

## Mediation helps resolve workplace disputes early

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Fair Work Ombudsman mediators are helping more employees and employers to resolve their workplace disputes voluntarily.

In the past two years, mediators have assisted almost 11,000 workers to come to an agreement with their employer.

The workers have collectively been back-paid more than \$16 million without the need for the Agency to formally intervene.

Mediation is a free, confidential and voluntary process conducted by an accredited Fair Work Ombudsman mediator.

The mediation occurs soon after an employee lodges a request for assistance and is conducted over the telephone, usually taking less than 90 minutes.

A settlement is often reached on the day of mediation.

“It’s becoming an increasingly effective way for us to resolve workplace disputes quickly, efficiently and in a non-adversarial way,” says Fair Work Ombudsman Natalie James.

“Participants appreciate the neutral approach from a professional mediator who is not an advocate for either party.

“The process gives people the opportunity to discuss their dispute and find mutually acceptable solutions themselves.”

Ms James says a communication breakdown is often central to a workplace dispute.

“It is important employees receive their minimum lawful entitlements, but we are also conscious that most employers try to do the right thing and we are committed to helping them comply with workplace laws,” she said.

Small business, in particular, is finding the Fair Work Ombudsman’s mediation service a timely and efficient way of dealing with issues.

“Mediation is helping us to build a culture of compliance throughout the community because it equips employers and employees with the information they need and empowers them to resolve issues in their workplace.”

The Fair Work Ombudsman has recently released a two-part video series which explains what mediation is, what happens and possible outcomes.

The videos can be viewed at [www.fairwork.gov.au/mediation](http://www.fairwork.gov.au/mediation) (<http://www.fairwork.gov.au/mediation>)

The Fair Work Ombudsman first trialled mediation as means of resolving workplace disputes in 2009, and after encouraging results, adopted it as a core dispute resolution service in 2012.

In 2013 the Fair Work Ombudsman resolved 4625 matters through mediation, increasing to 6294 last year.

“Mediators help the parties focus on the relevant issues in order to reach an amicable outcome,” Ms James says.

Most matters being resolved by mediation are the result of requests from assistance from employees in the retail, accommodation and food services, construction and manufacturing industries.

The majority of matters are about underpayment of wages and penalty rates, non-payment of annual leave, wages in lieu of notice and redundancy.

“The goal is to arrive at an agreed resolution and terms that suit both parties,” Ms James says.

“Sometimes, parties require written terms of settlement, but on other occasions, a verbal agreement is often all that’s needed.”

The Fair Work Ombudsman has a number of tips on how parties can improve their chances of a successful mediation:

- Address situations early, as unresolved conflict can be damaging for businesses.
- The key to a successful mediation is good preparation.
- Allow sufficient time and choose an appropriate location for the mediation so you’re not interrupted.
- If decisions need to be made, involve someone with the authority to make them.
- Understand that mediation is a confidential process and discussions in mediation remain confidential.

The Fair Work Ombudsman website also has a range of tools and resources, including fact sheets, templates and an Online Learning

Centre with advice on issues such as handling difficult workplace conversations and managing workplace performance. Employers and employees seeking assistance can visit [www.fairwork.gov.au](http://www.fairwork.gov.au) or contact the Fair Work Infoline on 13 13 94.

Employees and employers can call 13 14 50 if they need interpreter services.

Follow Fair Work Ombudsman Natalie James on Twitter [@NatJamesFWO](https://twitter.com/NatJamesFWO) , the Fair Work Ombudsman [@fairwork\\_gov\\_au](https://twitter.com/fairwork_gov_au) or find us on Facebook [www.facebook.com/fairwork.gov.au](http://www.facebook.com/fairwork.gov.au) .

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