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THE PSYCHOLOGY OF A MEDIATOR

Jerome T. Barrett

info@mediationhistory.org

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A THIRD PARTY'S PSYCHIC BALANCE SHEET

Every occupation has psychological dimensions or ingredients which influence why individuals enter the occupation and why they remain in it; the entertainer gets good feelings from the "roar of the crowd," and the long distance runner gets a high from the solitude and the motion of running. These psychological ingredients are the psychic payouts to the occupant of the job. But there are psychological costs as well; the loneliness of the traveling salesperson or the soldier, the fear of sudden death of the police officer or firefighter, the stress associated with the air traffic controller, the burnout of human service professionals.

Since occupations play such a dominant role in the life of most individuals, psychologists and other scholars have devoted much attention to the significance and impact of occupations on incumbents. Our psychic expectations about work, our emotional dependency upon it, our consuming preoccupation with it, and many other concerns about our occupations have been the focus of theory, research and writings.

The psychological ingredients of the labour-management mediator are sufficiently unique to be of interest to practitioners of labour-management relations to students of labour relations and conflict resolution, and to mediators themselves. Much has already been written about the tactics and techniques used by the mediator, while other writers have focused on the personal characteristics that make an effective mediator. This paper will touch on these topics only to the extent that psychological ingredients are involved.

BASIC CHARACTERICS OF THE MEDIATOR JOB AND OCCUPANTS

An understanding of the psychological ingredients of the mediator's job will be enhanced by an appreciation of several characteristics of the job. First, most mediators are hired on the basis of successful experience as a negotiator for labour or management. From this experience as an advocate with the support of a constituency, the new mediator takes up the lone cause of a neutral.

Second, the actual mediation work of the mediator is neither closely supervised by a superior, nor is it monitored by a colleague. The mediator works alone with the discretion appropriate to a professional employee.

Third, the primary goal of a mediator is to assist labour and management in reaching an agreement acceptable to them, covering the terms and conditions of their relationship. This goal is not concerned with equity or justice, and the outcome is determined by others.

Fourth, the mediator's most valued attribute is his/her acceptability to advocates of labour and management. It is an attribute based on subjective impressions which is

won and maintained by continuous effort, but which can be lost very quickly. The dilemma for the mediator is that without acceptability it is difficult, if not impossible, to be an effective mediator, but while attempting to be effective in resolving a dispute, the mediator is most in danger of losing acceptability.

Fifth, the mediator's job provides both challenge and variety to the individual mediator. Since mediators do not specialize by industry or issue, a mediator from one day to the next may work in the construction industry, the public sector, the manufacturing sector or the service industry. New issues are constantly emerging while old issues develop new variations. This variety requires the mediator to be ready for the unknown.

PRIMARY PSYCHOLOGICAL INGREDIENTS OF THE MEDIATOR'S ROLE

There are at least six unique psychological ingredients of the mediator's job, including Isolation, Helper Role, Limited Positive Feedback, Hard to Measure Success, Confidential Information and Filtered Reaction Required.

1) *Isolation:* Most of the mediator's work is done in isolation from his colleagues and superiors, and as an intervenor into the private affairs of other parties. In this isolation, the mediator has independence and discretion but he/she does not have the support, the reassurance, the understanding of a colleague or superior and, in many cases the mediator is treated like an interloper in the affairs of others.

2) *Helper Role:* The mediator is like other helping professionals – counsellor and psychologist – in that he/she lacks the power to make things happen, and is essentially limited to facilitating and encouraging action through other people who make the final decision and must live with the results.

3) *Limited Positive Feedback:* It is not possible for the mediator to get much positive feedback about his performance since the mediator's primary role is resolving the parties' dispute. Given the primacy of the needs of the parties, the very human needs of the mediator for recognition, appreciation and respect must necessarily have a low priority. Since the parties' focus is on resolving their dispute, with the mediator seen only as a tool in achieving that goal, the parties are more likely to comment on the mediator's failure to meet their expectation than on recognizing his/her good performance.

4) *Hard To Measure Success:* Objective feedback about the mediator's performance is difficult to acquire. Even the non-occurrence of a strike because of the mediator's efforts is an uncertain measurement at best since the more experienced mediators are usually assigned the more difficult cases – those more likely to result in a strike. Also, in some cases, a strike or a settlement is inevitable regardless of the performance of the mediator. And, finally the absence of colleagues and a supervisor on the scene eliminates that traditional source of direct feedback.

5) Confidential Information: The absolute requirement of confidentiality places on the mediator the same limitations and pressures that a priest has regarding confession and a lawyer has with a client. This requirement limits the very human need to talk openly about a problem with which he/she is dealing; it causes stress from the vigilance of avoiding a slip while appearing neutral and at ease; and it results in psychic pressures from handling the confidences of others with care (it's a trust) and purpose (revealing when settlement will result).

6) Filtered Reaction Required: The role of the mediator in many cases requires that the spontaneous give-and-take in conversation, particularly heated conversation, must be filtered to avoid saying anything that might make the goal of the settlement more difficult. This ingredient of the job requires that the mediator not react to spontaneously or emotionally as he/she might naturally feel inclined to do, but that he/she very intentionally filter his/her reaction to determine whether his/her reaction will be counter-productive in achieving agreement. Such normal reactions as frustration, hostility and anger may need to be suppressed and replaced by a neutral or opposite reaction.

NEEDS AND FEELINGS OF THE PARTIES

The bargainers of labour and management have a number of psychic needs that affect the mediator's attempts to achieve a settlement, and/or the mediator's psyche.

Some needs of the parties are helpful in reaching a settlement, including: a) the desire to get recognition from a superior for an effective performance; b) the feeling of momentum as the bargaining process begins on a positive track; c) the desire for closure as the negotiations get near completion; d) the desire to put conflict behind and experience peace; e) the need and desire to reach out to someone, like the mediator, for help and support in accomplishing a desired goal. Since all these needs and desires are relevant to the mediator from his/her current and pre-mediation experience, he/she can easily recognize them and help the parties achieve them and a settlement. Other psychic needs of the parties are not only unhelpful in reaching settlement, but they also can be detrimental to the psyche of the mediator. When one or both parties are confronting a very difficult possibly unsolvable problem, they may seek a scapegoat; or when a representative of one party is fearful of being blamed for a poor settlement or a poor decision, he/she may attempt to shift blame. In either instance, the mediator is the obvious target since he/she is seen as expendable, once settlement is reached, whereas, the parties' relationship is a continuing one after the settlement. There are other psychic needs of the parties which can be either helpful or harmful in reaching agreement. For example: a) the support and the approval of their constituency; b) the supportive and righteous feeling of advocating a meritorious cause; c) the desire of the parties not to fail either on specific goals or the final goal of complete agreement. d) the desire to handle ones own affairs without interference or assistance from an intervener; e) the desire to take complete credit for a good settlement;

f) the desire to be a winner, or at least appear to be a winner. The need to be a winner, to get credit for settlement, and to handle one's affairs not only can affect reaching a settlement, it can also be a psychic problem for the mediator since the mediator has the need to be a helper, to get credit for the settlement and to be a winner.

PSYCHOLOGICAL FACTORS AFFECTING SETTLEMENT

A mediator who has an awareness of the psychological dimensions of his/her job can more effectively encourage and influence the parties toward a settlement. This can be done by responding positively to the parties' needs which are helpful in achieving settlement. Some examples will illustrate.

1) Encouraging Positive Feelings: The mediator can encourage the parties' positive feelings about themselves and the progress that they are making by remarks such as, "You are doing an excellent job as a committee of putting your positions across and asking the right questions of the other side."

2) Redirecting Negative Feelings: The mediator can redirect the parties' negative feelings about themselves or the other party to something positive by remarks such as, "Certainly some remarks across the table have been irritating, if not stupid, but those have been the exception, and look at how much progress has been made in the past two days."

3) Legitimizing Feelings: As an authority figure, the mediator can legitimize the parties' feelings and needs by this type of statement, "I can certainly understand your anger and you need to end these negotiations soon – if I were in your position I know I would feel the same."

4) Reducing Negative Effects: The mediator can attempt to reduce the obviousness of his/her helper role and the negative effects of his/her intervention as an outsider by remarks like, "How this issue is resolved is frankly none of my business; decisions like that are in your hands entirely. If my suggestions are of no value, you are the best judge of that – and you are certainly free to act accordingly."

5) Acting on Parties' Needs: The mediator can react appropriately upon his awareness of the various needs and feelings of the parties which were discussed above.

NEGATIVE IMPACTS OF THE PARTIES' ON THE MEDIATOR

Some strategies and activities of the parties have a negative impact on the mediator. Whether the parties intend this result as a part of their strategy or it is accidental is not relevant to this discussion. Our concern is the impact on the mediators' psyche, and how the mediator handles it. The following are some examples of strategies and activities which negatively impact on the mediator.

1) Compensating and Projecting: Occasionally, when the parties are feeling a sense of failure frustration or anxiety about their inability to achieve agreement, one or both parties may to compensate by projecting their bad feelings on to the mediator. If the mediator understands the parties' need to purge their bad feelings, he/she may appear to accept, and even invite their bad feelings. However, the

parties' feelings of failure, frustration and anxiety are theirs; if the mediator buys into their projection, he/she does so at an unnecessary psychic cost.

2) *Shifting Problem Ownership:* The parties may try to place the burden of their problem on the mediator by such expressions as, "Mr. Mediator, you've got a strike." The mediator does have a responsibility to get an agreement to end the strike, but the fact is, the striking union members are not earning wages and the struck employer is not getting a product to sell. The strike belongs to the parties, not the mediator. The mediator can be responsible, concerned empathic and helpful without accepting ownership of the strike and the accompanying bad feelings.

3) *Projecting Expectations:* Some parties will try to get the mediator to fulfill their unreasonable expectations by demanding, for example, "It's up to you to sell this proposal: you've got to do it." Although the parties influence the mediator's role during the course of negotiations, the mediator determines what is both appropriate and reasonable behaviour for the mediator. Buying into the parties' unreasonable expectations for the mediator's behaviour places on the mediator a psychic weight that is inappropriate.

4) *Demeaning or Putting Down:* Occasionally, parties may demean the mediator's contribution toward settlement or ridicule a suggestion made by the mediator. The reference here is not to rejecting a mediator's suggestions, that is quite appropriate, but rather to the manner in which it is done: for example, remarking to the mediator, "You are absolutely no help at all. " Or "You can't be serious about that suggestion." The mediator in these situations must have a skin thickened by the realization that people's perceptions differ, and that the mediator is not perfect.

5) *Denying Recognition or Praise:* Given the parties desire for settlement and their focus on their own psychic needs, it is quite easy for them to ignore the mediator's needs for good strokes and a positive image. The parties can easily feel that the clever moves and wise suggestions that finally achieved settlement were their sand that the mediator played a minor role, or because the mediator does this kind of work all the time, he /she needs very little recognition.

SELF HELP FOR THE MEDIATOR

The experienced mediator will not only develop techniques and strategies based on an awareness of the parties psychic needs, he/she will also develop ways of taking care of his own psychic needs, without doing violence to the parties interests or his role as a mediator. The experienced mediator's psyche will be protected by:

- 1) **understanding** and accepting the psychological limits and requirements of the mediator's role both legally and contextually;
- 2) **learning** to feel good about those things that must be done as part of the job, such as helping labour or management sell a settlement to their constituency, or seducing the confidence of an untrusting party;
- 3) **learning** to feel good about the negative aspects of the job, including the psychological costs and the fact that the word "neutral" comes from the word "neuter";

- 4) **maintaining** him/herself in a state of readiness much like the fire fighter waiting in the station with energies and abilities ready to immediately swing into action when the fire bell rings;
- 5) **accepting** as natural his own negative feelings toward the one of parties which may be based on style or substance, personality or interest, behaviour or values;
- 6) **consciously** monitoring and filtering feelings toward the parties to assure that his/her behaviour aids the resolution of the problem while at the same time trying to be an authentic human being and not a calculating automaton;
- 7) **seeking** strokes and positive feelings for him/herself only where it does not interfere with the effective performance of the job by sharing “war stories” with a colleague, supervisor and spouse;
- 8) **savouring** and storing up positive feelings from past successes so the can effectively get the mediator over periods when there is little basis for these positive feelings;
- 9) **establishing** a working balance between extremes that can be counter productive such as commitment/alooftness, creative anxiety/complacency, self-confidence/objective self criticism, accepting burdens and responsibilities/leaving it or placing it on others;
- 10) **using** appropriate techniques for handling stress – jogging, golfing fishing, swimming, reading, hobbies, personal relationships and bio-feedback.

CONCLUSION

This paper discussed the psychological ingredients of the mediator's job. The mediator is an outside intervener working under high stress on the problems of others and towards the solution of others, in isolation from support groups, and bound by a strict code of confidentiality. The mediator's opportunities for positive personal feedback are limited, the success of his/her performance is difficult to measure, and he/she is subjected to the manipulations of the parties. In spite of these psychic costs, there is no shortage of candidates for the job. Incumbents talk glowingly about achieving a difficult “eleventh hour” settlement or about the independence of the job and the opportunity to creatively serve others. A successful mediator will have learned as much about collective bargaining issues and mediation tactics as about protecting his/her psyche without harming the mediation process and, thus, maintaining an appropriate balance between psychic payouts and psychic costs to the mediator.