

**EMPLOYMENT  
NEW ZEALAND**

# Mediation Workbook

## Preparing for Mediation

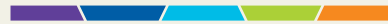
This workbook is for you, to help you to prepare for mediation.  
You don't need to show this workbook to anyone.



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

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# EMPLOYMENT NEW ZEALAND



## Employment Mediation Services



Disclaimer. This document provides an overview of Leave and Holiday entitlements, as at June 2016. The Ministry of Business Innovation and Employment are not responsible for the results of any action taken on the basis of information in this document, or for any errors or omissions.

This workbook is for mediation under the Employment Relations Act 2000, is confidential, not discoverable and not for use outside mediation.

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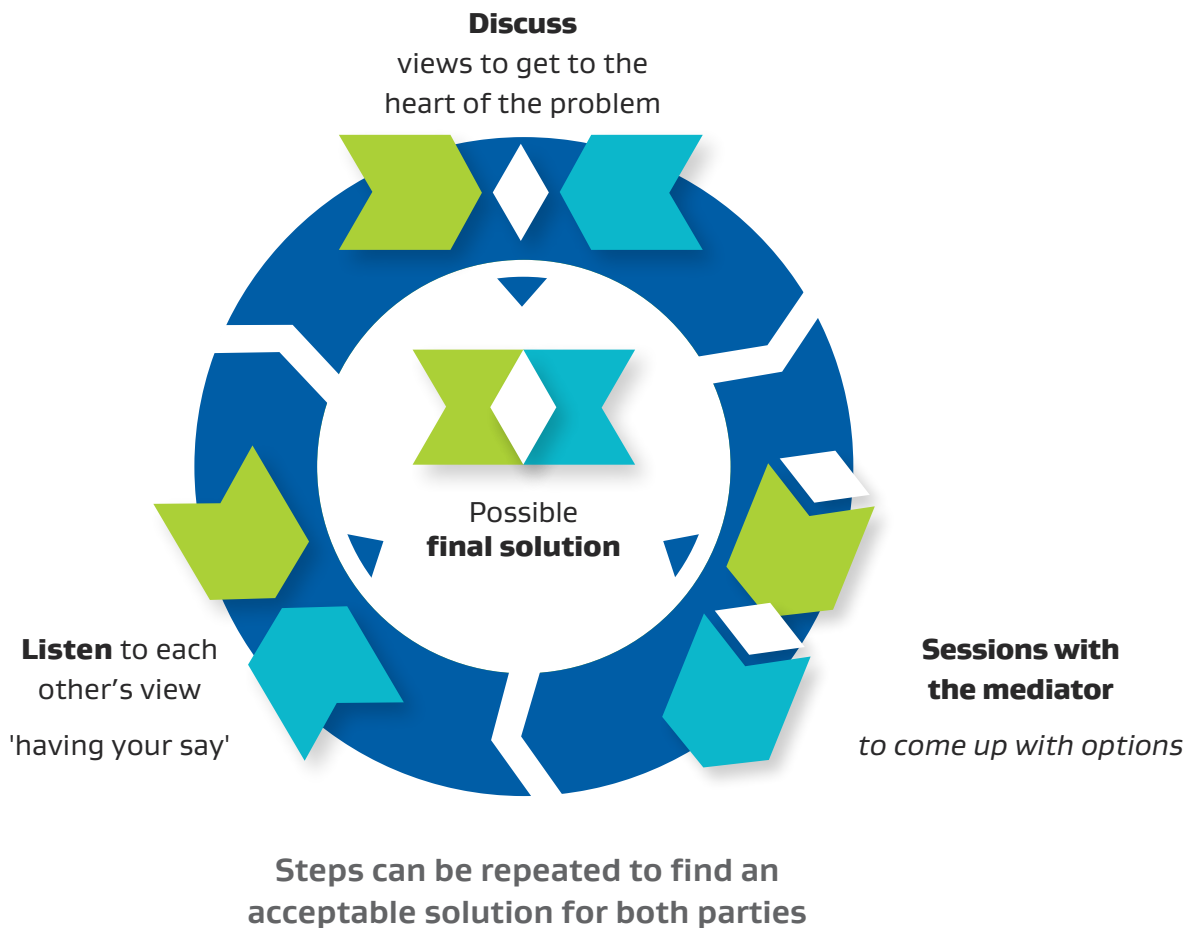
# How this workbook helps you

This workbook helps you sort out your thoughts for mediation.

It helps you to plan what is important to say and how to say it.

## A mediation process

*(flexible, facilitated by the mediator)*



# Your future with the other party



## How important is it for you to get along and work together in the future?

- › Think about your future relationship as you go through the workbook
- › Talk to your mediator about ways to protect the relationship during mediation
- › Try to understand the **real** cause of the problem.

## Separate what you want and why you want it

<b>Why did it happen? What is the problem? What evidence do you have?</b> <i>(emails, letters, people who can back you up)</i>	<b>What happened? What was the cause?</b>	<b>What I want and why</b> <i>(be specific)</i>

## What is most important to you and why?

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# The other party's point of view



The aim of mediation is to find a solution both parties can agree to. Thinking about the other party's point of view will help. Think about their situation, why did they act the way they did?

Issue	What the other party wants	Why the other party wants it

## What do you think about their points?

Be realistic and reasonable (remember that this workbook is just for you)

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**What was your relationship like before the problem arose?**

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**What did you do that might have been part of the problem or made things worse?**

**Be honest with yourself**

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**How has the problem affected you?**

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**How do you think the problem has affected others (your team, customers etc)?**

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**Write a list of your key points**

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# Finding a solution

- › What do you think would be a good solution? Be realistic and reasonable; think about the other party too.
- › Think about what could happen if you cannot agree?

Best possible solution(s)	Worst outcome/s

## Ways to solve the problem

To agree at mediation, both parties need to be ready to give and take.

Think of some ideas both parties might accept.

Problem	Options you would like the other party to consider



### Reality test the options

Go through your possible options to see which ones are realistic and both parties could accept.

Problem	Possible solution	What could stop this solution from working	What could help make it work



### **Rate the options**

Realistically, what's your best option?

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### **What would happen if you can't make progress in mediation?**

If you walk away, what would you do then?

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### **What's the minimum you can accept in mediation?**

Based on what you know at the moment:

- › What's your limit?
- › Remember to think about what will happen if you don't reach agreement.
- › Remember that this workbook is just for you, you can change your mind if things change for you during mediation.

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