

Analysis on Workplace Conflicts be Settled Down with the Help of Mediation

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Abstract :

Assisting the concerned parties to voluntarily seek a settlement of the problems in a dispute that is acceptable to both sides, mediation is the involvement of a suitable third person who has little or no authority decision-making ability (Moore, 2003). In essence, mediation is a discussion or negotiation involving a third party. A mediator is a neutral third person who is typically not directly involved in the issue; this independence and objectivity are key components of the mediation process. Workplace mediation is a change from conflict-based employee interactions to a collaborative and problem-solving approach, and it can reduce stress in the workplace. It is also a tried-and-true informal method for resolving problems quickly and effectively while avoiding costly litigation.

Keywords : Workplace , conflicts , mediation , analysis

1.0. Introduction :

When there is a significant degree of dependency, a disagreement in values or views, a lack of resources or incentives, a high level of stress, or an unpredictable environment, conflict may arise. Most of us would instinctively link the word "conflict" with events in our present or former professional lives that were unpleasant, stressful, or upsetting if asked to define what constituted workplace conflict. We would probably also be able to recollect instances of open communication that went well, in which we felt heard and understood when resolving issues at work. Despite the fact that we may not have always succeeded in achieving our ideal outcomes, these constructive conflict experiences would be distinguished by a feeling of shared power, trust, and respect.

In this regard, conflict in the workplace is similar to conflict in our personal and family lives in that, despite the fact that we have had significant and rewarding experiences resolving our differences, we still frequently perceive conflict as unwelcome, challenging, and difficult to deal with (Buon, 2008). Actually, an employee's experience with workplace conflict can be both unpleasant and good, and the numerous and diverse circumstances that influence whether it is one or the other or a mixed experience are what determine whether it is one or the other.

2.0. Literature Review :

The stages of conflict that can be experienced are summarized in the figure below (Weeks, 1994), starting with discomfort, when nothing overt has happened but the individual in question senses something is off. The occurrence that involves an external conflict but no major interior emotional reaction on the part of the individual involved is considered to be at the next level.

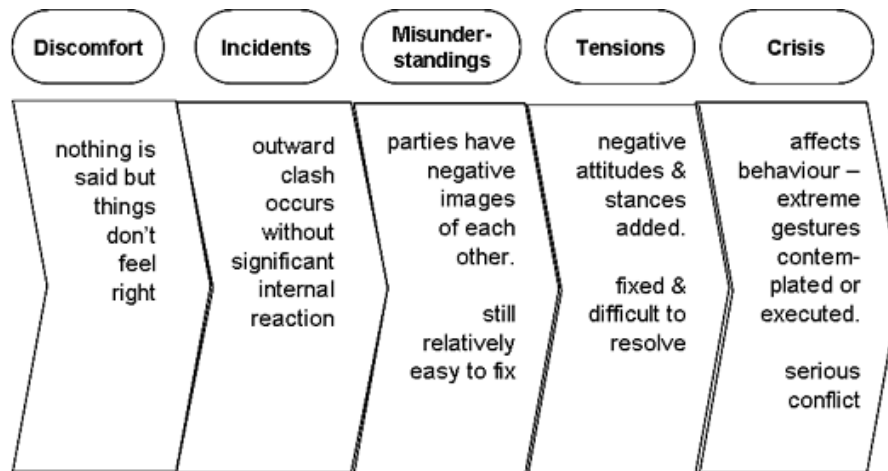


Figure 1: Level of Conflict (Based on Weeks, 1994)

By exchanging information and being transparent with one another, a problem may still be resolved relatively quickly until it has reached the stage of misunderstanding, when one or more of the parties have started to acquire negative opinions about one another. However, when a dispute reaches this degree of stress, one or more of the parties has begun to establish firm opinions and ideas about the other party, making it harder to resolve the dispute (Buon, 2008).

At the highest degree of crisis, the disagreement may have an impact on how one or more parties behave, and extreme actions are considered or taken, further eroding trust and the chance for the parties to rebuild a productive working relationship. It is obvious that not all conflicts begin at the lowest level of intensity and develop to a crisis; some disputes may remain at a same level eternally without ever escalating, while others may deescalate and become better. Alternately, given the nature of what has happened, it may begin at a high degree of intensity and swiftly spiral into a crisis. . However, in general, we may refer to the development of a dispute through time as a continuum of conflict, as shown in Figure 2 (Tidwell, 1998).

On the horizontal axis is the length of time that has passed, with the level of intensity growing over time the longer the dispute has existed. On the vertical axis is the degree of negotiability or chance to negotiate a settlement. What is apparent is that when circumstances get more serious, they are less amenable to negotiation..

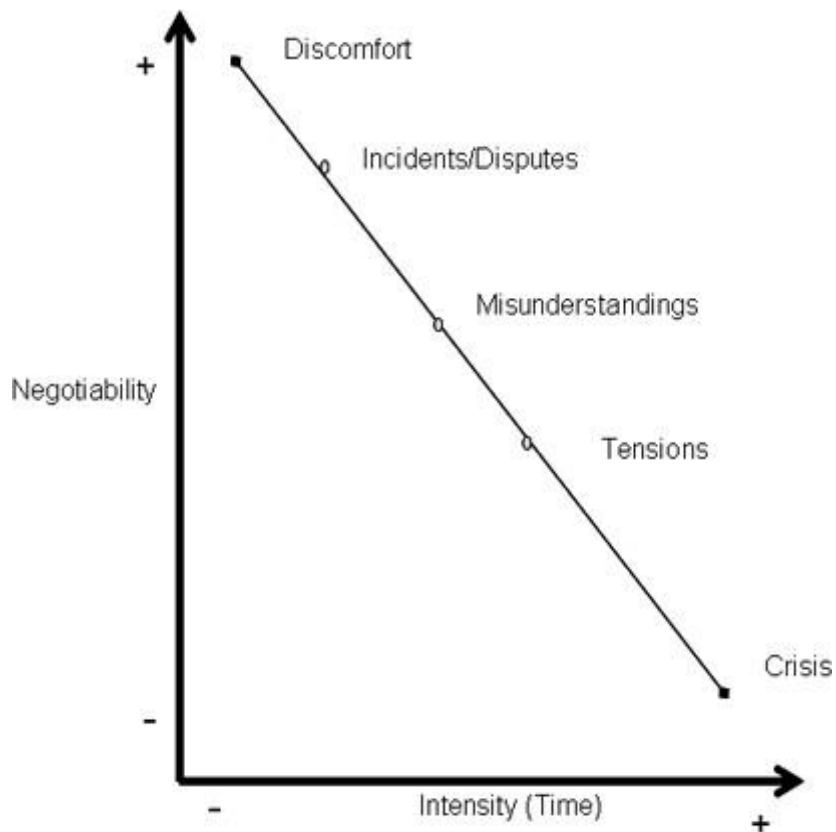


Figure 2: Continuum of Conflict - Source: Modified from Tidwell (1988)

It's crucial to understand that different people will experience different levels of internal conflict reaction intensity at different times. One individual's perception of a conflict scenario or issue as unimportant or insignificant may cause another person to feel strongly upset, betrayed, or angry. Another frequent occurrence is for one side to be concerned by a situation while the other party is ignorant of it (Buon, 2008).

Individual reactions to a situation can vary greatly, but it is generally accepted that situations involving basic human needs, such as those related to individual or group identity, recognition, or developmental needs, have a tendency to arouse strong emotions. It is these unmet or unacknowledged human needs that form the basis of intensely felt conflict situations. A person may feel threatened by their identity at the center of such disputes and start to exhibit substantial signs of discomfort or stress.

3.0. Metamorphosis of Conflict

The concept of a "continuum of behaviors" builds on the previously mentioned idea of the evolution and escalation of conflict through time. Figure 3 illustrates the wide range of behavior that may influence the development of workplace conflict. Such behaviors will always occur in any work group or team and will vary in intensity and duration depending on the nature of the conflict, the individual makeup of the group or team, the collective history of the group or team, the skills and experience of the managers, and the overall organizational culture.

Minor conflict situations have the potential to change or "metamorphose" (Fortado, 2001) into much more serious conflicts involving behaviors like bullying or harassment and acts of retaliation, sabotage, physical assault, or violence. While a conflict may begin at one end of this continuum with behaviors that are seemingly minor or can be reasonably regarded as just a normal part of day-to-day working life, minor conflict situations have the potential to do so. The possibility of this type of metamorphosis

increasing if a conflict is not handled through effective early intervention or is handled incorrectly increases, especially when the conflict centers on unmet human needs and there is a high level of emotional intensity for one or more of the individuals (Buon, 2008).

A wavy line in the diagram illustrates how difficult, if not impossible, it is to identify or anticipate the exact moment when this shift will occur.

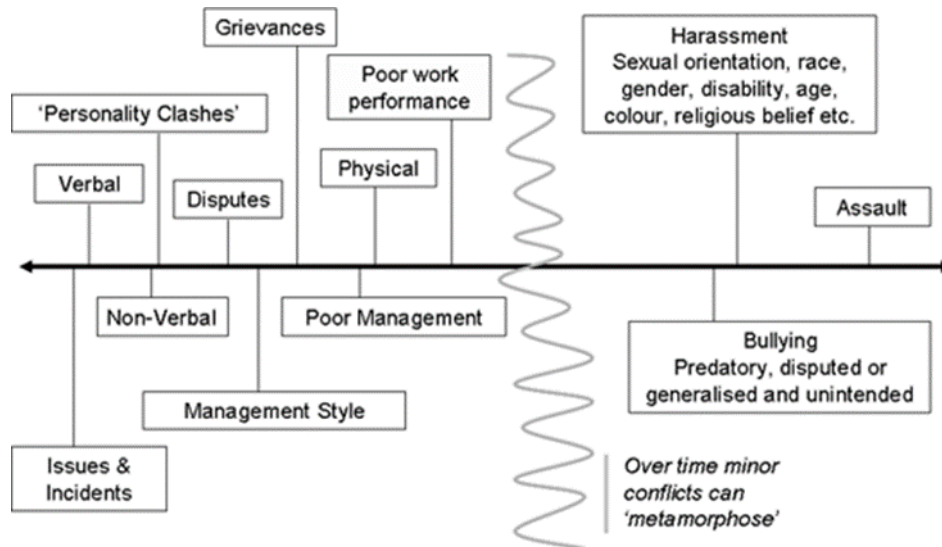


Figure 3: Continuum of Behaviour Source: Buon (2008)

The Cost of Workplace Conflict

Poor morale and disengagement at work can lead to absenteeism, turnover, low productivity, poor decision-making, and communication issues. Workers' compensation claims, complaints, and grievances, as well as violence, expensive legal battles, and stress-related physical issues.

Conflict at work is said to cost UK businesses £24 billion annually. According to a 2008 survey by CPP Inc., each employee in the US spends on average 2.1 hours per week—or roughly one day per month—dealing with conflict in some capacity (getting into a dispute, handling conflict amongst coworkers, etc.). Conflicts at work take up 25–40% of the time a manager typically spends on them. That equates to one to two workdays every week. in May 2005 (Washington Business Journal). Conflict causes turnover, and turnover costs the company a tonne of money. According to Ernst & Young, the expense of losing and replacing one employee might reach 150% of that individual's yearly compensation. (Workforce.com)

4.0. Responses to Conflict

It is argued that in order to respond to conflict more successfully, we need to redefine workplace conflict as something that is neither good nor bad but rather neutral. Conflict at work, according to Weeks (1994), is instead seen as the "outgrowth of diversity and differences and is a natural process of communication. "The attention may then begin to shift away from what is frequently perceived as a disempowerment disease at the root of most disputes once we embrace the inherent neutrality of conflict. We may also stop putting effort into avoiding the possible bad effects of engaging in conflict with others or acting in a conflict and start concentrating on how we can react to those conflicts both at an individual and organizational level effectively and positively. This means that whether a dispute is positive or bad depends less on the conflict itself and more on the positive or negative characteristics of individual behavior and how we react to those behaviors.

Consequently, the crucial query is whether the dispute at hand can be characterized as functional or dysfunctional. And what does this conflict scenario reveal about myself, my relationships at work, my team, or my organization? Although the answer to this question is ultimately arbitrary and loaded with values, it is argued that by asking it of one another and of ourselves, we start to increase our degree of self-awareness and, therefore, our ability to respond in more effective ways.

5.0.Resources for Responding to Conflict

The internal, psychological, and organizational resources available to develop and support that reaction determine an individual's or organization's ability to respond to conflict successfully and constructively. The list that follows is a quick rundown of some of the most important tools used to deal with conflict at work.

1. Self-Awareness
2. Resilience
3. Interpersonal and social process abilities
4. Communication Techniques
6. Policies and Procedures, including Third Party Interventions and Internal and External Mediation
7. Management Actions
8. Coaching, training, and development
9. Contact Plans for First Contact or Harassment
10. Welfare or Employee Assistance
11. Informal Methods of Communication and Problem Solving
12. Arbitration

Although informal processes for resolving conflict before it progresses to a formal grievance are typically included in grievance procedures, few organization's, in our experience, provide any guidance on how this stage should operate. Although more employers are starting to implement informal processes like workplace mediation, they are still not widely accepted as a common strategy. Nonetheless, it is gaining ground.

Many managers might feel unqualified or lacking in confidence to even attempt to mediate workplace disputes in light of the growing number of protected categories of employment rights, and in an effort to do it right and minimize risks, they would rather have the situation handled formally. The risk is that this reaction to the legal framework may result in an over dependence on the "compliance approach" to handling conflict at work. However, developing and using excellent informal problem-solving procedures and interpersonal process skills is the most effective approach to stop conflict from arising and escalating as well as to enable employees to discover their own solutions. We need to let go of our fear of "walking on eggshells" when it comes to our workplace conflicts with coworkers and our bosses, and understand that being excellent at handling conflict requires being willing to learn new things about ourselves and our organization's.

Additionally, it entails having the chance to evaluate our abilities, strengths, and opportunities for improvement inside our businesses. We must have the chance to exercise our judgments, discover what works, and improve our ability to moderate our own behavior and step in when necessary during conflict.

If your general strategy is...

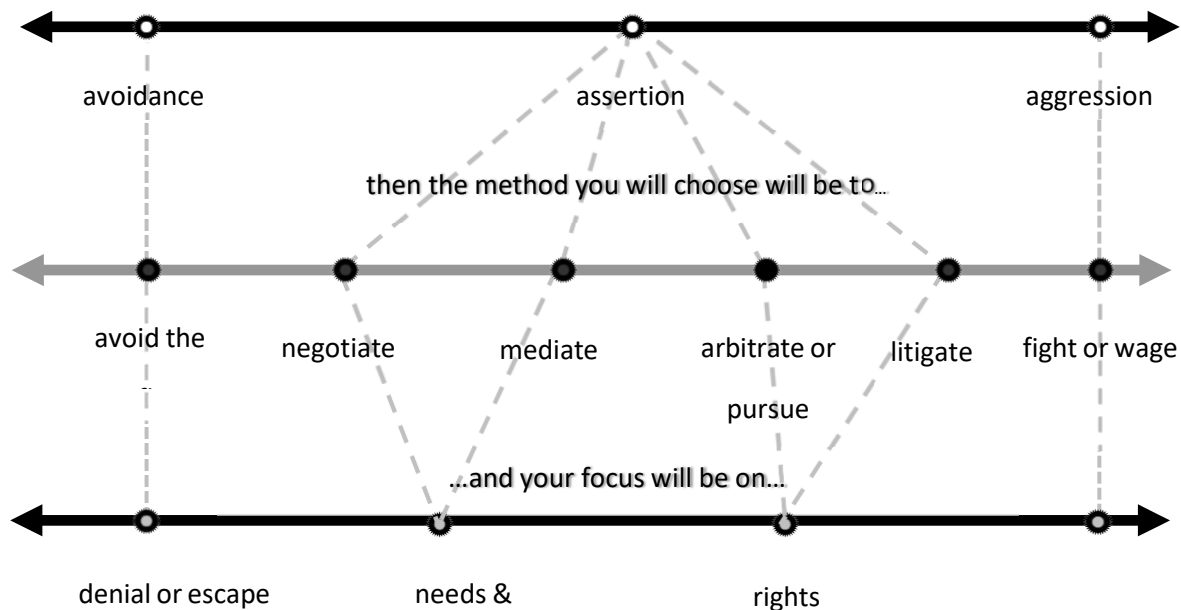


Figure 4: Conflict Resolution Continuum (Raider et al., 2000)

The ideal time to try mediation is when the parties have established firm viewpoints, attitudes, and beliefs about one another. The government should challenge all employer and employee organisations to commit to implementing and promoting early dispute resolution, such as through increased use of in-house mediation, early neutral evaluation, and provisions in employment contracts, according to Michael Gibbons, who shared this opinion in the UK in his Review of Employment Dispute Resolution in Britain (March 2007).

6.0. Stages of Mediation Process

These considerations went into the creation of the Buon Consultancy's 7-Stage Mediation Process, which is summarised here. Over the course of many years of professional practise, Tony Buon, Caitlin Buon, and their colleagues created this model.

Stage 1: Pre-Mediation

Each party has a private pre-mediation meeting before the mediation process officially begins. Depending on the issues at hand, the persons involved, and the nature of each session, it might last anywhere from 45 to 90 minutes. To determine if the issues are appropriate for mediation and whether the parties are prepared to engage, the Mediators might first meet with each party alone during the pre-mediation phase. This reduces the potential distress of bringing the parties together initially or a further escalation of the conflict, especially in cases where the Mediators determine that mediation is not advised or if one party decides not to move on. Prior to conducting the joint sessions, the pre-mediation stage gives the mediator or co-mediators the chance to map the issue and think about potential areas of agreement or hurdles to agreement..

Stage 2: Mediation Starts

Each side is met individually again in different rooms after the pre-Mediation stage before being brought together in the same room, and the mediation is always performed utilizing two distinct rooms (or more

if there are numerous parties). This might happen after the pre-Mediation meetings at a mutually convenient time or on the same day as Stage 1. This one-on-one time may range from five to twenty minutes.

Stage 3: Opening Statements

The Mediators welcome the parties to the joint session and outline the process after they have been brought together in one location. Following an invitation to make an opening statement, each party is given a dedicated length of time to discuss their concerns with the opposing party.

The Mediators may take a party into the other room and then bring them back together again if at any point during this or any other stage of the mediation they need to talk alone with that party. To discuss a person's issues, confront them about their actions, or brainstorm solutions, a private session may be scheduled. Additionally, it can be summoned so that the Mediators can get together in secret to decide what to do next. The secret to conducting a successful Mediation is the utilization of private sessions, or "caucus" sessions as they are frequently referred to. In our opinion, private meetings are a necessary component of workplace mediation.

Stage 4: Identify Issues

The parties will then be asked to engage in an open discussion with one another following the opening statements. At this point, they'll want to comment on what was stated during the opening comments. They will have important topics they want to discuss as well as feelings about how they were affected by the other person's actions or conduct that they want to communicate. They will also want to express their opinions on how they believe the matter should be handled. The parties are still divided at this point and have "fixed positions."

It ultimately comes down to their being heard and telling their "story." Each participant will experience being heard, as well as being at ease and protected, thanks to the mediators. The next step is to urge the parties to start identifying and prioritizing the important concerns. The mediators will then start the process of 'reframing' the parties' rigid stances into the more unbiased language of wants and interests so that they may start to get closer to exploring how they might move ahead.

Stage 5: Negotiation

The parties are then assisted to engage in a negotiation process with one another regarding alternatives for settlement and how they may go forward once the issues have been recognized, prioritized, and reframed. This will entail further investigation of the original settlement offers given by each side, more reframing, assessing and evaluating the possibilities, reality-checking assumptions and expectations, and brainstorming.

Stage 6: Agreements

If the parties are able to agree on a course of action after discussing each priority problem, they are then assisted in starting the process of drafting their agreement with one another. At the conclusion of the mediation, each party receives a handwritten copy of the mediation agreement that they all sign. Within one working day following the Mediation, a typed copy of the agreement is sent to the parties.

The Mediators discuss with the parties how they will implement their agreement after they return to work as part of the agreement stage. Additionally, agreement is sought regarding whether the parties want the mediators to formally or informally disclose any additional information to third parties as part of the agreement's implementation process, including whether they want their written agreement to be disclosed to their line managers, HR, or other parties. The mediators express gratitude to the parties for participating, summaries what has been accomplished, discuss what will happen next, and wish the parties well in implementing their agreement and resolving any future conflicts.

Stage 7: Follow-up

The parties may also agree that the Mediators will meet with them again after a predetermined amount of time to discuss how their agreement is working, assist with any problem-solving, and offer encouraging comments. The agreement may also be changed during this follow-up meeting, if necessary, or the prospect of re-Mediation can be investigated, if necessary.

7.0.From Conflict to Engagement

Mediation may alter the way the parties view the disagreement and help them come up with original answers to their problems. The parties can then use the mediation's lessons learned should they run into similar problems in the future.

The idea of employee engagement has emerged as a key objective for all companies. Work-related conduct is influenced by an employee's emotional or psychological commitment to his or her company and/or leadership. Employers desire engaged workers because they increase corporate performance in addition to being happier, healthier, and more content (CIPD, 2013).

Employee engagement may increase as a result of the introduction of informal and early intervention strategies like workplace mediation. Contrarily, there are significant hazards associated with not using such informal strategies to resolve disputes at work. In addition to productivity losses, businesses may also lose their finest employees and incur significant legal costs. Working with all divisions of the company is necessary for the introduction of workplace mediation to be successful. Employers should focus on:

- Ensuring early intervention in workplace conflict using techniques like workplace mediation;
- Building internal mediation teams (if the organisation size warrants) or working with organisations like Hellas EAP to provide external professional mediators

• The creation of suitable workplace regulations that deal with conflict at work in a non-formal and proactive manner.

8.0. Conclusion :

Mediation is the engagement of an appropriate third party that has little to no authoritative decision-making capacity. It helps the involved parties to voluntarily seek a settlement of the difficulties in a dispute that is acceptable to both sides (Moore, 2003). Mediation is just a conversation or negotiation with a third party. A mediator is a third party who is impartial and usually not interested in the dispute; impartiality and independence are essential elements of the mediation process. Workplace mediation is a shift away from adversarial employee interactions towards a cooperative and problem-solving strategy, and it helps lessen stress in the office. It is also a tried-and-true informal technique for settling issues swiftly and successfully without resorting to expensive litigation.

9.0.Acknowledgement :

I am thankful to god and my guide for giving me such a big opportunity and would also like to thank those who have directly or indirectly helped me in my work .

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