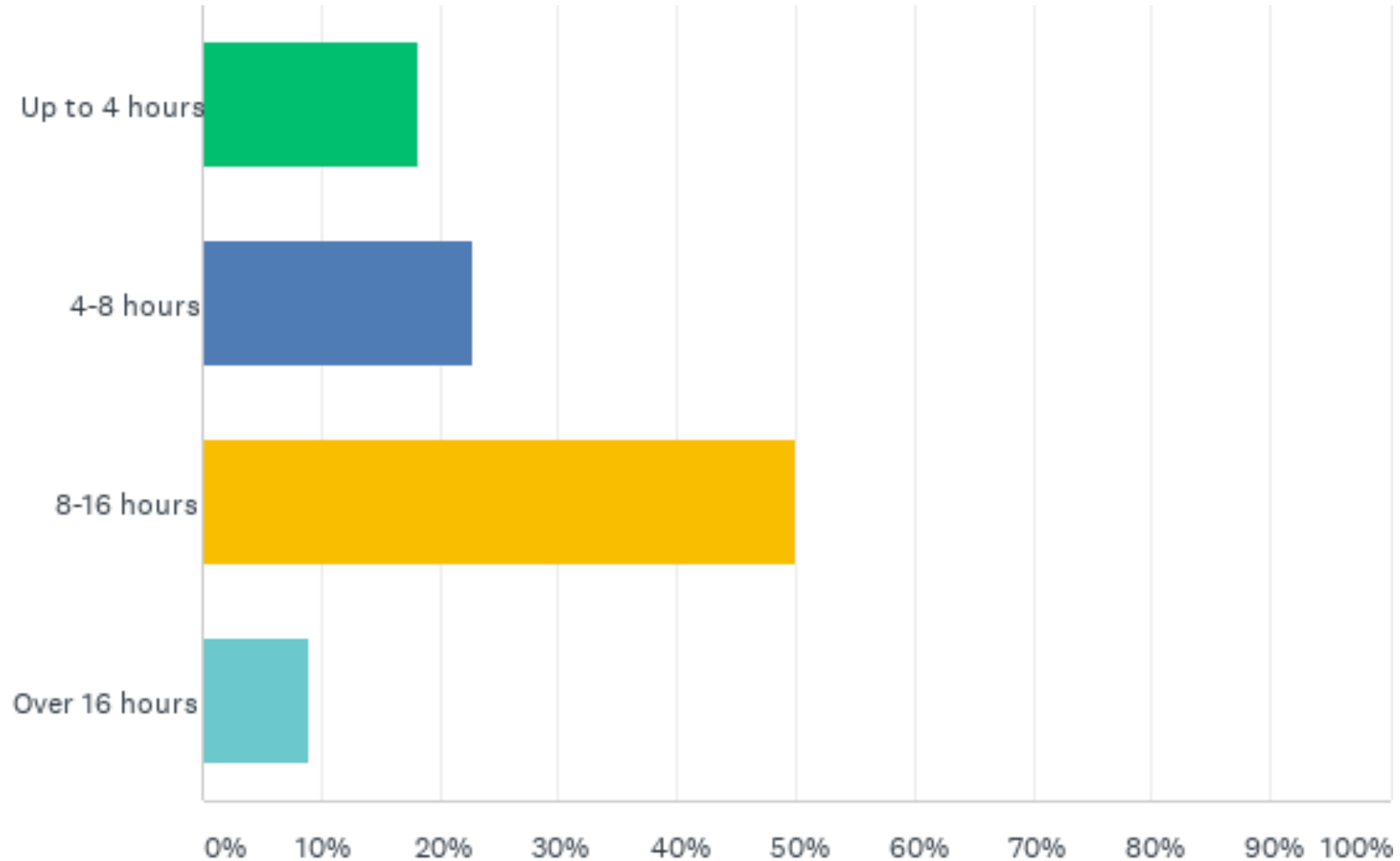
- *Case involving harassment claims, entitlement, change of positions, and performance challenges*
- *Case involving former friends who applied for the same job, resulting in one friend becoming the other's supervisor*
- *Case involving personal matters and performance challenges, leading to resignation*
- *Case involving reorganization and termination after serving 20 years in the organization*
- *Case involving a consultant who sued the organization in arbitration*



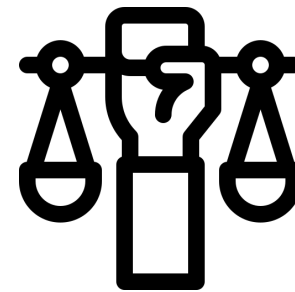
FINANCIAL BENEFITS OF MEDIATION

- Mediation is free for all personnel.
- Mediation can save significant financial resources, e.g., a 2015 Joint Inspection Unit review of the ombudsman services across the UN found formal vs. informal ~\$22,000 saving per case.
- A case of \$50,000 in dispute would cost both parties *at least* \$192,580.56 in AAA/ICDR arbitration, not counting expert fees.
- Mediation is significantly quicker than litigation/arbitration/investigation.

How long does mediation take?



PRINCIPLES OF MEDIATION



SELF-DETERMINATION



- *The mediator does not make a decision that is imposed on the parties.*
- *The parties decide for themselves.*
- *Self-determination both in process and in outcome.*



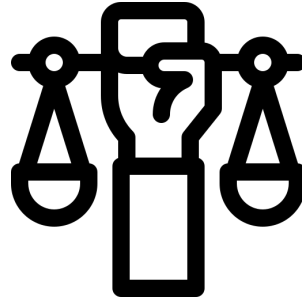
CONFIDENTIALITY



- ***The mediator will not disclose what has been said during bilateral or joint sessions without the express permission of the parties.***
- ***Parties need to respect confidentiality.***
- ***Only exception to confidentiality - imminent risk of serious harm.***



NEUTRALITY & IMPARTIALITY



The mediator:

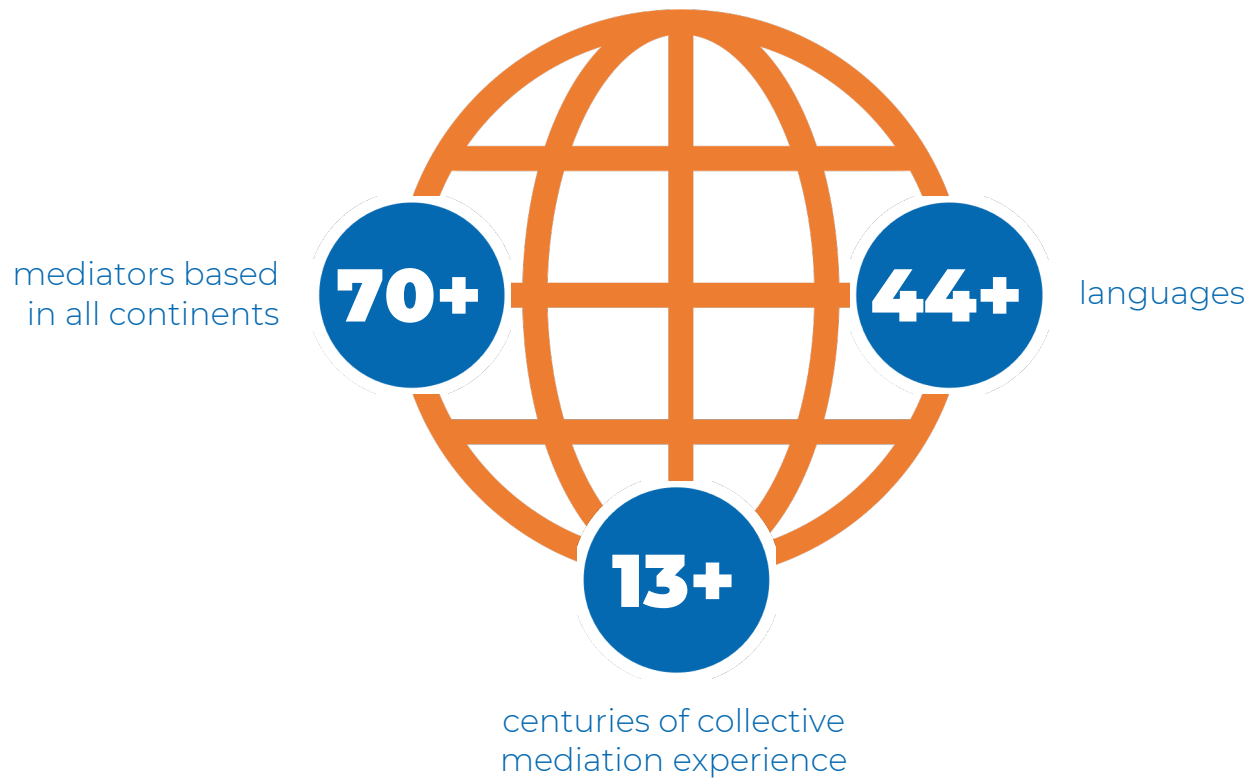
- ***Does not take sides***
- ***Does not have a stake or conflict of interest in the outcome***
- ***Does not provide legal advice to the parties***
- ***Equal opportunity to both parties***



UNFPA'S MEDIATION PLEDGE

- *In the event of a workplace conflict between UNFPA and a member of its personnel, the organization is prepared to discuss the possibility of resolving the conflict through Mediation.*
- *At the request of the member of personnel or of UNFPA, an initial discussion on the suitability of Mediation will be hosted by the Mediation Unit of the Office of the Ombudsman for United Nations Funds and Programmes.*
- *At any time during the mediation process after the initial discussion, if one or both parties believe that Mediation is not viable in their case, either party may withdraw and proceed with formal options to resolve the matter.*

Global Mediation Panel



Listed as mediators on the panels of leading mediation centers and international organizations



Diverse experience ranging from attorney, HR to Justice of the High Court

MEDIATOR'S INTENTION THAT COULD BE USEFUL FOR SUPERVISORS AS WELL

**Fostering Empathy and Understanding,
helping parties feel heard.**

- **Active Listening**
- **Clarifying Questions**
- **Summarizing**
- **Paraphrasing**
- **Reframing**
- **Shifting Focus**





Practical Exercise

You are in the Performance Assessment discussion

Malcolm, the Chief of the Nutrition team, wants to address growing tensions with his direct report, **Freda**.

Freda is a Nutrition Manager who manages a team of 3. Due to ongoing family challenges, **Freda** frequently takes leave. She also often requests a change in her work schedule to accommodate her family situation (with the same amount of work hours). On the one hand, **Malcolm** wants to be empathetic, but on the other hand, he wants to be fair to others as well who may need the same schedule. **Freda** seems unaware of **Malcolm's** concerns. In fact, two of **Freda's** supervisees have requested a flexible work arrangement but because of her own schedule, she thought it was not a good idea. Both supervisees complained to **Malcolm**.

During this year's performance assessment discussion, **Malcolm** indicated to **Freda** that he would likely rate her "Solid." **Freda** is disappointed and believes that the work plan deliverables exceed in quantity and quality. **Freda** also thinks that **Malcolm's** assessment is influenced by her work schedule, which is unfair, as often she works more than required, let alone performs tasks that are not in her job description.

Freda and **Malcolm** are meeting for a performance assessment discussion first time.

Thank You!

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fpombudsman.org/what-we-do/mediation/

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