

MEDIATORS NEVER WEAR RED:

Is mediation ever an appropriate intervention into workplace bullying, or might we just as well wave a red cape in front of a raging bull?

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What is the role of the mediator in workplace bullying?

If you believe some experts - academicians, practitioners, or popular media pundits - the answer is an intense "absolutely none." Mediation, they claim, is never an appropriate intervention into a claim of workplace bullying.

Bullying has become a ubiquitous term encompassing a wide range of behaviors, from annoying to abusive, distracting to deeply distressing. When and where bullying behaviors are violent or abusive, I totally concur.

From there, our paths diverge.

The vehement "no mediation" response is justified by citing the power or status disparity embedded into a dynamic of workplace bullying. There is also anticipation that a "victim" who is already vulnerable will be further compromised by a requirement to participate in mediation with the "bully".

Let's explore these assumptions.

It is our responsibility as mediators to create and ensure a safe space for the process to unfold. In an intervention into workplace bullying, as in any mediation, the mediator is obligated to consciously assess the power element - one of many factors to be considered in determining whether mediation is an appropriate intervention to address the multitude of behaviors that may rightly or wrongly be labeled as workplace bullying. The disparity of power implicit in a workplace bullying relationship need not be a barrier to mediation.

Imbalance of power creates a potential abyss that must be bridged if we're to create a safe environment for mediation - any kind of mediation - and mediators are skilled in assessing and addressing the discrepancy of power inherent in most workplace relationships. We know that power is not necessarily about rank. Even given a typical superior-subordinate relationship, an individual's power is in their resources - knowledge, access, credibility, relationships, politics, self-expression.

So, the front-line worker who is the director's golfing buddy, or the receptionist who controls access to the boss, or the long-timer who is the keeper of all of the historical agency secrets, or the employee who won high school debates, may wield considerably more power than the person for whom English is a second language, or a new supervisor brought in from out-of-state, especially if the newbie is perceived as having a mission to "clean up" the workplace, or was selected instead of internal candidates.

We are ethically obliged to promote self-determination in dialogue and decisions, and in this context we work with the parties to evoke the source of their professional and personal power. Part of our pre-mediation session might include practicing different responses toward the person who will be sitting on the other side of the table. The targeted worker who believes him or herself to be powerless may in fact develop greater confidence through this process. Addressing the perception of powerlessness and victimization changes the interaction dynamic. So does our ability to name and bring awareness to the subtle, covert, or even passive-aggressive expressions of power so common in bullying.

What about a requirement of participation in the mediation process?

Even when participation is presumably voluntary, one of our preliminary tasks is to ensure that each party's engagement is really their choice, and that this initial decision is informed. The pre-mediation conversation is the occasion to address expectations, misconceptions and previous experiences.

My preference, and yours I'm sure, is that mediation is always an option, rather than an order. Mandated mediation is a challenge to the integrity of the process, and can certainly impinge the outcome. I've experienced very few compulsory mediations, so lots of employers seem to get this right.

When interpersonal interaction gets in the way of the organization's mission or productivity, as in claims labeled as "bullying", the employer's objective is clear: "get along", "work it out", so we can all get back to business, or consequences will ensue, no matter who is right or wrong. Especially when communicated with little compassion and less support, this expectation looks, sounds, and sure feels like a command.

Whether suggested or required, mediation just may be the best (often the only) prospect for the parties to resolve for themselves how to work compatibly. Mediation presents an opening for each party to identify options to achieve their own objectives, as well as the employer's. Clarifying the advantages of mediation, as well as the realistic limitations of the process, provides information needed to make an informed and genuinely voluntary decision regarding whether to proceed with mediation.

But sometimes it's just all too threatening, or too overwhelming. Especially if people are already locked into their roles as "victim" or "bully", it's asking a lot to shift their perspective - to look at (not necessarily agree with) a situation from the other's point of view, and to look at their role in the situation. That's where reluctance and resistance often surfaces. So have we come to the end of the mediation road?

There's a way around these obstacles: the behavioral agreement.

Some may feel that a behavioral agreement is superficial, yet I find this to be a viable entre into the mediation process for claims of workplace bullying.

As mediators we may practice a particular style: transformative, evaluative, facilitative, narrative. Or, we may choose a tool from any approach as befits the moment. I encourage mediators dealing with workplace bullying to include a behavioral approach as part of our toolkit. Guiding the participants in a bullying dynamic to use the objective and descriptive language of behavior begins to take the sting and stigma out of the common language of "bully" and "victim".

We can frequently frame a behavioral agreement that feels less threatening and more empowering to the parties. A behavioral agreement is in fact objectively enforceable and sustainable: "When Ann is within two feet of Bob's physical space, Bob will use the following phrase to cue Ann to move back" as distinct from "the parties will treat each other with respect when in each other's office."

And of course respect in the workplace is our purpose, because where respect exists, bullying cannot.

Beyond this brief discussion of the viability of mediation as an intervention into situations of workplace bullying, the mediator can have a profound impact upon this huge, complex, multi-layered, and controversial issue. I implore workplace mediators and conflict resolution professionals to take on the task of changing the language of the workplace bullying conversation. Toward this aspiration, I hope we've inspired more questions than answers.

The author invites readers to continue the conversation about workplace bullying - share insights regarding the impact of language and labels - contribute experiences with alternative approaches and interventions.
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