

FRAUKE CHRISTIANSEN

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*Reinventing Organizations*

**Business Mediation –  
making both parties become winners**

Presentation at *Manager Lounge* Meeting, Frankfurt, December 2011

# Topics to address

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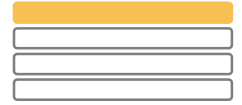
**1. The importance to understand individual needs and emotions**

**2. Elements and steps in mediation**

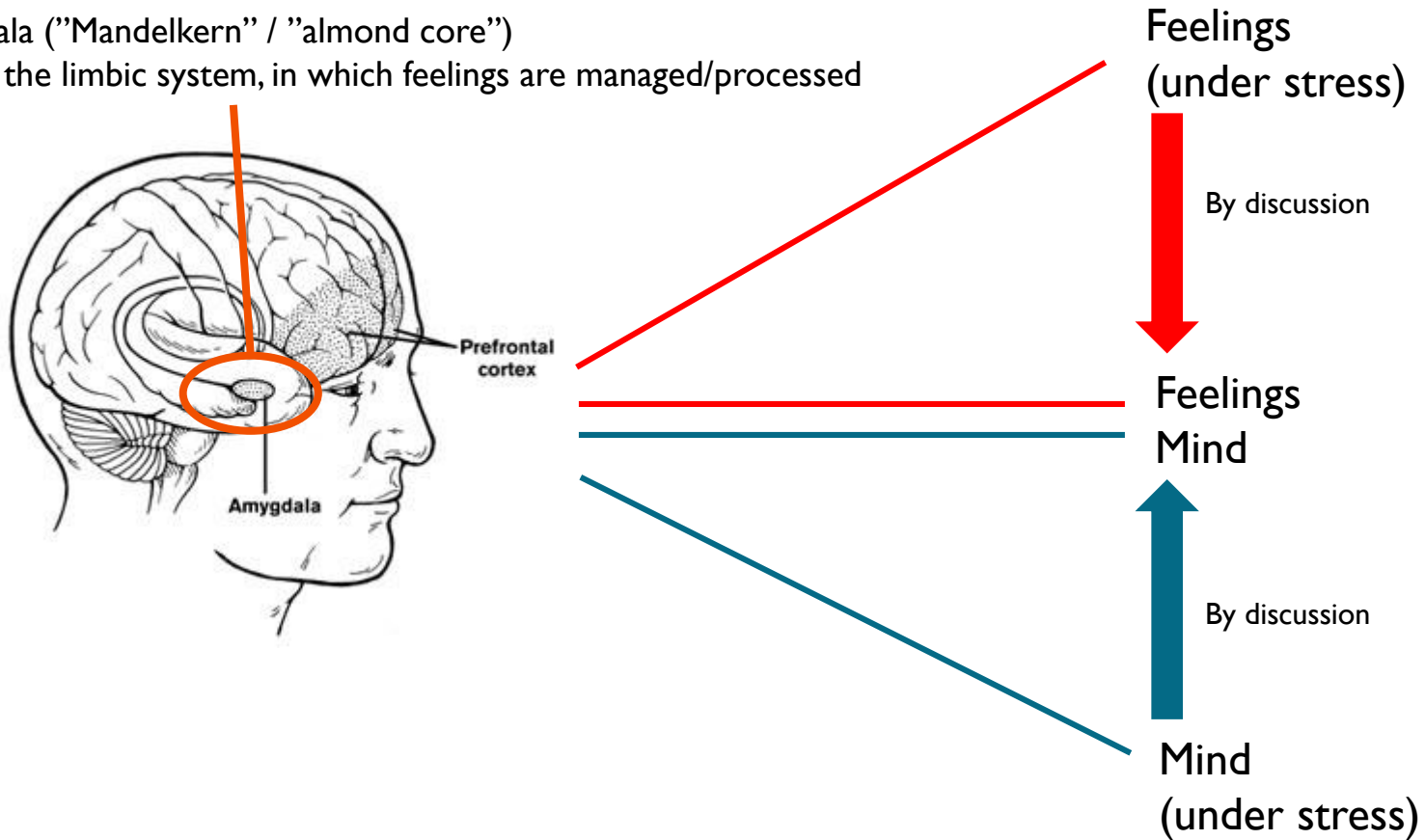
**3. The benefit for both parties**

**4. Conflict costs and conflict resolution**

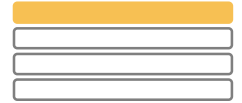
Especially if in state of anger or fear, one can't rely any more on his lucid mind or why "Let's stick to facts" doesn't work!



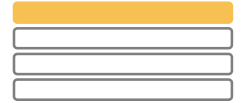
- Amygdala ("Mandelkern" / "almond core")
- Part of the limbic system, in which feelings are managed/processed



# „Mediation“ – where does the term come from?



- Mederi (latin): to conciliate, to mediate, to reconcile
- Medos (greek): interventional, unbiased, neutral
- Mediatio (latin): mediation
  
- Intercultural tradition for over 2,500 years
  - in the ancient world
  - in Europe referred to for the first time in the *Peace of Westphalia*
  - In the Asian culture area (Japan, China)

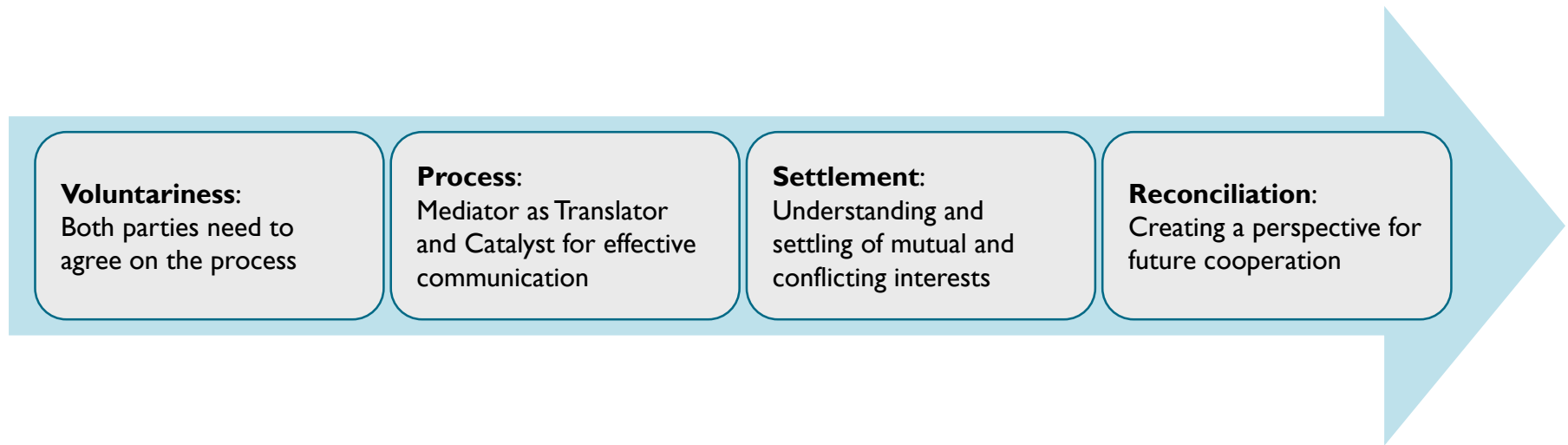
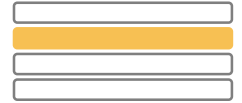


Negotiation / conflict resolution between two (or more) parties through the support of a neutral third person

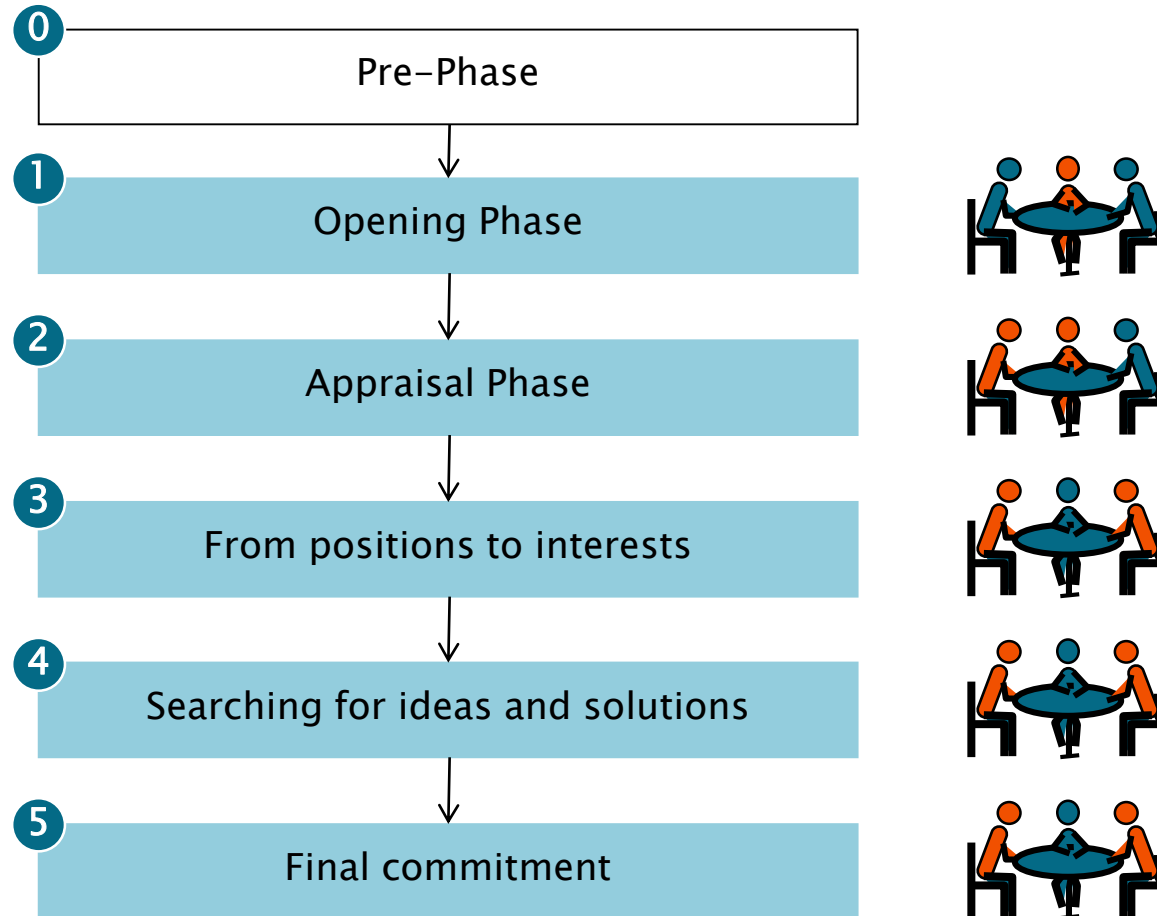
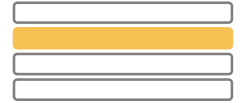
➡ Business Mediation enhances building sustainable business and working relationships

➡ Suitable for internal and cross-company conflict resolutions

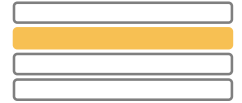
➡ The quality of the emotional level and how people deal with each other are key to success



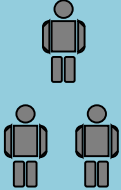
# Key steps in Mediation




# There is wide scope for Business Mediation



succession planning in family-owned companies




In signing, adapting and cancelling contracts and agreements



for inner-company conflicts



in consumer disputes



Kunde

**Business Mediation**

in projects and project teams



in real estate / construction business



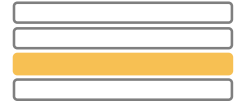
in administration



in international law





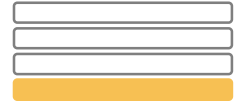


## Advantages:

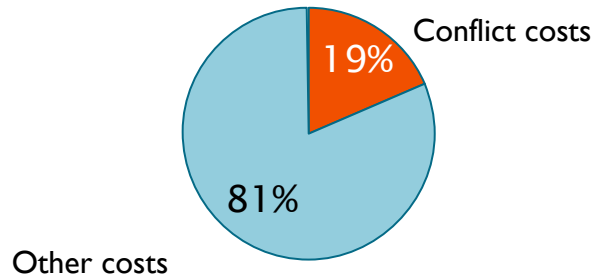
- + Cost efficient approach
- + Fast resolution and solution
- + All individual aspects and concerns are addressed
- + Parties are in control of the process
- + Trustful atmosphere
- + Face-saving for all parties

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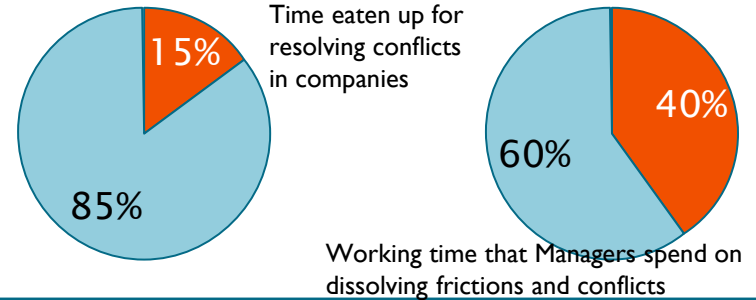
= “win-win”-situation: **two winners**



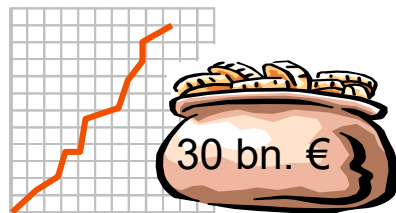
## Share in overall costs



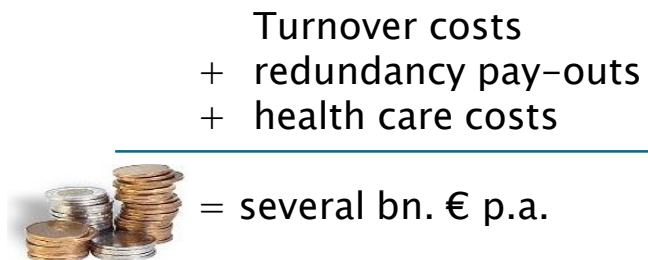
## Working time

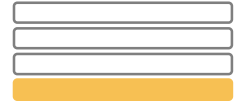


## Financial burden caused by absenteeism



## Total financial burden





## Jurisdiction

- „Law to promote mediation and other approaches to resolve conflicts out of court“
- Unanimously agreed upon by all five parliamentary groups on Nov 30th, 2011
  - To relieve courts from workload
  - Binding character of final agreements (writ of execution)
  - Immunity of witness for mediators
  - Defined qualification skills for mediators

## Ethics / Corporate Conduct

- Corporate Governance-guidelines / Code of Conduct
- Sustainability and Corporate Social Responsibility
- Increasing demand from investors and shareholders
- Need for professional conflict resolution and claim management in dealing with dissatisfied customers, employees and partners

... and finally



... your „jackpot“ numbers

