



## **Inspire Connection!**

### **12<sup>th</sup> Annual New Mexico ADR Symposium**

### **October 18-20, 2022**

#### ***Workshop: Helping People Help Themselves, Mediation at Work***

**October 18, 2022; 9:30 am - 11:00 am**

We all know that conflict at work can make work uncomfortable, sometimes almost unbearable. From lost productivity to impacts on morale, workplace strife takes a toll. Currently, the ADR Bureau offers mediation for interpersonal disputes, at no cost, to all State employees. In addition, we are working on an exciting new tool to serve large groups. Learn about how these innovative approaches help resolve differences, and improve communication and work relationships.

**PRESENTER: *Cynthia Olson, Mediation Educator, Cynthia Olson & Associates, LLC***

Cynthia Olson is the owner of Cynthia Olson & Associates, LLC. Cynthia has had a significant impact on the development of mediation in New Mexico including initiating the Metro Court Mediation Program. She has been a mediator and mediation trainer since 1985.

#### **Today's Topics**

1. Introduction
2. A little history —yours and mine
3. Responding to workplace needs: Self-determination in conflict resolution
4. Why mediation works: A path through change
5. Responding to workplace needs: ADR's new initiative
6. Comments, Q & A

## A little history

- Pre-2000** A few State agencies address ADR through agency-based programs, rules or regulations; no Statewide standards or coordinated programs exist. One exception is Metro Court Mediation Program.
- Earliest mediation programs (1980's) were administered by community non-profits, The Albuquerque Mediation Center and the New Mexico Center for Dispute Resolution.
- 2000** **Governmental Dispute Resolution Act** - Allowed, but did not mandate, State agencies to use ADR processes, designate ADR Coordinators, and enter into agreements and contracts pertaining to ADR processes.
- Executive Order 00-08** – GSD designated lead agency for implementing Act & EO, mandated executive agencies implement the Act and designate an ADR Coordinator; created Advisory Council.
- 2000–05** **GSD/RMD initiatives:**
- *Train peer mediators; provide continuing education opportunities*
  - *Facilitate identification of agency ADR Coordinators & implementation of agency-based ADR programs; on-going training and support*
  - *Develop centralized mediator contact / referral & information clearinghouse*
  - *Establish cross-agency network to share expertise & resources*
  - *Promote education/awareness for staff, management, cabinet members, etc.*
  - *Begin training of supervisors & managers in ADR processes & skills*
- 2003–04** **Governor Richardson's Performance Review** – Issue A-6 recommends: "Minimizing Litigation Costs: Expand Use of Conflict Resolution (state government should increase use of Alternative Dispute Resolution and other facilitation techniques to prevent or resolve legal complaints.)" RMD designated "Implementation Lead."
- 2005-06** **Executive Order 2005-047** directs **GSD/RMD** to coordinate an integrated statewide conflict management system; convene ADR Council Steering Committee.
- 2007** State statute amended (now **Governmental Dispute Prevention and Resolution Act**); new language **mandates** that RMD-insured agencies "shall provide access to" ADR; establishes state Office of Dispute Prevention and Resolution.
- 2008** NM becomes first state to enter into a **Regional Universal Agreement to Mediate** (RUAM) with the US EEOC (& via **Executive Order 2008-052**).
- Present** Over 400 employees take 40 hour mediation training; thousands trained in conflict management—all in spite of a multi-year 'pause' in training contract.

## Why mediation works

### **Our Focus: Helping Others Help Themselves**

*There is a general expectation that supervisors or managers should resolve workplace conflicts. (State Personnel Code, NMAC 1.7.1.7) There is even a general expectation that ADR, including mediation, should be utilized wherever appropriate (NMAC 1.7.6.13). It is wise, therefore, to discern whether a particular situation would be better served by empowering individuals to problem-solve for themselves, whether an employee/employee or employee/supervisor dispute.*

### **Consider the benefits of empowering others to resolve problems**

1. **No more enabling:** If you tell people how to fix their problem every time they come to you, you might be enabling them to continue a dependence on you.
2. **Better compliance:** When folks invest time and energy into working through issues and negotiating outcomes that work, they feel a sense of ownership and are likely to keep their agreements.
3. **Increased engagement:**
  - A. **Commitment.** An empowered employee is likely to feel committed to the organization, feel passion about their job, and want to give their best each day.
  - B. **Communication.** Without doubt, clear, useful and timely input and feedback is key to engaging employees
  - C. **Collaboration.** Asking those involved in situations to be responsible for resolving issues themselves demonstrate trust, respect and improves relationships.
4. **Higher levels of productivity:** Workers who know they are valued and thus treated respectfully are more efficient, generally take fewer sick days, and are happier employees.

#### **Mediators are:**

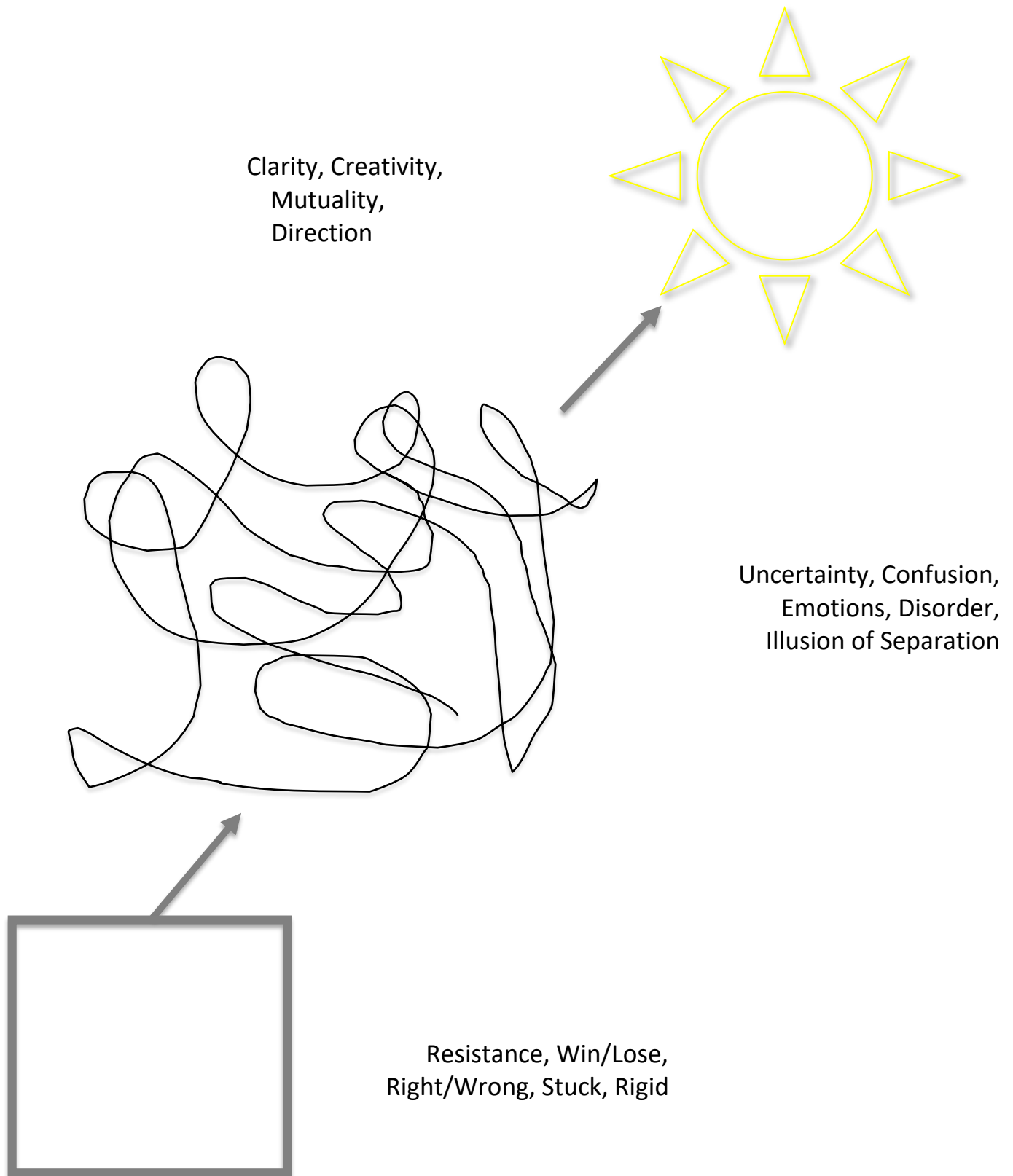
- a.) volunteers who have taken a minimum of 40 hours of classroom and hands-on training and participated in apprentice practice experiences
- b.) impartial—they do not tell people what to do
- c.) able to create an environment that is conducive for those involved to openly discuss their situation and improve their chances for resolution
- d.) expert at helping parties communicate clearly with one another

#### **Mediation is :**

- a.) a process that utilizes these 3<sup>rd</sup> party, objective mediators to assist those with differences to engage in clear, honest communication.
- b.) voluntary
- c.) confidential
- d.) committed to self-determination
- e.) an opportunity for those in dispute to discover mutually acceptable agreements to either resolve their differences, agree to disagree or commit to next steps.

The Path through Change

**Dispute Resolution Requires Movement; Willingness to Change**



## **Group Facilitation: Helping Groups Manage Change**

*The ADR Bureau has seen an increase in requests for assistance with workgroups who are in conflict or otherwise unable to address circumstances and move forward. The stress of group dysfunction on the workplace cannot be understated. Usually the frustrated manager asks for a mediator. Working with groups, however, requires **facilitation skills** that are complimentary to and also different from mediation alone. The Bureau is proceeding with plans to add this much-needed service.*

### **The Benefits of Using a Facilitator**

- 1. Facilitation improves group efficiency and morale.**
- 2. Facilitation manages dysfunctional group behavior professionally and respectfully.**
- 3. Facilitation allows the leader to participate in the group work.**
- 4. Facilitation improves communication and helps develop new group behaviors.**
- 5. Facilitation insures all voices are heard.**
- 6. Facilitation drives the group to accountability.**
- 7. Facilitation focuses the group on shared purposes and goals.**

### **Next Steps: Stay Tuned**

**The ADR Bureau intends to design a pilot project, train a small group of facilitators and conduct a limited number of facilitations during FY 23.**

**As we build this new program, here are some of the questions we need to answer:**

- What will the training for facilitators look like and who will be eligible for it?
- What is the best way to market this new service?
- How will Bureau staff manage intake and evaluation?
- How do we determine if a situation is appropriate for our services?
- *And many others as we rollout this exciting new service . . .*