


# Mediation

Only chances! **No risks?**

Business-Mediation  
in Germany – an overview

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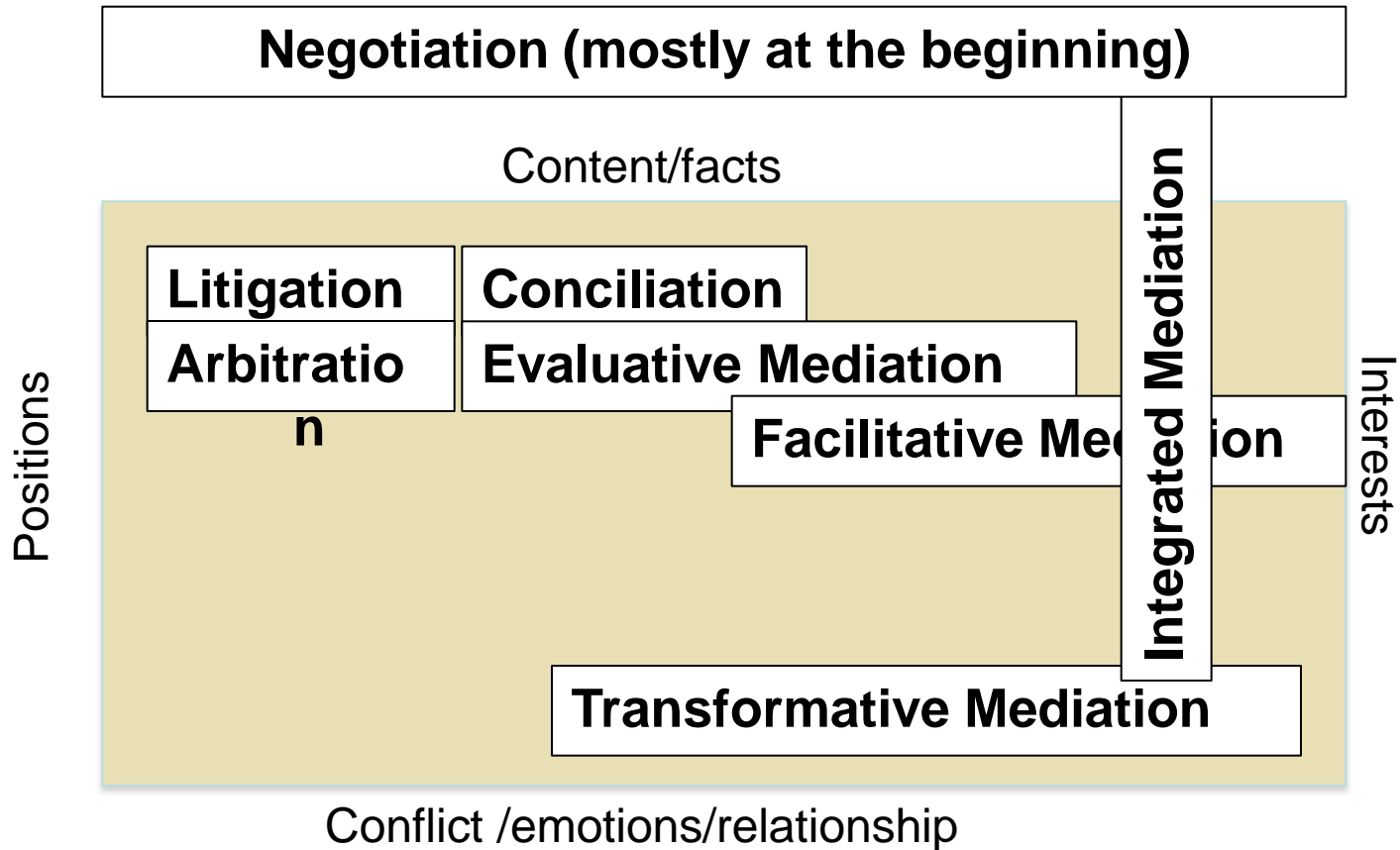




# **Mediation is ... mediating understanding**

The more you understand the more options you have!  
Mediation is much more than a procedure or a product  
it is an attitude and a way of thinking as to deal with the  
complexity of life

# Dealing with complexity





# **Mediation is ... Not the same as mediation**

Mediation can be used in different ways.

It always is concerned to conflicts.

As mediation provides the knowledge how to deal with conflicts it can be used to resolve or to avoid conflicts.

Integration of mediation might be a bridge over the procedures possible

# The World of Mediation ...

## Mediation Models

- Evaluative Mediation
- Facilitative Mediation
- Transformative Mediation
- Integrative (integrated) Mediation

## Mediation Styles

- individual skills

## Mediation Forms

- court annexed,
- shuttle-mediation
- co-mediation and so on

**Nothing for customers!**  
Just to show the scope of options.  
The professionals should know.



# Mediation in different fields ...

Family Mediation

Neighborhood Mediation

**Business Mediation**

Elder Mediation

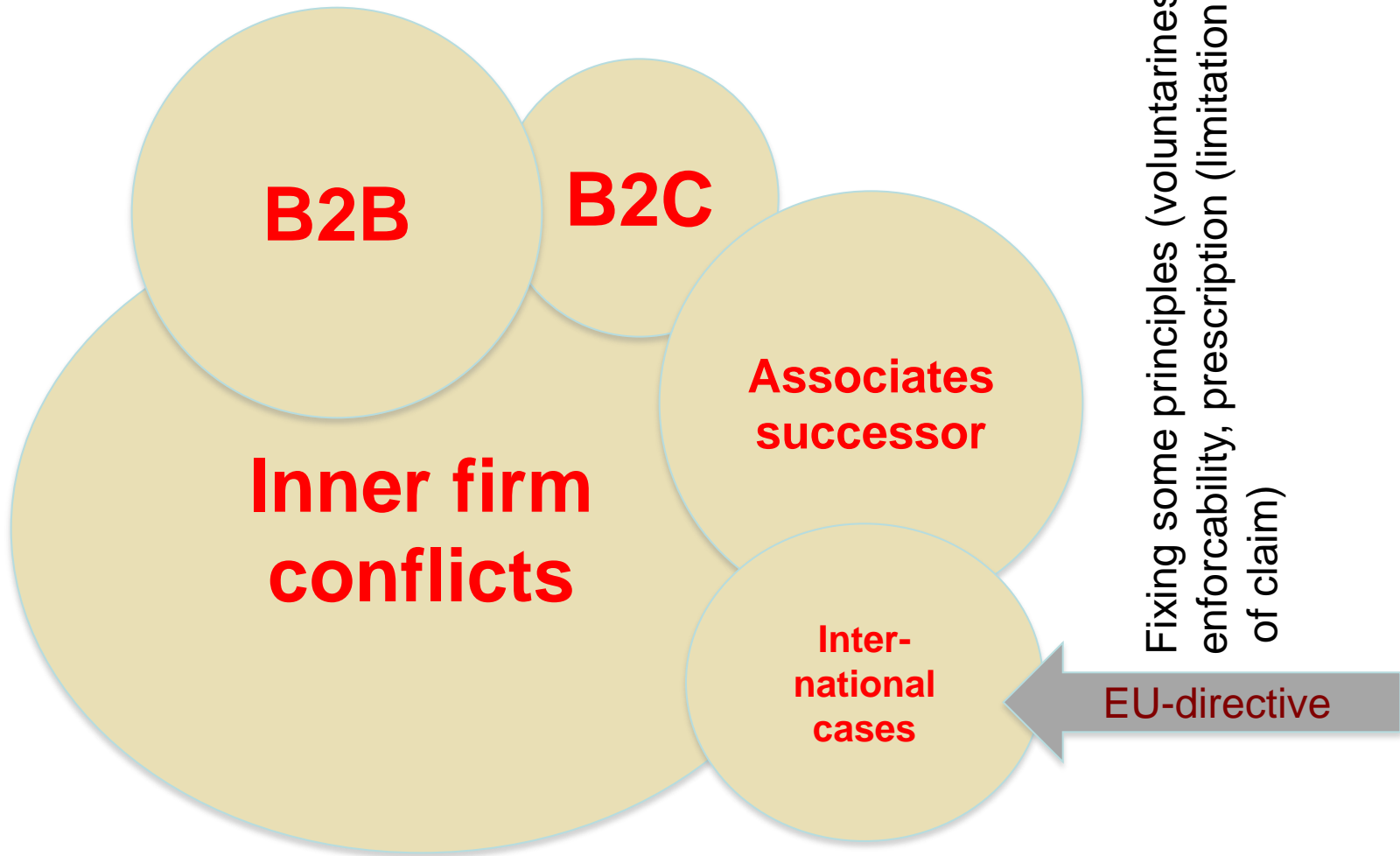
Environment Mediation

School Mediation

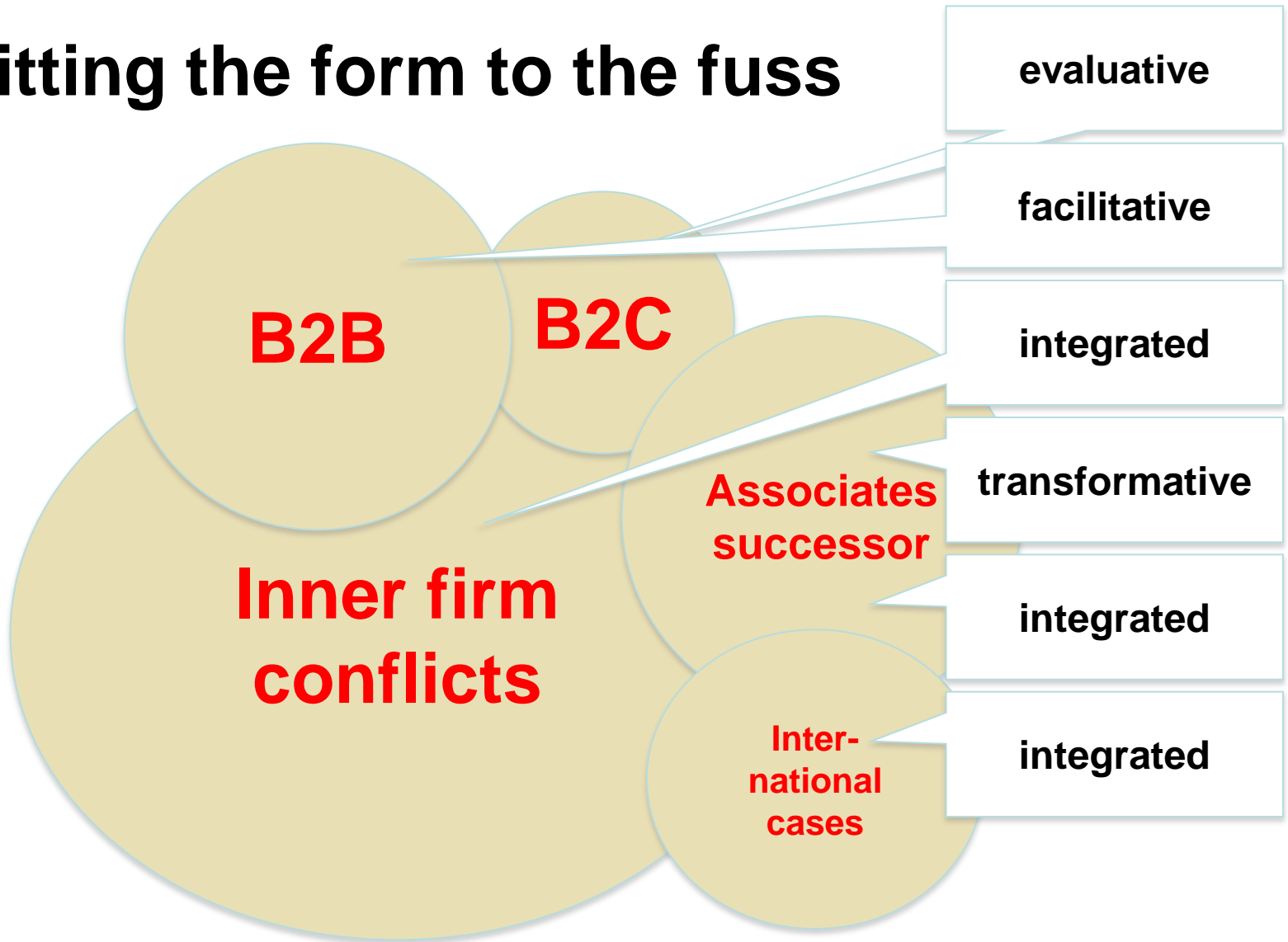
Customer Mediation

Construction Mediation

# Business Mediation



# Fitting the form to the fuss







# Mediation is ... Method or procedure?

This is the outcome of the German law.  
We have to differ now mediation according to the law  
(means the procedure) and mediation as such (means the method)  
This shows how easily the law can be bypassed.



# To Whom Belongs Mediation ...

i.e. lawyers and judges claim mediation to be a new juridical method.

Chambers of commerce offer some kind of institutional mediations.

Law insurances offer a „shuttle-mediation“

Mediation changes the market of consultancy. It overlaps law-advisory, therapy, coaching, ...  
Though it is all and nothing of that.



# Mediation is ... Interdisciplinary

Though mediation is interdisciplinary, professionals try to adopt it. There is a danger that mediation will change it's face. In fact mediation is just a process management where to SEARCH a solution.



# Why should I search for a solution?

No chance to enforce claims

Enforcing claims will take too long

Enforcing claims is not possible or too risky

Enforcing claims is too expensive

Enforcing claims doesn't benefit sufficiently

**Where motivation is needed**

Suitability of mediation therefore:

- A conflict exists
- Best solution not in sight



# The challenge in business cases ...

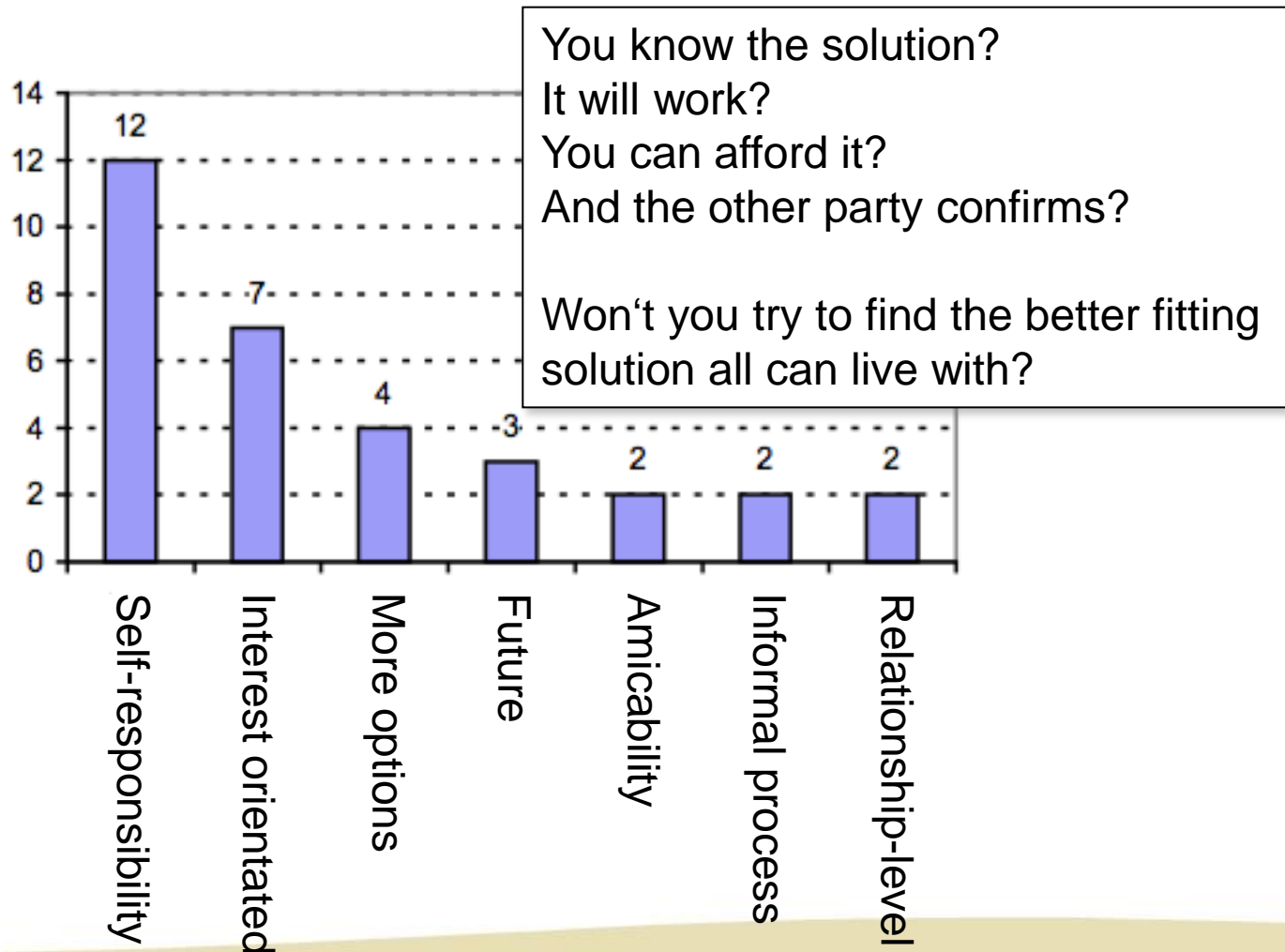
„Conflicts? We do not have conflicts!“

„Emotions? He earns so much he should leave his emotions at home.“

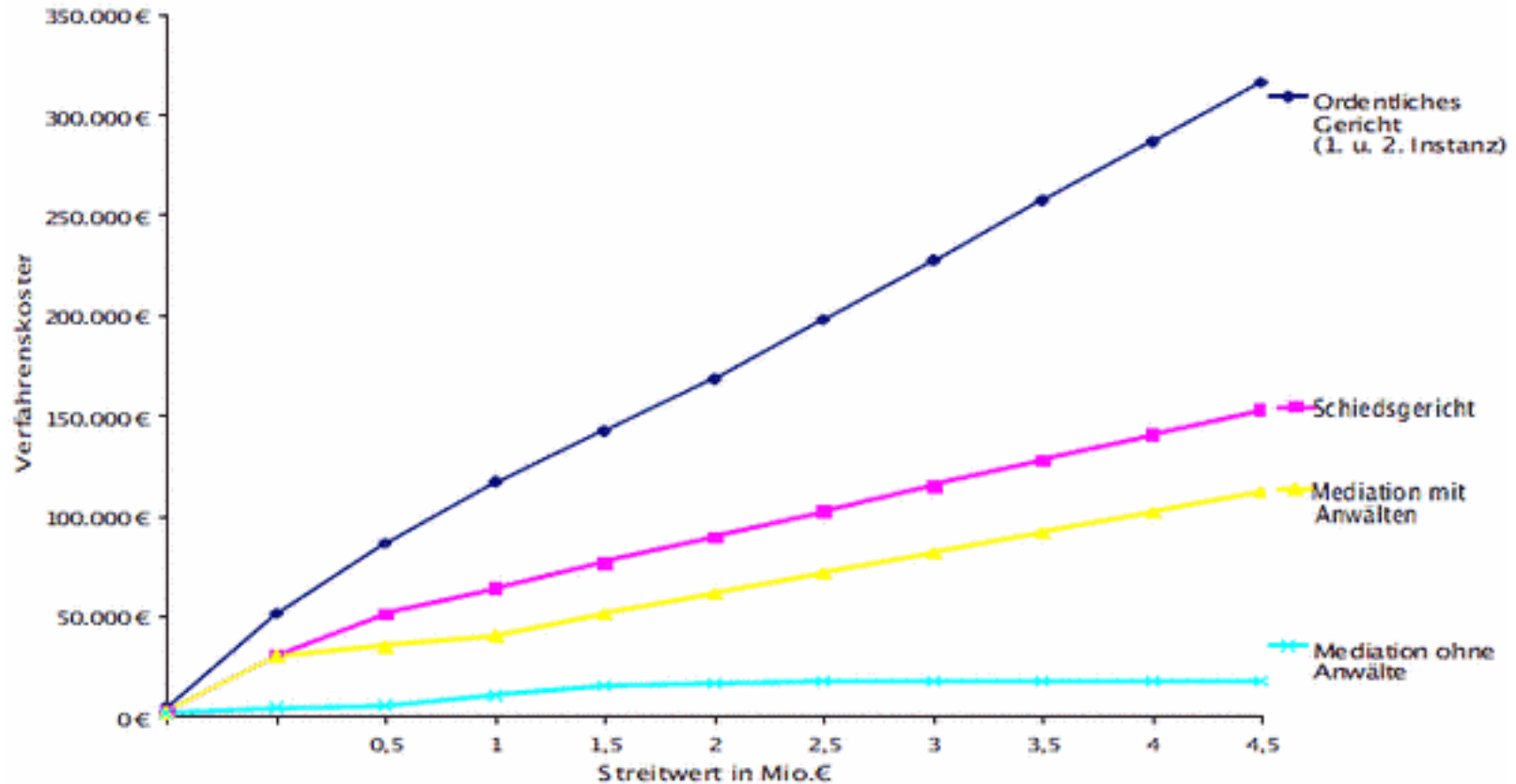
„Mr. X is disturbing the climate, he needs to get thrown out.“

„Mr. Boss is not able to lead his department properly. The results are too bad. We need to exchange him.“

# Selling arguments ...



# Benefit costs of processing ...



# Benefit social costs ...

- 10-15% of working time in any organization are wasted for conflict resolution.
- 30-50% of the weekly working time of superiors (managers) will be spent directly or indirectly with friction, conflict, or conflict consequences.
- Absenteeism due to mobbing, occupational anxieties and harassment at work costs about 30 billion € a year.
- The cost per case of bullying be 60,000 € on average.
- Turnover costs, severance payments, health care costs due to intra-industrial conflicts costs multi-billion € annually.
- One percent of the employee costs p.a. get lost for unresolved conflicts.
- Approx. 25% of sales depend on the quality of communication.





# Mediation is ... smart

Dealing with conflicts is better than ignoring or fighting against them. Mediating improves the atmosphere of constructive debate (better peace culture). Not that easy to implement it.

# Practice ...

Huge firms (e.g. for example) have mediation departments. Other firms use conflict pilots to steer employees. Conflicts can be solved. Small mediators outside.

Law firms offer mediation in business cases to help negotiating. Some rare freelancers offer mediation to help in all kinds of conflicts. There is an unhealthy trend to specialization.

We need those places called  
more as the society get lost of  
instances providing care of souls  
(like grandfather, patriarch, priestly,  
teacher, friend, and so on



# Knowing the interests ...

Interests and needs never can be in contradiction.  
Contradiction comes from solutions.

Typical cases where interests provide other solutions:

- IT case
- Promotion and trade ltd. case
- District administration case

# About demand ...

- Actually demand is increasing.
- Mediation became better known and accepted around 70% of citizens have heard about.
- Nevertheless the demand is not that high to let all the mediators earn their living
- 50.000 mediators in Germany. 4-5000 offer services. 10% can live from that.
- **Reasons are:**
  - mediation for increasing social competence
  - lack of information
  - insecurity in regard of process
  - and mediator's qualification



# **Mediation is ... that unknown animal**

The parliament thinks how to force people to luck.  
Mandatory mediation is the mean. It would work, but  
unfortunately it means acting against the idea and philosophy  
of mediation. The system as such must be prepared to want it.



# Mediation act in Germany ...

- Not needed in fact
- Short and irritating (inconsequent use of terms)
- Too early (launching a product by try and error)
- Influencing market (professions try to occupy)
- Overflowing a not existing profession
- Focussing products rather than actions (coop.)
- Not really a consumer protection
- Not really a milestone
- A sacrifice of competences to the lobby



# Recommendation ...

- Ruling in civil law instead of procedure law (German law rules compromise not consensus)
- Systemic integration (ease ways to coop.)
- More precise information about mediation (distinguishing different ways, models, forms)
- Reacting on demand instead of creating it (knowing about the services of a mediator)
- Defining profiles instead of education marks
- Avoiding diversification
- Examples (idols)

# Quality marks ...

Standards of associations define quality marks, which are higher than the law. Integrated mediation (available in Latvia also) defines profiles where the mediator is expected to know all the ways and procedures of mediation in all the fields. Education is running in Latvia with more than 200 hours





**Thanks  
for paying attention**

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