

# Kluwer Mediation Blog

## Making mediation a safe place – for the mediator

Rosemary Howell (University of New South Wales) · Saturday, July 22nd, 2023



For the past 2 weeks I have been teaching an intensive postgraduate class on interest-based negotiation. Most of the group were international students who, until now, had been undertaking their studies online and in their own countries.

Despite this country's reputation as a [safe place](#) many were finding Australia and Australian ways difficult to navigate and I could feel apprehension in the room when I walked in on the first day. I wanted them to have a rewarding learning experience – intensive experiential programs are a great way to learn when everyone is prepared to 'play' and to learn from what works and what doesn't.

But this cohort felt very unsafe at the prospect of making a mistake, in faltering English, in front of a large group of classmates. On day 3, when the students finally began to take some risks and engaged in the exercises with humour and energy, I felt all the effort had been worth it. To my surprise, after the final class, the group lined up and asked if they could each give me a hug! Considering our cultural differences, and the very respectful and formal approach of these students, I found it astonishing and delightful – a first for me in my many years of teaching.

Last night, as I completed my debrief, I concluded that the behavioural change was the result of the students being persuaded over time that this classroom was a safe space. A great reward for my very hard work.

Concerns about personal and community safety are front and centre at the moment – highlighted by the increasing danger in our international geo-political landscape and by our realisation that as

a species we are only one pandemic away from extinction.

Strangely, Covid enhanced my personal safety. It provided a powerful excuse to relocate to my bushland paradise – peaceful, quiet and safe, with technology that means my busy and rewarding professional life has not missed a beat.

Perhaps because my personal life and daily surroundings create a strong sense of safety for me, I have become more attuned to issues of safety in my delivery of professional services.

### **Safety for mediation parties**

The mediation space I oversee is one of high emotion. I work with businesses and organisations where the business owners and leaders have become enmeshed in significant conflict that threatens key relationships, business viability and reputations. A good outcome requires the relationships to be restored or for the parties to part with grace unscathed. Even online, through a screen, the heat of emotions is palpable.

I have a significant intake process with each party to explore what it will mean to establish a safe space and I am always surprised at how very emotional these powerful, accomplished business leaders are and how often they have been deeply wounded by the unravelling of a valued and collegiate working relationship. Trust has evaporated. There is great suspicion that the mediation room, although online, will be far from a safe space and will create an opportunity for threats of reputational damage and business ruin.

With the parties' permission, I often facilitate a 'safe space' discussion – a mixture of naming the behaviour I am not prepared to accept and an acknowledgement of the connection between feeling safe and rebuilding trust. I model respectful behaviour and it is contagious. Very often the parties begin to demonstrate a degree of trust in me and I find this is contagious too.

### **What about mediator safety?**

Despite the significant investment in creating a safe space for parties, mediation today is very often a hostile place where conflict readily intensifies. Guy Burgess and Heidi Burgess in their thought-provoking blog [Beyond Intractability](#) demonstrate how quickly [conflict](#) happens and offer really helpful tools for the mediator willing to invest the considerable energy required.

Usually when we talk about mediator safety we are talking about the risk of violence; the importance of knowing where the exits are and having a mobile device ready to call emergency services. Often the context is a family dispute.

But the safety I am talking about here is not related to threats of or actual violence. The screen is a good protection from that! I am talking about something more sinister.

As hyper-polarization nationally and internationally grows daily stronger in the world, it is influencing the growth of hostile and violent speech and behaviour everywhere.

Threatening and aggressive language proliferates. Debriefing recently with my co-mediator after a particularly challenging mediation, I was surprised to hear her share how serious the impact of the hostility and threats had been on her safety and welfare. As she talked about the steps she needed to take to regain her equilibrium and her confidence to re-enter a mediation room again I realised

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that this had been my experience too.

Without realising it, I had allowed my empathic concern for others to drain my energy. I had failed to balance my safety needs and to protect myself from absorbing the anger and vitriol generated in the mediation. I had failed to use the tools of self-protection that most of us mediators need always on hand. So this difficult mediation and debrief did me a great service. It has challenged me to strengthen my self-care habits.

Last blogpost I wrote about the 12 week Emotional Intelligence program I completed recently and the well-wishing practice I adopted using the work of the wonderful [Mirabai Bush](#).

Now I have decided that although I complete this practice each morning I will strengthen its impact. I will also reinforce the well-wishing affirmation at the end of every mediation debrief session – choosing to be safe, well, happy, healthy and strong.

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