

Capacity building through Mediation in EAP context

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Rationale of the presentation

- To alert role-players in the EAP fraternity about the potential value of mediation
- To create awareness amongst role-players in the mediation field about the challenges of the EAP and the potential role that mediation may play in the EAP context

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EAPA-SA's definition of the EAP

EAPA-SA (2010)

'Employee Assistance' is the work organisation's resource based on core technologies or functions to enhance employee and workplace effectiveness through prevention, identification, and resolution of personal and productivity issues.'



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Definition of EAP by Terblanche (2018)

An Employee Assistance Programme (EAP) is a strategic work-based intervention programme designed to enhance:

- the psycho-social well-being of all individual employees; and
- the well-being of the employer as corporate client towards improved productivity of the workforce at large.



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Definition cont.

The goal is to provide proactive and reactive interventions, through the application of acknowledged core technologies, for the early identification and/or resolution of both work and personal challenges that may adversely affect performance and well-being.

These challenges and issues may include, but are not limited to relationships, health, trauma, substance abuse, gambling and other addictions, financial problems, mental and psychiatric disorders, communication, legal, structural and transformational issues.



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Goal of the EAP

The goal of the EAP is to

- Increase productivity; and
- To enhance social functioning



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EAP and Mediation



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Defining mediation


- Mediation is a voluntary, multi-faceted, and confidential process in which a mutually-selected, impartial mediator helps people involved in controversies to reach an outcome of their own making, which may include the resolution of issues and the preservation of vital relationships.
- Mediation has the broadest application and the greatest potential for resolving disputes and reconciling conflicts.



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You may ask.....


'Should the EAP be involved in matters which may require litigation?'



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The reality needs to be taken into account


- The EAP has two clients
 - Individual employees: experiencing personal issues which may affect their social functioning and productivity
 - Corporate clients: experiencing 'personal' issues, which may affect their profits and service rendering



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- Common to these two groups of clients, is the fact that people/employees are involved in projects and processes
- When people are involved, difference in opinion becomes a reality
- Difference in opinion may result in conflicting situations
- Which may become counter-productive if not dealt with constructively



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Options in dealing with such differences....

- Litigation – we are living in a society where everybody sees the court as the only solution to a problem
- Mediation however should be acknowledged for its potential added value and benefits in comparison

Mediation above litigation

- Mediation costs less
- Less time consuming
- Most cases settle during mediation
- Mediation is less stressful
- Mediation provides a neutral perspective
- Experienced family mediators are available
- Parties remain in control over decisions
- Easier process

Mediation as a working process

- Setting the agenda
- Role of the mediator
- Focusing on interests
 - People
 - Interests
 - options
- Exploring and finding common grounds
- Generating options
- Separate/side meetings
- Closure and agreements

EAP


- Different role-players
- Different viewpoints
- Different beneficiaries



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Core technologies/functions of the EAP

Core technologies provide room for networking and potential disputes



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Core technologies or functions (EAPA-SA Standards 2015)


- Training and development
- Marketing
- Case management/Clinical intervention
- Consultation to work organization
- Stakeholder management (Networking)
- Monitoring and evaluation



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EAP Standards

- Most, if not all of the core technologies require networking and as such carry the potential for disputes to occur



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EAP Standards

Categories of EAP standards

- Programme design
- Implementation
- Management and Administration
- Clinical services
- Non-clinical services
- Proactive services
- Stakeholder management
- Monitoring and evaluation



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Programme design

- Organisational profiling
- Policy
- Advisory Committee
- Service delivery systems and Costing models



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Implementation


- Operational guidelines
- Implementation plan



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Management and administration

- Staffing
- EAP professional consultation or supervision
- Professional development
- Professional liability insurance
- Ethics
- Confidentiality
- Record keeping



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Clinical services

- Critical incident management
- Crisis intervention
- Case assessment
- Referral
- Short term intervention
- Case monitoring and evaluation
- Aftercare and reintegration



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Non-clinical services

- Organizational consultation
- EAP management and supervisory training
- Marketing
- Mediation – a next category of non-clinical services?



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Proactive services

Proactive services are dependent on:

- effective networking and communication
- Sufficient information shared amongst different role-players
- Different role-players – especially those employees at risk- may challenge certain solutions to identified problems



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Stakeholder management

- Internal organizational activities
- External community organizations and resources
- Professional organizations
- External agencies
- Role of the EAP as mediator



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Monitoring and Evaluation



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Programme Design: Costing models


- Fee-for-service
- Retainer fee/capitated model



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Models of the EAP

- Different models applied over time
- In-house more popular in earlier days
- External model
- Hybrid model



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Two costing models

Fee-for-service

- Pay for what you get,
- Choose components and
- Compose your model

Retainer fee/capitated model

- Pay set fee per employee per month/year
- Negotiate for best price
- Fee set despite variation on number of referrals
- More referrals – more beneficial for corporate client
- Lesser referrals – more beneficial for provider



Contracting

- Legal process
- Role players (procurement often in lead)
- Becoming more sophisticated
- Details to be specified
- Set fees
- Set product
- Monitoring and evaluation
- **Mediation a tool to be applied during the contracting process**



Programme design: Service delivery models and costing models

- Identification of resources
- Assessment procedures and of individual client
- Referral system and procedures
- Therapeutic approach
- Intervention process
- **Mediation**
- Monitoring
- Evaluation



Management and admin: Ethics

- Non-ethical behaviour potential conflict
- Mediation to be considered




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Management and admin: Confidentiality and disclosure of information

Confidentiality

- To be reflected in all documentation
- Protect privacy of the client
- Mediation to be considered in the process of disclosure of info




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Management and Admin: disclosure of information

Disclosure of information limited to:

- Written permission by the employee
- Without permission – feedback limited to confirmation of the following:
 - Report for and attendance of sessions
 - Co-operation or lack thereof
 - Progress or lack of progress



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**Management and admin:
Confidentiality and disclosure of
information cont.**

Written permission limited to:

- Signature of the person whose info will be released
- Specific info to be released
- Purpose for release
- Date consent takes effect
- Date of expiry



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**Clinical services:
Critical incident management**

- All EAP staff to be trained in trauma management and debriefing
- All staff trained in trauma management protocols



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Clinical services: case assessment

Assessments should include:

- the client's statement of the problem;
- the precipitating event/s;
- past history of the problem;
- mental status;
- relevant family history;
- level of risk to self or others;
- **Mediation versus counselling**



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Clinical services: case assessment cont.


- effect on job performance;
- corroborating data;
- initial impression;
- available support systems;
- recommendations.



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Clinical services: case assessment cont.


- The EAP professional should focus on the confidential nature of programme participation and clearly outline/emphasise limitations



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Clinical services: Referral

- EAP professional must explain to the client the reasons for the referral as well as any costs the client may incur;
- progress and outcome of referrals should be followed up by EAP staff;
- EAP should clarify referral procedures with outside resources to which clients are referred.



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**Clinical services:
Short-term intervention**


- Short term intervention
 - Focus on short term therapy (SFBT)
 - Long term intervention for employee's own account



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**Clinical services:
Case monitoring and evaluation**

- Frequency of contact contracted with the employee client and the service provider during treatment period;
- Follow-up with the referring supervisor immediately after assessment and referral, and once the intervention is complete;
- All monitoring activities should be documented in the client's EAP record for verification and evaluation



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**Clinical services:
Aftercare and reintegration**


- Policy should indicate reintegration to take place
- Procedures regarding reintegration and aftercare should be stipulated in the operational guidelines
- Follow-up with referring supervisor crucial
- EAP professional to validate impact of intervention
- **Mediation between the Supervisor and the employee toward consensus about the road ahead**



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**Non-clinical services:
Organisational consultation**


- Pro-active role of the EAP
- EAP functional in total company
- Consultation prior to decision with potential major impact, i.e. retrenchment, restructuring, early retirement in order to prevent labour action
- **EAP mediation between Management and affected workforce**



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**Non-clinical services:
EAP management and supervisory training**

- EAP training
- Supervisory training
- Supervisor in key role re troubled employee
- Curriculum
 - EAP concept
 - Change attitude from dismiss to assist
 - Programme procedure
- **Mediation during motivation/constructive confrontation**



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Non-clinical services: Marketing

- Marketing crucial to enhance the EAP
- All role-players should feel comfortable in utilizing the EAP
- Misconceptions to be identified and addressed
- Corporate image of the company
- **Buy-in to ensure funding - mediation**



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Non-clinical services: Mediation


- Different role-players
- Accommodating contrasting views
- Re different EAP standards



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Proactive services: Mediation as intervention

- Actions or programmes should be aimed at different target groups and respond to trends;
- Risk profiling should form the basis of preventative interventions
- Name few examples of existing programmes
 - Violence in the workplace
 - HIV and AIDS in the workplace
 - Anger management
 - Change management



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Stakeholder management: Internal organizational activities


- Proper representation, starting with the advisory committee
- Utilize existing expertise in the company, i.e. finances, marketing department, training department
- **Role of mediation**



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**Stakeholder management:
External community organizations and resources**

- To ensure total scope of services to employees and dependents
- Listing and updating of resources, i.e. hospitals, clinics
- Best product for best price
- **Role of mediation**




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**Stakeholder management:
Professional organizations**

- To ensure own professional growth
- Care for the care-giver
- Professional development activities
- EAPA-SA and chapters
- **Role of mediation**



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**Stakeholder management:
External agencies**

- Courts,
- legal representatives, legal aid
- SAPS
- Financial institutions
- **Role of mediation**



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Monitoring and Evaluation

- Expectations regarding monitoring and evaluation
- Processes involved
- Consensus in terms of procedures
- Outcome evaluation



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References

- <https://socialjustice.co.za/learn-about-mediation/#1517734533315-7842df67-edda>



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