



SHAW MEDIATION  
AUSTRALIA

# Preparing for Mediation Checklist

## Workplace Disputes for Employers



Thank you for contacting SHAW Mediation to assist with your Workplace Dispute. To assist you in being as ready for the day, we've put together a checklist of things you may want to consider as you prepare for mediation. We just want to make sure that the time we spend with you is productive & smart, and help you get on with business.

### PART 1—My Thoughts Heading into Mediation

What questions do I have?

What are my greatest fears going into Mediation?

What are the barriers in getting this resolved?

Describe your business...

What are the strengths of the business and team...

How would you describe the employee?

Is there any communication between you and the employee?

Have you had legal advice?

How long has it been since the injury or incident?

Do you understand the business's obligations to the employee?

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## **PART 2—Thoughts on my Workplace & Job**

What is the organisational structure of the business and team?

Who does the employee report to?

Describe the role and job of the employee?

Describe the typical day of the employee...

How is the employee's role and duties currently being covered?

Does the employee like their job?

How is the employee performing in their role?

Is there a performance management problem as well?

How does your role overlap with the employee?

Describe the role and job of the employee?

What do you find unacceptable about the employee's behaviour? Why?

What do you find unacceptable about the other person's attitude? Why?

Who is the real problem between and what is their job roles?

Was there ever a time when the employee fit in?

What has changed since then?

How long has this been going on?

## **PART 3—The Outcome**

Are you willing to acknowledge any contribution to the current situation?

Are any other staff willing to acknowledge any contribution to the current situation?

In a perfect world, what outcome would you like?

Do your policies and procedures need reviewing?

If I had to compromise a little, what outcome would I be happy with for the business?

Where do you want the business to be in 12 months?

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## **PART 4—Other considerations before mediation**

What is your worst case scenario?

What is your best case scenario?

In a perfect world, what outcome would you like for the business?

What are you hoping will be achieved for the business and team at mediation?

Is there any urgency or timing considerations that are relevant?

Has a claim been lodged in a fair work commission by the injured worker, where is that at?

Has the injured worker lodged a claim within the Employment Tribunal, where is that at?

What is the claim for?

Would any management training for the employee's supervisor be helpful?

Would the employee benefit from any training?

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