

Mediating a Real Termination Case

Published in Santa Monica Business Journal in January 1996

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Once upon a time there was a business that terminated an employee. They claimed they caught him stealing merchandise. He wore a tie from the store's inventory to comply with the store's dress code for men, having forgotten his at home. Now he says he cannot find a job because when filling out job applications he has to say he was terminated for "misappropriation of company assets". The store's general manager would not return his phone calls. He wanted to sue the company to clear his record. What options did he have?

The store's legal department suggested mediation. They sent their loss control--or security--manager to represent them. The security manager sat at a table with the young man and the mediator. This was the first time each side had heard the other's perspective of the situation.

Through the mediation process, the young man listened intently to the security manager describe the company's policies as they related to the events of that afternoon. He heard the security manager acknowledge the possibility that the events had been misconstrued. He also heard that just because everyone always wore the company's ties during their shift did not make it right that he had. The manager agreed to have a talk with his security employees about enforcing the rules more consistently and about how they had handled the events of that fateful afternoon. He clarified for the young man the limits of what they were allowed by law to disclose in an inquiry from a potential future employer of his, and agreed to how these calls would be handled in the future. The seasoned security manager also acknowledged that the young man had been a good employee. He told him that if he were considering him for a position at another company, he would hire the young man now that he fully understood the situation. He agreed to arrange for a letter of recommendation to be issued to the young man acknowledging his awards during his two years of service to the company.

That is all the young man needed to hear. Armed with a letter of recommendation and the assurance about what information potential new employers would receive, his confidence was raised. He truly had his "day in court" or his chance to "get it all off his chest." Through mediation, solutions are quick and affordable, and anything is possible.

Lee Jay Berman is the President of THE MEDIATION ALLIANCE, INC., a full-service mediation firm dedicated to utilizing the talents of field-specific, professionally certified mediators. Mr. Berman and his firm also teach mediation skills and consult to businesses teaching conflict resolution skills in the workplace. Contact Mr. Berman at (800) 395-6495.