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Case studies in ADR

A narrative approach to mediation: The story of Clare and Harriet

Alison Cotter

Clare is Chief Executive of a large community organisation. Harriet was appointed to the position of senior community worker one year ago.

Harriet is good at her job. She relates well to others, is energetic and is willing to take initiatives and make things happen. She is not so good at administration.

Harriet organised a very successful youth project in the first week of February 2009 and was expected to write a report for the board meeting at the end of the month. Other things got in the way for Harriet so Clare extended the commitment to the March board meeting.

Ten days before that meeting, Clare finds out that the report is not done, and that Harriet is going on leave for a week the following day. In a frustrated outburst Clare tells Harriet that she's absolutely hopeless at administration and will be responsible if the organisation doesn't get funding for its youth projects the following year. Harriet accuses Clare of not understanding the demands of community work and how much she's achieved, and of just wanting to 'tick the boxes' for the board. Clare says that the late reports have become a performance matter that will be followed up when Harriet returns from leave.

This is the beginning of a downslide in the relationship. Harriet is offended about her performance being challenged and becomes less open and responsive. Clare discovers that Harriet has fallen behind with other accountability reports as well and becomes even more frustrated. Eventually Harriet threatens to resign. This puts Clare into panic mode as she realises how important Harriet's skills are to the organisation and how difficult and costly it would be to replace her. Clare seeks the advice of

a lawyer who suggests they go to mediation with an independent Department of Labour mediator. Clare proposes this to Harriet who accepts.

We live our lives through stories

Taking stories seriously means treating them as having the power to shape experiences, influence mindsets, and to construct relationships. A narrative approach to mediation means much more than the telling of stories or the analysis of them. The mediator sees stories or narratives as constructing realities, as shaping of lives. People respond to each other with stories all the time, for example, the question 'How was your day?' is usually followed by the telling of a story. 'What have you been doing lately?' produces a different response but still a story. When a lawyer in a courtroom asks, 'What did you see happen?' the witness tells a story in response.¹

The way we talk about our lives in stories helps give us a sense of coherence about who we are. Some stories are more coherent than others, some are more dominant, some more rehearsed. As an employment mediator I hear accounts of the same events that have been re-told from each person's perspective and are utterly different from each other.

The narratives within the Harriet and Clare employment experience include stories of a community organisation which has a CEO, paid workers and volunteers. There are stories of high ideals, struggles for funding and losing staff to the private sector. There are stories of managing employment expectations such as distinguishing between governance and management, managing performance and dealing well with conflict.

There are personal and family stories. As well as being a manager and



community worker, Harriet is a mother of five-year-old twins, so has a story about how she juggles her family needs with her work commitments. In her first year with the organisation she relied on an administration assistant, Maree, to help with report writing. However this year the organisation didn't get funding for that role which has left a gap for Harriet.

Clare's story includes being deeply committed to the community sector and involved in a national organisation which is striving for more equality of wages and opportunities for workers in the sector.

No story can encompass all events, therefore stories are always selective. This gives the mediator space to move between and around stories, to draw on a wider range than the problem story.

Avoid essentialist understandings

Essentialist or inside-out approaches to conflict ascribe people's behaviour to their *nature*, for example 'He's a workplace bully', 'They have a personality clash.' In contrast, narrative approaches build on an outside-in approach, that people's interests, their emotions, their behaviours and their interpretations are produced within a cultural or discursive world of relations and then internalised. They are constructed rather than natural and fixed, so people are able to shift track and be part of more than one narrative at the same time.²

In conflict descriptions of each other tend to narrow. Under the influence of the dispute, the experiences that *fit with the story of the dispute* often get selected for remembering. Since the late-report problem, Clare is seeing Harriet as 'hopeless' at administration. She 'doesn't know how to prioritise,' she's 'difficult to deal with' and 'doesn't care about the organisation,' all essentialist understandings which downplay and may render invisible Harriet's real abilities and past successes.

Likewise Harriet is seeing Clare as just wanting to 'tick the boxes' and 'being unreasonable and nit-picking'. Currently, Harriet's account fosters an overlooking of Clare's qualities of strong leadership and demonstrated commitment to the community sector.

A mediator communicating with

respect will resist essentialist descriptions and hold the door open to exceptions and contradictions to these and the other existing stories likely to lie behind them.

Engage in 'double listening'

People are always situated within multiple storylines. They are used to shifting seamlessly from one narrative to another as they go from home to work, from the peer group to the family, or from one relationship to another.³

A mediator engaged in double listening hears not only the pain of the conflict story but also the individual's hopes for something different. For example, by expressing what she *doesn't* like (Harriet's late reports and the way they reflect badly on her as CEO), Clare is also implicitly expressing what she likes or wants, for example, that Harriet prepare careful reports for the board and fund-providers *and* maintain her energy and drive for the community projects she does so well. Likewise, Harriet's resistance to Clare's criticism of her report work underlies Harriet's desire for more recognition of her successful community projects.

Michael White expressed a similar idea to double listening when he wrote of the need to listen for 'an absent but implicit' story.⁴ This is the story that lies hidden or masked in the background of a conflict story. It is found by turning over the coin of what a person objects to or is angry about. It can indicate what the speaker values and holds important. Mediators can use double listening to draw out the differences between these contrasting stories and invite people to make choices about which story they want to embrace.

Build an externalising conversation

'The person is not the problem, the problem is the problem'.⁵

Externalising is a way of speaking about the conflict that interrupts blame and guilt and helps parties separate from the conflict itself. This approach invites people to see and talk about conflict as a third party, one that has a life of its own.

The mediator asks Harriet and Clare, 'So what would you call this whole cycle of events that has gone back and forth between you both? What's a name that you could agree on?'

They tentatively try some answers including 'the reports problem', 'loss of trust', 'stress' and 'a plunging working

relationship'. In order to expand on these initial descriptions of the problem the mediator asks, 'What factors do you think have contributed to the problem?'

In response Clare talks about the deadlines she faces as CEO, and her national work commitments. Harriet adds two points to the list, 'lack of admin support,' and 'juggling work and home demands'.

The mediator continues an externalising conversation with Harriet and Clare by asking questions which help map the effects of the problem on them. She selects from questions such as the following: 'How have late reports and loss of trust invited you to act, think, feel, respond?' 'In what ways has the problem affected your working relationship?' 'What is it costing you?' 'Are there ways in which this conflict has got you acting out of character?' 'How does it interfere with your preferences for how things could be different?' and 'Are these effects acceptable to you?'

As they speak about the effects of the problem, some effects common to both of them emerge such as stress, distraction from their real work, feeling unfairly criticised, and losing the joy of work. Both become very clear that the effects are not acceptable and that things need to change.

View the problem story as a restraint (to a story of hope)

This hallmark is built on the idea that what people talk about and the way they talk about it help construct their lives and their relationships. The mediator draws the participants back to the story of hope by asking, 'What would be some components of a story of hope about your working relationship?' Clare responds, 'That we resolve the problem;' Harriet says, 'That we can get on with the job,' and Clare adds, 'That we respect each other — and our different jobs.' Harriet proposes, 'That we get some more admin support.'

The mediator asks with curiosity, 'So how would you name the restraints to the story of hope?' Having taken part in the earlier externalising conversation, Harriet and Clare answer that the restraints include challenges about performance, and about reports, queries from the board, loss of trust and cooperation between them, and time and energy going into the conflict rather than into the



organisation's projects and goals.

The mediator follows this up by asking, 'If you think about this conflict as a restraint to your getting on with the job, could you be more specific about some of the things the conflict is interfering with?' Harriet and Clare give a raft of answers about aspects of their work which are being restrained, such as celebrating the success of the youth project in February, respecting their different roles and their mutual dependence, enjoyment of work and energy being diverted from their core work. 'It's a restraint to sleeping well too,' adds Harriet, and Clare nods in agreement. The stage is set to develop an alternative story.

Identify openings to an alternative story

The story of a conflict is always only one possible story out of a range of stories that may be told about a relationship. The mediator can develop an alternative story by paying attention to the plot elements that exist but are being left out of the conflict story. A conflict story is likely to omit elements that illustrate cooperation or mutual understanding in favour of elements that spotlight the conflict.

Winslade and Monk explain this idea:

In the shadow of a story of angry exchanges there are moments of reflection, and remorse or quiet calmness. In the shadows of a story of despair, there are moments of hope. In the shadows of a story of obstinacy, there are moments of willingness to negotiate ... In the shadows of a story of denigration there are instances of respect. The skill of the mediator lies in catching these moments and inquiring into them.⁶

Through questioning the mediator elicits stories which are incompatible with the continuation of the conflict story between Harriet and Clare, for example, exceptions, contradictions, events that are glossed over, surprises, best intentions and hopes.

'Do you have any other thoughts or ideas from your experience of the McDonalds' project? You talked about the planning meeting and how you shared the big jobs. What else do you recall about how you worked together on that project or other successful projects? Are there elements of those that you'd like to revive and apply again?'

'How did Maree the admin assistant, make a difference to each of you?'

'What would be the benefits of getting your relationship back on track? What would it mean to each of you?'

The mediator's task is to assist the participants to weave these exceptions or contradictions into a viable story by connecting them with each other and developing an alternative story of dialogue, cooperation and agreement.

Re-author the relationship story

In order to build a story of cooperation the mediator invites Harriet and Clare to take time out separately over a cup of coffee to consider their answers to the following questions:

- 'What idea or strategies might you put in place to defeat this problem and move forward?'
- 'What requests do you have of the other?'
- 'What commitments are you prepared to make?'

When they get together again 15 minutes later, she invites them to put forward their ideas alternately. Each proposal is captured on the whiteboard. When Clare and Harriet are satisfied that all their key ideas are on the board, they work through the process of discussing, refining and accepting or discarding the proposals with the assistance of the mediator. A document (Memo of understanding) is the outcome of their work together.

In bringing the mediation to a close, the mediator shares a favourite quote

from Sir Tipene O'Regan, a well-known Maori leader in New Zealand, who said, 'We let go of our dreams easily. It's a much harder thing to give up on our grievances'.⁷ She commends Harriet and Clare on the goodwill they have shown today and their willingness to let go the story of grievance and open up new stories of shared understanding, mutual commitment and a changed ongoing relationship. ●

Alison Cotter (MEd) is an employment mediator with the Department of Labour in Hamilton, New Zealand. She is the joint author with John Winslade of a chapter on employment mediation in Practicing Narrative Mediation: Loosening the Grip of Conflict, by John Winslade and Gerald Monk, recently published in the US by Jossey-Bass. She can be contacted at <alison.cotter@xtra.co.nz>.

Endnotes

1. J Winslade and G Monk, *Practicing Narrative Mediation: Loosening the Grip of Conflict* (2008) at 4.
2. Above note 1 at 6.
3. Above note 1 at 8.
4. M White, 'The externalizing of the problem and the re-authoring of lives and relationships' (1989) *Dulwich Centre Newsletter* [Special Edition, Summer 1988–1989], 153.
5. Above note 4 at 6.
6. Above note 1 at 27.
7. T O'Regan, *Personal communication* (2008).

Memo of understanding

1. Harriet withdraws her threat of resignation and agrees to stay in her position for at least three months, then evaluate how well it's working.

2. Clare agrees to set up a performance plan in order to support Clare in gaining confidence and skills in report writing. She will:

- work with Clare on writing the next report due
- review the operations budget and try to expand the administration support available
- investigate appropriate training and give Harriet the option of attending.

3. Harriet and Clare agree to meet each week to plan and co-ordinate projects and to discuss any issues of concern to either. Harriet agrees to speak up early if she encounters problems getting reports done.

4. Harriet requests that Clare notice and comment on the positive aspects of her work as well as giving critical feedback.

5. Clare and Harriet agree to keep details of this meeting confidential and to say to inquirers only, 'We've had a meeting, we've got a positive plan and we're getting on with it.'