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MEDIATION IN WORK PLACES

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Mediation would be robbed of its legitimacy if it is viewed as a foreign programme taken up by the Tamil Nadu State Legal Aid & Advice Board in imitation of its counter parts in other countries. It is a traditional concept in our society, the panchayat; it has always meant a welcome intervention by third parties unconnected with the conflict with a view to overcome the antagonism of the disputants. The aim is to enable them to relate to each other. This is done by re^eestablishing communication between them. The conflicting parties are persuaded to talk to each other for finding a solution. The mediator is only a conduit.

THE PROCESS: The involvement of parties themselves in the process of mediation may not present much difficulty when the disputants are educated persons, such as employees in banks, insurance companies and the like. As a result, the individuals themselves take more and more responsibility for their problems. It is a self discipline programme. They become less self opinionated as a result of the give and take that is an essential part of mediation. Confidence in their own ability to manage their own conflicts is built and strengthened by their participation in solving it. At the same time a willingness to perceive and appreciate the other person's views is generated in the course of negotiations and this rules out undue confidence in one's own opinions. It makes the person responsive. That will enhance the quality of the personnel in any organization. In their contact with the public in their day to day tasks, the employees will respond more readily to the needs of the public. Public relations improve.

To negotiate is to confer with a view to reach an agreement. Flexibility is absolutely essential, if consensus is to emerge out of the negotiations. Mediation trains people in flexibility. Rigidity marks and makes for confrontation. A party goes to mediation opening his mind to persuasion. This in turn makes the other party flexible. The exercise in negotiating skills, in the long run, would enrich the participation of the employee in the collective activities of the organisation. Perhaps, he will be less fault finding with his union leaders. The friction with management would become less abrasive by avoidance of confrontation whenever and wherever possible. There would be an all round enhancement of values in the activities of the organisation.

TENSION: The banks control the disposal of money. They store money. The employees naturally feel the power of money. Power gives them ascendancy and authority. There is no room for reflection and response. When they take decisions on the spot, the customer's point of view hardly figures. The customer himself is under stress when he walks into the bank because problems created by money or the lack of it cause tension. The customer may often be unreasonable. In such contexts unusual efforts are called for from even ordinary

employees. The user's response is all important. The customer is the user of money. Banks are only storers and suppliers. Mediation will enable the banks to get access to the user's response.

Once the banks are in touch with the customer, the corporate culture is on test. The cultural excellence really draws on a few, quite a few themes. One of them is the need for self expression; that is, the opportunity to shine as an individual. This is facilitated by enhancing the individual as opposed to the corporate resources. The inner resources of the individual employee, like patience, ability to understand the other party's view, accommodation and a preference for consensus, all these are on the tap during the process of mediation. Mediation enhances the resources of the individual.

TRUST: Trust is key to orientation. Mediation creates and nurtures trust. What is "trust" ? A belief that a person can be relied upon. Mediation is based on this confident expectation. Mediation is resolution of disputes by consensus. An agreement is brought about by trust and held together by trust. Mediation is essentially a search for consensus. There is a lot of give and take before it snow balls in to a consensus. It is not a mere patchwork of concessions. Mediation teaches people that faith in others, as an investment, yields returns. It is not a mere process of extracting matching waivers from either party.

IMPACT: It is one of the advantages of mediation that the give and take are prompted by recognizable norms which norms are acceptable to both. In course of time, these norms will evolve into readily applicable standards. □ □ Mediation means attention being paid to people. The act of paying positive attention to people results in more production. Hence mediation may have an impact on productivity too. Innovativeness in resolving organisation's problems is fostered by the creative resolution of one's own disputes by mediation. □ □ These skills could be learnt by an exposure to situations calling for them with the aid of persons who already have them. Perhaps a consultancy programme would be appropriate for transfer of such skills.

The consultant mediator has to be a warm, non-assertive person. He or she should not be a dominating individual. The counselled person should be allowed and taught to take the initiative. The mediator and the learner should share their feelings. He should inspire confidence; otherwise there will be no feed back. The mediator also should expect and be willing to learn. □ □ It is often for the learner to choose the mediator most suited to him. There should be trust between the learner and the mediator. It may be some one in the learner's group, like a colleague or a superior in the office. It may be an outsider. If an outsider is invited, he may not bring with him the superiority complex that go with an hierarchy structure in an office and so may not be threatening. The complexities of colleague relationship will not plague them. The learner does not have to face him constantly, between the learning sessions. An outsider leaves more room for the learner's initiative to gradually form and flower. For follow up, an insider may perhaps be more readily available. □ □ Mediation is not mere knowledge to be imparted. It is a process to be learnt.

SOCIAL TOOL: Social banking is one of the objectives of nationalization of banking. It connotes involvement of the people and bold innovative interaction with customers. Such a context inevitably lends itself to friction due to the stress and strain of the tasks of the banker. Conflict situations emerge. They have to be forestalled, managed, contained, controlled, regulated and resolved by tactful handling. Mediation can be used as a social tool in such circumstances. The involvement of the employee and the customer in resolution of the dispute would have its own educational value also.

By enabling the employees to use mediation as a social tool for resolving their disputes at domestic and professional levels, the thinking of the employees regarding conflict situations would be moulded positively. Thus even in the union activities the values underlying the concept of mediation would lace the strategies.

When emphasis is on communication, understanding the other party's point of view, a readiness to examine the merits of various solutions in a positive approach and a marked preference for consensual solutions rather than confrontational postures, the union leader is moulding the social character of the union as a whole. This would strengthen the union by encouraging in the individual employee an awareness of the social dimension of his role.

Mediation is not a management's programme. It is a value structure for the individual, whatever his role, wherever his place be in the organisation or society. It enriches the human being in him or her.

Inclusion of this concept in the VIII national plan may upgrade the human resources, particularly in the field of banking and insurance.