

Change may not be the only constant. In the business world conflict can arise in the office, with partners, colleagues, employees and employers, with service providers, with clients and with competitors.

## How can Mediation help my business?

Even without conducting a conflict audit, most businesspeople can identify the cost/impact in time, resources and opportunities caused by disputes.

Litigation can be a long, time-consuming and expensive road. If negotiations between you and the other party have become stuck then you may want to consider mediation as a more efficient and less stressful alternative to court.

Mediation is a way of 'unsticking' negotiations. Mediation is not counselling and it is not therapy. Mediation is a facilitated negotiation in which both parties have the opportunity to explain their understanding of the dispute and how it may be settled with the support of a professional mediator.

Mediation can provide the structure and process for negotiations needed to encourage settlement.

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I am focused on working with people who seek to resolve their disputes in a constructive and respectful way.

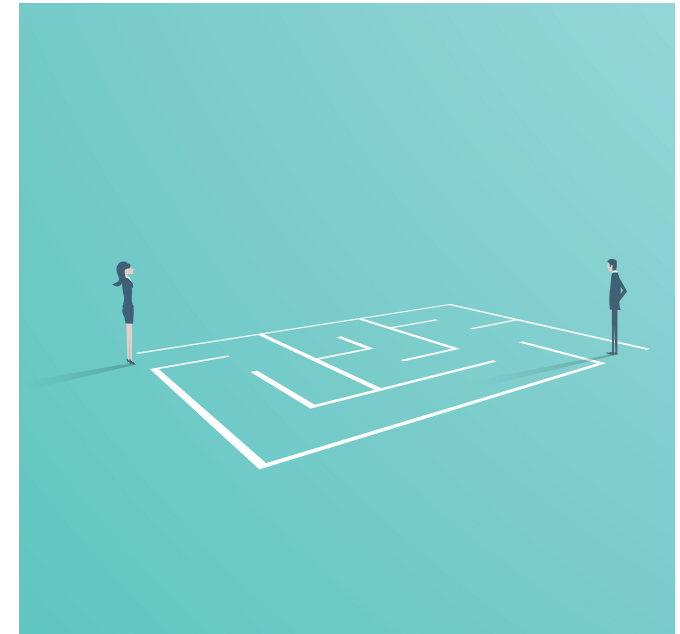
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# Business and Employment Mediation



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## Before mediation:

- **Considering mediation** - a mediator will be happy to discuss the nature of the process with you so that you can make an informed choice about whether this will be right for you and your business. It may be that you have commenced proceedings and are now considering mediation. It is possible to mediate at any stage of a dispute, even if you have filed in court.
- **Finding a mediator** - when considering a mediator, you may receive a recommendation (e.g. by word of mouth or a referral from your solicitor). It is important that you and the other party both feel comfortable with the mediator that you select. You may also wish to consider training, experience, availability and cost. You may want to have a preliminary call with a mediator to understand more about their approach and how they manage the mediation process.
- **Preparing for mediation** - when preparing for mediation it is important to obtain independent legal advice. When seeking legal advice, it is helpful to ask for the range of outcomes that may occur in your case (i.e. good day / bad day in court). Given that typically commercial mediations typically settle on the day of mediation and parties sign agreements, having this information in advance can facilitate settlement.

## During mediation:

- **Intake** - the first step is for each party to meet the mediator for an intake meeting. This is an individual meeting with the mediator and gives you an opportunity to tell the mediator the issues that need to be resolved and your goals for the mediation. The intake session is invaluable for a mediator to be able to plan for an efficient mediation process.
- **Mediation sessions** - the mediation session begins with both you and the other party identifying the issues that need to be resolved. The mediator will create an agenda which you will both prioritise. The mediator will then lead the conversation through each point. The mediator's role is to maintain forward momentum in the negotiation.
- **Reaching agreement** - when you and the other party have reached agreements, either the mediator will draft a settlement document or a party's solicitors may prepare a similar document. You may both decide you wish to have time to consider the draft and seek any legal advice before signing, or in commercial disputes it is not unusual for settlement agreements to be signed on the day.

## After mediation:

In general, once the settlement is signed the mediation process is over. There are some reasons why you might get back in touch with the mediator such as:

- **Bumps in the road** - sometimes people hit a bump in the road when implementing settlements. It may be helpful to exchange emails or do a quick call with the mediator to get things back on track.
- **Skills training** - the experience of mediating your dispute may inspire you to develop conflict management skills as a professional, or within your HR team. Conflict Change Consulting can deliver conflict management skills training for individuals or teams.

