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When And Why To Use An External Mediator

by Tim Hicks

With the growing recognition that mediation is an important element in an effective conflict management system, many corporations are training in-house mediators who are then available to provide mediation to fellow staff who are involved in a dispute.

There are benefits and problems with this approach. On the positive side, training internal mediators increases the level of conflict management and conflict resolution skills in the organization. Further, there are some disputes that can be satisfactorily mediated by a fellow-staff-member mediator.

However, there are three major problems associated with this approach:

- An internal mediator can not be completely neutral or impartial, at least in the eyes of the disputing parties. Only in larger corporations is it possible to use an internal mediator whose job is at some considerable distance from the positions of the disputing parties. Even in a large corporation, parties may be aware of the possibility of working in closer association with the mediator at some time in the future. In most circumstances, there are lines of organizational relationship between the internal mediator and the parties. In one way or another, disputing employees will behave differently with an internal mediator than an external mediator based on their perception of the internal mediator as a fellow employee. The internal mediator is also likely to behave differently than an external mediator based on his or her perception of the parties as fellow employees.
- Confidentiality, one of the most important elements of mediation, can never be complete when the mediator is a fellow employee. Though the internal mediator may be trusted not to reveal any details of the mediation to others, nevertheless, the internal mediator is privy to the details of the mediation wearing his or her other hat of fellow employee. All of the parties involved will always be aware of this and will have to deal with this shared knowledge whenever they are working together in the workplace. This dual relationship between the parties and the internal mediator muddies the mediation waters and can muddy future working relationships.



- An internal mediator, with minimal training and experience, may not have the skills to effectively mediate more serious disputes, nor the time to devote the necessary attention to the case. This may have two results: a conflict that could have been satisfactorily resolved with the involvement of a more experienced mediator may not be successfully mediated by the internal mediator; staff may have less confidence in the mediation program.

Finally, these three problems may lead to the unfortunate result of staff not choosing to use the mediation option as often as they otherwise might. This, of course, defeats the original purpose for establishing and investing in the program.

One of the justifications for training internal mediators is cost related, the idea being that internal mediators will be less expensive than external mediators. However, the cost of the internal mediator's time may be not much less than the fee charged by an external mediator, especially if the internal mediator is being brought from another division and geographic location within the company. If, indeed, staff choose not to use the program because of the problems associated with internal mediators, then the significant training investment is lost.

Mediation training for managers and staff will help them better deal with the minor conflicts that occur in the workplace. Many disputes can be resolved with the informal intervention of a fellow staff member or manager. However, for a mediation program to be successful in the corporate setting, access to an external mediator is critical. If an internal mediator program is instituted, it should include the option for staff to request an external mediator. The more serious the conflict, the more important it is that the parties have access to an external mediator.

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