



Department of

**Human Resources**

# Mediation for Workplace Conflicts

Tennessee Employee Mediation Program

# Agenda



- Define workplace conflict
  - Causes
  - Costs
- Discuss ways to avoid and handle workplace conflict internally
- Explore the Tennessee Employee Mediation Program as a resource for handling workplace conflict externally

# What is Workplace Conflict?

- Organizational conflict, or workplace conflict, is a state of discord caused by the actual or perceived opposition of needs, values and interests between people working together.



# A Note about Conflict

- Conflict is NORMAL and HEALTHY
  - Vital ingredient to success
  - Most effective teams = members feel safe enough to disagree
  - Culture where respectful dissent is allowed & encouraged can spur INNOVATION, DIVERSITY of thought, and better DECISION-MAKING.
  
- However... conflict becomes unhealthy when it becomes PERSONAL and EMOTIONAL, and judgments are CLOUDED.

# Common causes of conflict

**Conflicting priorities**

**Conflicting perspectives**

**Conflicting assumptions**

**Conflicting tolerances**

# Costs of Workplace Conflict

- Waste of organization time
- Infection
- Turnover (Re-training, recruitment, interviewing)
- Complaints, lawsuits
- Low staff morale
- Low productivity
- Loss of focus on organizational goals & objectives
- Burn-out by managers



# Best Practice Tips to Avoid Conflict

1. Big picture view
2. Diversity training
3. Defined expectations
4. Behavioral expectations
5. Warning signs



# Conflict is INEVITABLE

- In a perfect world, these steps should purge all workplace conflicts.
- However, we know that certain personalities and egos are bound to clash at some point...



# Handling Conflict at the “Local Level”

- Who? Manager, local HR/legal...
- Handle ASAP!
  - Handle issues as they occur.
  - Don't wait until they get out of hand.
  - Be upfront & direct, and handle face-to-face.
  - DO not verbally spar via e-mail; tone issues
- Avoid making assumptions
  - Don't sweep it under the rug, assuming things like:
    - “Betty is just really sensitive.”
    - “Larry is just stressed about buying a new home.”
- Uncover the true issue

# Tips for addressing conflict at the local level

1. Schedule a meeting to address the problem, preferably at a neutral place.
2. Set ground rules (i.e. respect, active listening)
3. Ask each party to describe the conflict and desired changes, using “I” rather than “you” statements. Ask them to focus on specific behaviors, rather than people.
4. Ask participants to restate what the other person said.
5. Summarize the conflict based on what you have heard, and obtain agreement from participants.

*Source: Society for Human Resource Management*

# Tips for addressing conflict at the local level

6. Brainstorm solutions.
7. Summarize all possible solutions and narrow down to the best option(s).
8. Make sure all parties agree on next steps.
9. Close the meeting by asking them to shake hands, apologize, and/or thank each other for working to resolve the conflict.

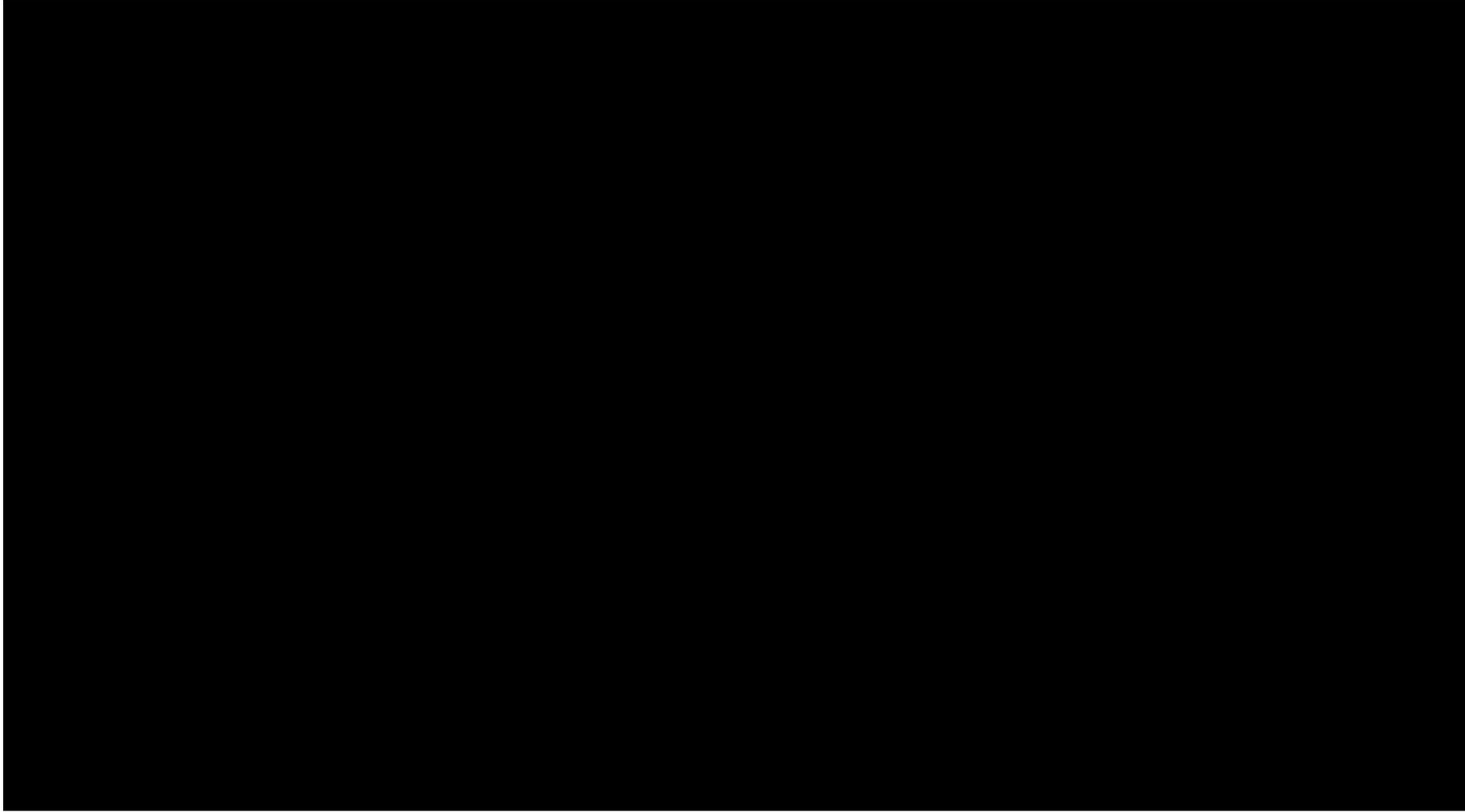
*Source: Society for Human Resource Management*

# Remember!

- The participants need to know **THEY** are responsible for the results of the meeting, and **THEY** are the ones developing a solution.
- **YOU** are there to facilitate the discussion.



# What Not To Do...



# When should HR get involved?

- Employees are threatening to quit over the problem
- Disagreements are getting personal
- Employees have lost respect for one another
- Conflicts are affecting organizational morale and success



# Moving on up...

- While it is acceptable and possible to address conflict at the “local level,” sometimes it is not enough...



# When should you seek formal mediation?

- When potential legal issues are involved
- When HR doesn't have time or training to provide the conflict resolution assistance needed
- Patterns of recurring issues
- Flare-ups are becoming abusive or resemble bullying
- Manager needs re-training that can't be done by supervisor, agency, facility, etc.
- Toxic environment

# Tennessee Employee Mediation Program

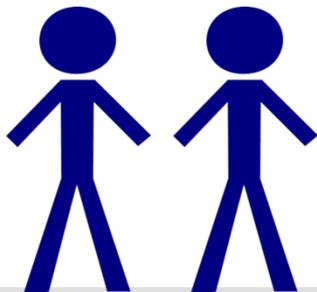
- The Tennessee Employee Mediation Program (“The Program”) is offered by the Tennessee Department of Human Resources.
- The Program was developed in 2012 as a resource for state employees, supervisors, and agencies to resolve common workplace conflicts or misunderstandings.



# Who participates?

- Mediation is a process where employees, with the assistance of two third party neutrals (the mediators), work together to develop and agree upon solutions to issues in the workplace.
- An agency representative, known as the designee, also attends each mediation on behalf of the Appointing Authority.

Employees



Mediators



Designee



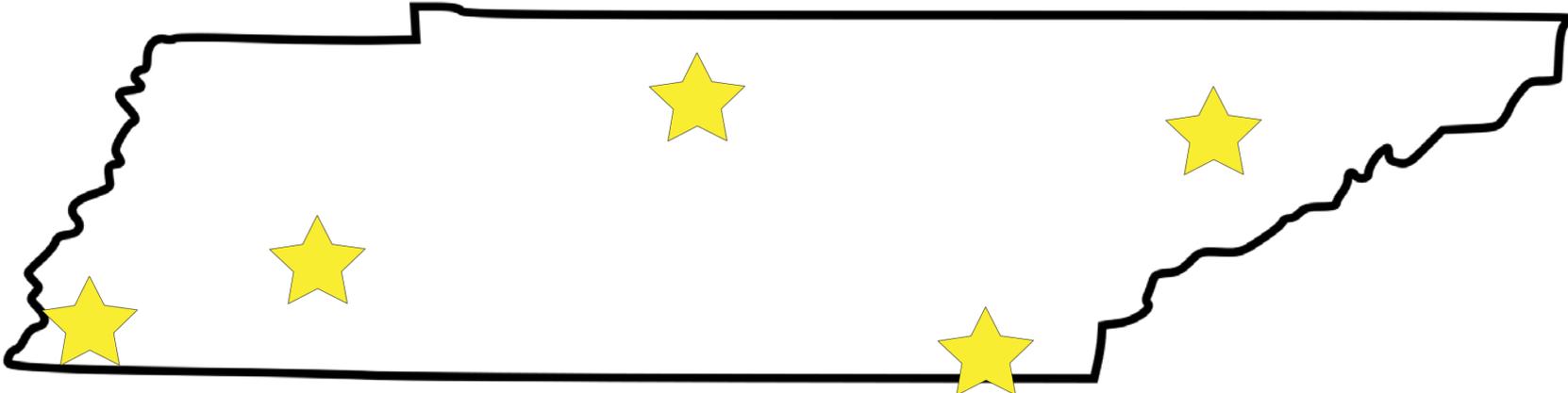
# What can be mediated?

- Disciplinary action taken against an employee involving suspensions, demotions, and terminations.
- Workplace harassment and discrimination as defined by DOHR.
- Involuntary geographical transfer of an employee or official duty station more than fifty miles.
- Prohibited political activity as outlined in the “Little Hatch Act.”
- Other workplace issues involving a relational, communication, or values conflict in state government employment.

# Not eligible for mediation

- Non-selection for promotion
- Reductions-in-force
- Shift, post, and overtime assignments
- Reasonable work assignments outside of the employee's job classification
- Salary ranges
- Salary increases
- Position classifications
- Denial of leave requests
- Terminology, formation, intent, implementation, or construction of agency rules or policies
- Any other matter over which the Appointing Authority has no control or jurisdiction over

# Where are mediations conducted?



# Benefits of Mediation

**Flexible**  
**Informal**  
**Confidential**  
**Neutral**  
**Voluntary**

# Why does it matter? THE BOTTOM LINE

- Society for Human Resource Management (SHRM) survey found that 72% of employees rank “respectful treatment of all employees at all levels” as the TOP factor in job satisfaction.

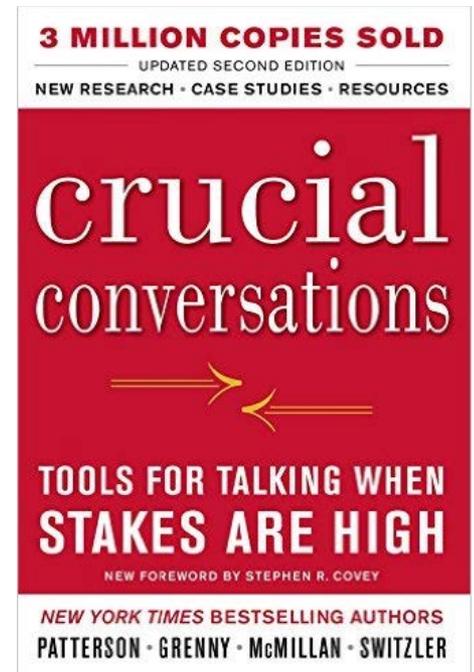
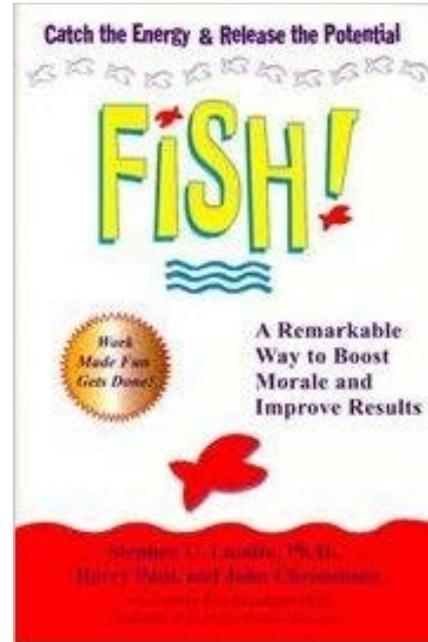
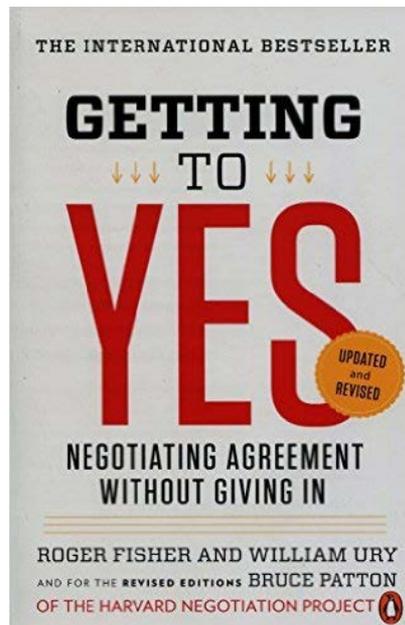
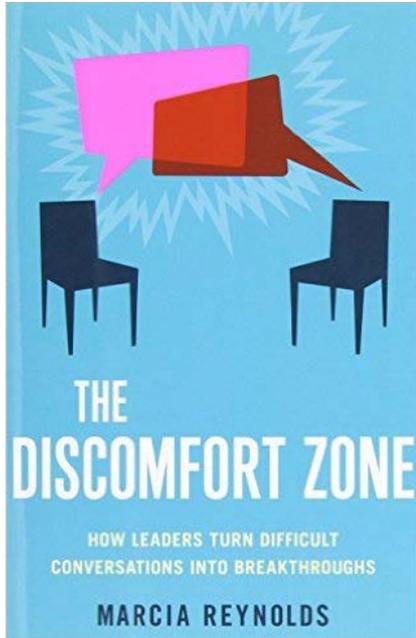


# Final tip

- Create a culture of TRUST!
  - Survey employees
  - Catch people doing things right
  - Welcome dissent
  - Create diverse teams
  - Create accountability
  - Encourage people to manage their own conflicts
  - Provide training



# Further reading...



**For questions regarding  
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