



Banc Ceannais na hÉireann  
Central Bank of Ireland

Eurosystem

# Mediation Policy

January 2023

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## Introduction

The Central Bank of Ireland (the Central Bank) endorses workplace Mediation as a voluntary process that may be used, where appropriate, to resolve work-related disputes in a consensual, efficient and informal manner. Participation in Mediation is a matter of individual choice and does not impact in any way with colleague's rights under any other Central Bank policy.

Mediation is designed to be a positive process as it focuses on the future, rather than trying to apportion blame for past events. Managers are responsible for seeking to resolve conflict within their team but, if they cannot do so, Mediation could be a solution. Both parties to the dispute must be in agreement to engaging in mediation to seek to resolve the conflict.

Colleagues are encouraged, in consultation with their advisor(s), line managers, or recognised union/staff representative, to consider using mediation (in appropriate circumstances) as a form of conflict resolution. Colleagues seeking to learn more are encouraged to discuss with the Mediation Co-ordinator (see below).

## Purpose

The purpose of a workplace Mediation framework (scheme) is to provide a mechanism to resolve workplace disputes informally and as close to the source as possible without recourse to formal processes which at times can be more time consuming and adversarial and difficult for those colleagues concerned.

## Scope

This policy applies to all Central Bank employees.

# Policy Statement

- Mediation involves an impartial third party bringing two or more parties together with the aim of reaching a mutually acceptable agreement. It is a confidential and informal way to resolve disputes between people who work together with the assistance of a trained Mediator;
- The process is voluntary, not legally binding and without prejudice to colleague's rights under any other Central Bank policy or otherwise. It is expected however that any colleague participating in mediation will approach the process with an open mind and desire to find an agreed solution;
- Mediation distinguishes itself from other forms of conflict resolution in a number of ways, namely it is:
  - informal and does not form part of the Grievance or Disciplinary Procedures;
  - flexible;
  - voluntary;
  - agreed as the parties are assisted in working out their own solution rather than having something imposed on them; and
  - less protracted than other dispute resolution procedures.
- It is impartial and confidential and encourages individuals to take charge of their own decisions and accept responsibility for the consequences of these decisions. Mediation aims to resolve conflict at an early stage to reduce tension, anxiety etc. It can be particularly suited to conflict in relation to work or management styles, working arrangements and environmental conditions, for example:
  - Interpersonal conflict/ personality clashes;
  - Perceived discrimination, harassment and bullying (please also refer to the Central Bank's Dignity at Work Policy);
  - Perceived unreasonable work demands;
  - Perceived inappropriate behaviour or treatment;
  - Differences of working style or approach;
  - Communication breakdown; and
  - Inappropriate use of power, status or position.

- The Central Bank reserves the right to address any issue through its formal procedures in certain circumstances rather than through Mediation.

## Supporting the Scheme

The Central Bank will support the scheme by:

- ensuring that Mediators have the necessary time to undertake Mediation (subject to meeting their other work commitments);
- ensuring colleagues are aware of the scheme and how it may be used to resolve conflict;
- appointing an appropriate member of staff to perform the role of 'Mediation Co-ordinator' who will act as administrator and owner of the Mediation Policy.

## Parties to Mediation Process

### Mediators

- Mediators will typically be Central Bank employees who have undergone the necessary training to qualify as a recognised Mediator. They will be independent and remain neutral to the situation to ensure impartiality. They will generally work alone but, in some appropriate circumstances, will not be precluded from working in pairs.

### Representation

- While experience generally suggests that Mediation works best when involvement is restricted to those directly involved in the dispute, it is acknowledged that in certain circumstances the direct involvement of an employee representative (i.e. union or other colleague representative) can have an important role in assisting the process.

### Mediation Co-ordinator

- The Mediation Co-ordinator is responsible for reviewing the circumstances and determining, on a case-by-case basis (if necessary, in consultation with relevant line management and People Business Partner), if Mediation is appropriate given the circumstances. If they consider Mediation is worth exploring they will appoint a Mediator. The decision of the Mediation Co-ordinator will be final in this regard.

## Role of Mediation Co-Ordinator

- In deciding whether or not Mediation is appropriate in a particular situation, the Mediation Co-ordinator will have regard for the fact that Mediation:
  - should be sought by the Line Manager or People Business Partner when other means of conflict resolution have been attempted (e.g. attempting to resolve the matters between themselves directly or escalating to the line manager);
  - should not be used by a line manager to avoid managerial responsibilities;
  - should not be used in circumstances where there is an issue with behaviour and/or performance and the matter would be more appropriately dealt with through other Central Bank policies/ procedures; and
  - should not be used where either party has engaged with informal processes and is now seeking a formal investigation.
- They will not be privy to any details/ discussions during Mediation nor will they receive a copy of any Mediation agreement. However, they may be appropriately consulted by a Mediator to ensure any proposed solution(s) aligns with Central Bank practice and policy. They will also be informed of the outcome of the Mediation discussion;
- They will maintain a record of Mediation requests received from Line Managers and/or People Business Partners and record details of the Mediator appointed, outcome of the Mediation process etc. They will also inform the relevant line management and People Business Partner on outcome of the process; and
- Further details on Mediation in the Central Bank are available on the Mediation page on Plaza.

## Confidentiality

- Unless otherwise agreed by the parties the contents of any discussions during Mediation will be kept strictly confidential between the parties involved and the Mediator. The exception to this would be if a party raised issues of harm to self or others, issues of serious misconduct or where a disclosure is required by law;
- A record of the Mediation process will not be kept on an employee's personal file and any notes taken by the Mediator will be safely destroyed once the process has concluded. Any agreement reached at Mediation will be confirmed in writing by the Mediator and this written agreement will be kept only by the parties involved and

not shared with others unless agreed by all parties and specifically detailed by the Mediator in the agreement; and

- Similarly, unless otherwise agreed, line management or People Business Partners will not be furnished with details of Mediation discussions other than advised on whether the process has been successful or unsuccessful.

### **Next steps (if Mediation is not successful)**

If the Mediation does not resolve the dispute, then the following will occur:

- Relevant line managers and People Business Partners will be informed; and
- The parties may seek to engage in another conflict resolution policy under another Central Bank policy such as the Dignity at Work or Grievance Procedure and should engage with their Line Manager and/ or People Business Partner to do so.





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