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## Why de-escalation is the most effective tool in employment mediation

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In recent years, law enforcement agencies across the country have increasingly emphasized de-escalation as the most effective means of resolving tense encounters with the public. The underlying rationale is straightforward. When individuals feel threatened, unheard or cornered, conflict escalates. Once escalation occurs, rational decision-making diminishes and control is often lost.

That same dynamic appears with striking consistency in employment mediation.

Employment disputes rarely arrive at mediation in a neutral emotional state. Whether the claims involve wrongful termination, harassment, retaliation or wage and hour violations, the parties typically come to

the table after months or years of escalating conflict. Employment relationships often predate the dispute by significant periods of time, and the breakdown of those relationships tends to generate frustration, resentment and mistrust well before litigation begins. By the time a mediator is engaged, escalation is usually already well underway.

For that reason, de-escalation is not merely helpful in employment mediation. It is essential.

### Employment disputes are inherently personal

Unlike many commercial disputes, employment cases are rarely about money alone. While financial compensation is often necessary to resolve the matter, the underlying conflict usually centers on issues of identity, dignity, reputation, power and perceived fairness. In many cases, compensation only becomes a focal point after a termination or other adverse employment action affecting pay. Long before monetary is-

ssues arise, the dispute is typically rooted in personnel decisions and workplace interactions.

Employees frequently enter mediation feeling disrespected, silenced or discarded. Employers, for their part, often feel accused, mischaracterized or unfairly targeted. As a result, both sides are commonly operating from a defensive posture rather than a decision-making one.

This mirrors what occurs in escalated police encounters. When individuals perceive threat, the brain shifts into a fight-or-flight response. Logical reasoning narrows and the capacity to listen diminishes. Escalation in mediation, whether through aggressive questioning, early ultimatums or rigid positional bargaining, reinforces that response. Once parties reach that psychological state, impasse becomes far more likely.

### De-escalation creates the conditions for resolution

In policing, de-escalation training typically focuses on four core prin-

ciples. First, officers are trained to slow interactions rather than rush toward outcomes, recognizing that speed heightens fear and impairs judgment. Second, verbal intensity is deliberately reduced through calmer tone, simpler language and fewer commands, because individuals tend to mirror the energy directed at them. Third, de-escalation prioritizes communication before control. The objective is understanding, not immediate compliance. Once communication is established, control often follows naturally. Fourth, officers are trained to use time as a tool rather than a threat. Creating space and allowing emotions to settle often resolves situations that force would only intensify.

Those same principles apply directly to employment mediation. Effective employment mediators slow the process rather than pushing parties prematurely into numbers or hardened positions, recognizing that emotional urgency often leads to strategic miscalculation. Verbal

intensity is lowered by reframing accusations as concerns and legal positions as risk assessments, thereby reducing defensiveness. Communication is established before control by allowing each party to tell its story privately and without interruption, so that participants feel heard before being asked to compromise. Time is used deliberately through strategic pauses and thoughtful sequencing, allowing perspective to return. When time is respected rather than weaponized, parties are far more likely to make reasoned settlement decisions.

### **Caucus-only employment mediation as a de-escalation tool**

Just as police de-escalation relies on creating distance, reducing stimuli and lowering emotional intensity, caucus-only employment mediation uses separation and controlled communication to prevent escalation and promote rational decision-making.

Caucus-only mediation is inherently de-escalatory because it removes many of the triggers that fuel workplace conflict. Joint sessions can unintentionally amplify escalation by creating an audience effect, where parties feel compelled to defend identity, posture for counsel or respond emotionally to perceived disrespect. In employment disputes, where power dynamics and credibility concerns are central, face-to-face exchanges often increase defensiveness rather than understanding.

Private caucuses create psychological safety. They allow parties to speak candidly without fear of

immediate reaction or judgment. This setting enables the mediator to slow the process, reframe charged language and address risk realistically, all of which support de-escalation and make productive negotiation possible.

### **Escalation narrows options in employment mediation**

Escalation in employment mediation often manifests early through extreme opening demands, immediate low offers, categorical statements such as “that will never happen,” or premature declarations of impasse. These tactics may feel decisive in the moment, but they typically backfire. As in escalated police encounters, escalation in mediation quickly narrows the available options. It pushes the opposing party into a defensive posture where protecting position becomes more important than solving the problem. Once that shift occurs, even reasonable proposals may be perceived as losses.

De-escalation produces the opposite effect. By lowering emotional intensity and shifting focus away from blame, de-escalation expands the decision space. Creative brackets become possible where fixed positions once dominated. Conditional movement replaces rigidity, allowing parties to explore outcomes without immediate commitment. Risk analysis displaces moral judgment, and settlement becomes a practical business and life decision rather than an act of capitulation. When parties are no longer reacting defensively, they are better equipped to reach durable resolutions.

### **Durable employment settlements result from de-escalation**

In policing, the goal of de-escalation is not simply to end an encounter, but to end it without unnecessary harm. The same principle applies in employment mediation. A rushed, force-driven settlement may close a file, but it often leaves lingering resentment, buyer’s remorse, compliance issues or the seeds of future litigation.

A de-escalated mediation process allows parties to slow down, understand their choices fully and make informed decisions. Mediation is most effective when it empowers parties to reach resolutions they choose, rather than outcomes imposed through pressure. De-escalation leads to settlements that parties accept, understand and can live with long after the mediation concludes.

### **De-escalation as the mediator’s core function**

There seems to be a trend in mediation for the process to drift toward a courtroom-style process, particularly with the increasing presence of former judges in the field. When mediation begins to resemble adjudication, party autonomy diminishes and escalation often increases.

The mediator’s role is not to pressure parties into agreement. It is to lower the temperature enough for sound decision-making to occur. De-escalation restores perspective by helping parties step back from emotion and assess risk realistically. It restores agency by allowing each side to retain ownership of

the outcome. It restores choice by replacing reactive decision-making with deliberate judgment. Ultimately, it is choice, not force, that resolves employment disputes and produces settlements that endure.

### **Conclusion**

Whether in a police encounter or an employment mediation, escalation may feel powerful in the moment, but it rarely produces meaningful resolution. De-escalation succeeds because it replaces reaction with reflection, allowing individuals to slow down, reassess risk and make deliberate choices. In employment mediation, that shift is often the difference between prolonged conflict and genuine closure, and between disputes that continue to drain resources and those that finally reach resolution.

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