



Mediation of Employment Disputes

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Organizations need to adopt an in-house conflict management structure that prioritizes mediation as an important dispute resolution process that can enhance effective performance within an organization.

What is mediation?

It is a voluntary, non binding dispute resolution process in which a neutral third party helps the parties reach a negotiated settlement which, when reduced in writing and signed by all the parties, becomes binding. Mediation is fast and avoids more formal and costly routes by guiding participants towards reaching mutual acceptable solutions. It also creates a safe and

confidential space for those involved to find solutions that are acceptable to each side.

Some of the key persons involved in the mediation process include:

1. **The coordinator:** This person plays a key role in the initial stage of a conflict in determining whether the conflict in question is suitable for mediation or not.
2. **The mediator:** This is an impartial third party that facilitates the parties in dispute in reaching mutually binding concessions on the matter giving rise to conflict.

Mediation is not suitable to address all the conflicts arising at the workplace and where a coordinator recognizes concerns and/or doubts over a referral to mediation it is prudent to have the matter resolved using the more traditional routes to resolution.

Some of the types of matters that may be suitably resolved by mediation include:

(a) Breakdowns in relationships owing to communication problem

Here mediation provides an opportunity for discussion with the management team and arriving at a workable solution. For instance to address harassment and bullying

(b) Performance management

Seeking to manage a return to work after absence occasioned by say suspension. Employers will find that a supportive return to work strategy supplemented by mediation is highly effective in addressing the issues that caused the suspension from work.

At AIP Advocates, we have lawyers who will guide you on legal matters arising from employment law while ensuring your interests are protected.

Do reach out to us on the contacts below for assistance:

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