



Blackthorn Resolute

MEDIATION GUIDE SERIES · GUIDE 02 OF 04

Unfair Treatment at Work: A Mediation Guide for Employees & Employers

What to do when a workplace dispute over treatment, conduct or fairness needs resolving before it becomes a formal grievance or a resignation.

A PRACTICAL, NON-CRIMINAL DISPUTE GUIDE
support@blackthornresolute.co.za

UNDERSTANDING THE PROCESS

What Mediation Is — and When to Use It

Workplace mediation is a confidential, facilitated conversation between the people involved in a dispute, often an employee and a manager, or two colleagues guided by a neutral mediator who has no stake in the outcome.

Perceived unfair treatment, communication breakdowns, bullying or harassment complaints, and disputes over how someone has been managed. The aim is a working relationship both people can sustain, reached faster and with far less damage than a formal grievance process.

CONSIDER MEDIATION WHEN	GOOD TO KNOW
• You feel you've been treated unfairly by a manager or colleague • Communication has broken down and it's affecting your work • A formal grievance feels premature, disproportionate, or unlikely to fix the relationship • HR has suggested mediation as a step before formal proceedings • You want to stay in your role but need the situation to genuinely change	Mediation does not replace your right to raise a formal grievance later if it doesn't resolve things. In most workplaces it sits alongside, not instead of, your formal complaints process, and using it usually doesn't weaken a later formal complaint.

Why it exists

Formal grievance processes are adversarial by design, someone investigates, someone is found right or wrong, and working relationships rarely survive that intact.

Mediation exists for the much larger set of workplace disputes where both people still have to work together afterwards, and where what's actually needed is a reset in how they communicate, not a verdict.

WHEN THE DISPUTE ARISES

What To Do, Step by Step

01 Write down what happened, factually

Note specific incidents with dates, what was said or done, and the impact on you or your work — separate from how it made you feel. This becomes the basis for the conversation, not a list of grievances to read aloud.

02 Check your company's policy on mediation

Most organisations with a mediation option describe it in the grievance or dignity-at-work policy. Confirm whether it's offered internally, through HR, or via an external accredited mediator.

03 Raise it with HR or your manager's manager

Request mediation directly and explain briefly why you think it's the right route — for example, that you want the relationship to work, not just a ruling on who was right.

04 Agree a mediator both sides trust

Where possible, use an external, accredited workplace mediator rather than someone internal who both parties may see as partial. Confirm confidentiality terms before anything else happens.

05 Attend an individual pre-meeting

The mediator will usually meet each person separately first, to understand the dispute, explain the process, and check both people are entering voluntarily and in good faith.

06 Set ground rules for the joint session

Expect agreement upfront on things like no interrupting, no raising unrelated history, and confidentiality — what's discussed generally isn't reported back to management beyond the outcome.

07 Focus on what needs to change going forward

The most productive workplace mediations spend less time re-litigating the past and more time agreeing specific, concrete changes to communication or behaviour going forward.

08 Agree and document next steps

End with a short written summary of what both people have agreed to going forward, and a realistic point to check back in — often four to six weeks later — to confirm it's working.

GETTING READY

How to Prepare & What Happens Next

Bring / prepare this before your session

- ☐ A factual, dated record of the specific incidents involved
- ☐ Your company's grievance or mediation policy, if one exists
- ☐ A clear sense of the outcome you actually want (not just an apology)
- ☐ Names of any witnesses, only if directly relevant to the incidents
- ☐ Your own communication preferences going forward, to raise in session
- ☐ Confirmation of who from HR, if anyone, will see the outcome

Inside the mediation

Sessions are usually one to two hours, sometimes split across separate rooms with the mediator moving between them ("shuttle mediation") if a joint conversation isn't safe or productive yet. The mediator won't decide who was right. Their job is to slow the conversation down, make sure both people are actually heard, and steer you both toward specific, workable commitments rather than vague promises to "do better."

Possible outcomes

A written agreement on specific behaviour or communication changes going forward; an agreed change in reporting lines or working arrangements where relevant; or, if mediation doesn't resolve things, a clear path into the formal grievance process with the issues already well documented. Even an unsuccessful mediation often clarifies the dispute enough to make a later formal process faster.

BEFORE YOU GO IN

Common mistakes to avoid

- ✗ Treating mediation as a chance to prove the other person was wrong
- ✗ Going in without specific examples, only general feelings of unfair treatment
- ✗ Agreeing to vague commitments ("we'll communicate better") instead of concrete ones
- ✗ Not checking your policy first, and missing a step your employer expects
- ✗ Assuming mediation is compulsory — it is normally voluntary for both sides

Frequently asked questions

Can my employer force me into workplace mediation?

Generally no. Mediation is normally voluntary for both people, though an employer can strongly encourage it as a first step before a formal grievance.

Is what I say in mediation confidential?

Typically yes, within the limits your employer sets out in policy — usually the content of the discussion stays private, though the fact that an agreement was reached may be recorded.

Does mediation stop me from raising a formal grievance later?

No. In most workplaces mediation is offered as an early, informal option, and your right to raise a formal grievance afterwards is preserved if mediation doesn't resolve the issue.

What if the unfair treatment involves harassment or discrimination?

Mediation can still help repair a working relationship, but if the conduct may be unlawful, it's worth getting independent advice on your formal rights and options in parallel, not instead.

Who chooses the mediator?

Ideally both parties agree on the mediator together, or your employer offers a shortlist of accredited, external mediators so neither side reasonably doubts their neutrality.

Contact us

Website: blackthornresolute.co.za

Email: support@blackthornresolute.co.za

Not legal advice. This guide describes how workplace mediation typically operates and is intended for general educational purposes only. Employment rights, grievance procedures and mediation rules vary by country, sector and employer policy. Check your own contract and workplace policy, and seek independent advice for matters involving potential unlawful conduct.